Oaths Bill

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श्री राम किशन गुप्त (हिसार): उन के अपने ग्रादमी कह रहे हैं। उन के प्रेजिडेंट ने खुद कहा कि मैंने गलती की कि उन को वर्किंग कमेटी में लिया है।

MR. SPEAKER: I am very sorry that these aspersive remarks were made. The members should always respect each other. After all, we have a number of difficult issues and we differ on them, but this is not the way, to throw all sorts of aspersions on another hon. Member. I am very sorry. I never approve of it. Nor will I allow anybody from this side or any side to do the same.

12.50 hrs.

OATHS BILL-contd.

श्री रणधीर सिंह (रोहतक): हाउस के सामने जो बिल है, उसकी मैं हिमायत करता हूँ। हमारे देश की बहुत ज्यादा ग्राबादी है, हमारा देश बहुत बड़ा है, हमारे देश में मुस्तलिफ घर्मों श्रीर मजहबों को मानने बाले लोग रहते हैं, उनके रस्मीरिबाज अलग अलग हैं, उनके खयालात अलग अलग हैं, मुस्तलिफ देवी देवताओं की यहां पूजा होती है और इन सब बातों को ध्यान में रखते हुए ला कमीशन की तरफ से जो सिफारिशें ग्राई हैं और उनकी वेसिस पर जो बिल मिनिस्टर साहब ने हाउस के सामने पेश किया है, उसकी मैं हिमायत करता हूं।

पहली मर्ज तो मैं यह करना चाहता हूँ कि हर एक बिल में जो यह रखा जाता है क्लाज 1 में कि जम्मू और काम्मीर पर यह लागू नहीं होगा, इसकी मैं मुखालिफत करता हूँ। जम्मू काम्मीर हिन्दुस्तान का एक हिस्सा है और उस पर इसको तथा दूसरे बिलों को लागून किया खाए, यह समझ में नहीं बाता है। उस पर भी इसको लागू किया जाना चाहिये। दूसरी वात मैं यह कहना चाहता हूं कि क्लाज 2 और क्लाज 3 वी में कंट्रेडिकशन है। क्लाज दो सेविंग क्लाज है। यह कहा गया है कि इस बिल की आम्डें फोसिस पर एप्लीकेशन नहीं होगा। कोर्ट मार्शक्ज के लिए, उनके सामने जाने के लिए ओथ्स को जरूरत नहीं होगी। यह चीज आम्डें परसनल पर एप्लाई नहीं करेगी। लेकिन साथ ही साथ क्लाज 3 नी मैं आप कहते हैं:

"the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union....."

इसका मतलब यह है कि उन परयह लागू होगी। मैं समफता हूँ कि 3 बी जो है वह रिडडेंट है, बेमानी है और इसको डिलीट कर दिया जाए।

बिटनैसिस के लिए, ज्यूरर्ज के लिए खाह तौर पर इस बिल की एप्लीकेशन होगी। इस भाइयों ने कहा है कि क्लाज़ 6 और क्लाज़ 7 बेकार हैं। मैं समझता हं कि ये बेकार नहीं हैं। येतो इस बिल की जान हैं। उन्होंने ऐसा समभ लिया है कि कोई आदमी धर्म की सौगन्ध नहीं उठायेगा या एफर्मेशन की बात नहीं करेगा तो जितनी प्रोसी डिग्ज हैं अदास्त के सामने या जितना एवी डेंस है या और कोई इस किस्म की प्रोसीडिंग हैं वे सारी की सारी नल एंड वायड होंगी। इसका मतलब तो यह हआ कि आम तौर पर जो हम रोज बात करते हैं वह सारी भठी बात करते हैं अदालत से बाहर हम बात करते हैं, हाउस में करते हैं या और कहीं करते हैं, उसके बारे में यह प्रिज्यूम कर लिया जाएगा कि सारी मूठी बात है। ओय इस वास्ते ली जाती है कि प्रोसीडिंग्ज की थोड़ी ज्यादा सैंत्रटेटी हो जात्। यह बात बिल्कुल ठीक है। भाग भी अध्यक्ष महोदय, वकील हैं। भाष जानते हैं सी० आर० पी० सी० के सैक्शन 537 को। अगर कोई ओमिलन

[श्री रणधीर सिंह]

हो जाती है तो उसकी वेसिस पर जो फाइंडिंग है उसको उलटानहीं जा सकता है। कोई भ्रदालत के सामने कसम न उठाये, अगर म्रोमिशन हो जाए या एफर्मेशन के बजाय कोई देवी देवताओं के नाम पर कसम खाये, हनुमान का नाम लेकर शपथ खाये, या गुरुओं को मानता है तां गुरु के नाम पर कसम खाये तो उस अवस्था में सारा एवीडेंस इनएडिमिसिबल हो गया, अगर यह चीज हो जाती है तो यह वेमानी बात होगी। उस अवस्था में सारा एवीडेंस गलत हो गया या इनएडिमिसिबल हो गया कानून की निगाह में, उसकी कारई बुक्कत नहीं रही, तो यह वेमानी बात है। क्लाज 6 और सात का रहना बहुत जरूरी है। फर्जकर लो एक आदमी उफर्मेशन नहीं करता है, कसम नहीं उठाता है लेकिन वह कहता है कि सच बात कहेगा तो क्यों न उसको मान्यता दी जाए? बहुत से आदमी देहातों में हैं जो कहते हैं कि वे हमेशा सच बात करते हैं, एक दफा अगर किसी को हांकर दी इलैक्शन में, हमेशा हां हो रहेगी, उनका भी भ्रापको खयाल रखना होगा। दस्तखत भी वहां पर नहीं कराये जाते हैं, हां हो गई तो हो गई। ईमानदार घ्रादमी हैं। हिन्दुस्तान में लाखों नहीं करोड़ों आदमी ऐसे हैं जो सच बोलते हैं। एक आदमी शपथ नहीं उठाता है, या गंगा जली नहीं उठाता है और अदालत में सच बोलता है, वह कहता है कि धर्म की कसम मैं नहीं उठाऊंगा, बहुत से गरीब लोग हैं, किसान लोग हैं जो किसी कीमत पर भी गंगा जली नहीं उठायेंगे, धर्म के नाम पर शपथ नहीं लेगे, लेकिन सच बोलेंगे तो क्या मतलब यह हुआ कि अदालत के सामने उनका जो एवीडेंस हो गया वह सारे का सारा भूठा हो गया ? अगर क्लाज 7 न होती तो सारेका सारा एवीडेंस भूठा माना जाता। इस वास्ते मैं समभता हूँ कि क्लाज सात का रहना बहुत जरूरी है। अगर कोई इरेग्युलैरिटी हो जाए, सबस्टीट्यूशन हो जाए, ओमिशन हो जाए, उस हालत में यह होगा कि इनएडिमिसिबल नहीं होगा, इनवैलिडेट नहीं होगा और वह सही माना जाएगा।

हमारे देश में घ्रलग अलग रस्मोरिवाज हैं। अलग धलग तरह के लोग रहते हैं। पंजाब में कोई एक तरह की कसम खाई जाती है, हरियाणा में दूसरी तरह की कसस उठाई जाती है और बंगाल में तीसरी तरह की उठाई जाती है तथा दूसरे प्रांतों में और ही तरह की खाई जाती है। कई जगह कस्टमरी ला भी बहुत से हैं। ओथ्स जो हैं वे कस्टम के आधार पर मुरूतलिफ तरीके पर ली जाती हैं। कहीं पर पीपल के पत्ते की हाथ में उठा लिया जाता है, कहीं पर गाय की पूंछ को पकड़ लिया जाता है, वहीं पर मंदिर में जाने की बात होती है, बहुत सी जगह बच्चे को गोद में उठा लेते हैं, लड़के की कसम खाते हैं, बैलों की कसम भी खाई जाती है, गऊ की कसम भी खाई जाती है, कई जगह पर सूरज की तरफ हाथ कर देते हैं, सूरज को ही वे भगवान मानते हैं। औथ ग्रीर एफर्मेशन के साथ साथ अगर कोई अपने कस्टमरी वे में कसम खाता है तो उसको मान लिया जाता है वे क्लाज 5 और 6 में आते हैं। यह ठीक है। मेरे दोस्तों ने कहा है कि क्लाज 6 और 7 गलत हैं ग्रीर मैं उनके साथ सहमत नहीं हुं।

आप चार क्लाज़ को देखें। अगर दस साल का बच्चा हुआ तो बह भगवान को नहीं जानता है, देवी देवताओं को नहीं समभता है। उससे आम तौर पर यह पूछा जाता है कि तुम सच बोलते हो या भूठ बोलते हो। अगर वह कहता है कि सच बोलता हूं और सच बोलूंगा तो उससे पूछ लिया जाता है। भ्रगर वह वालिंगन हो, 17-18 साल का न हो और वह समभता है कि सच बोलना ग्रच्छा होता है तो बगैर सौगन्ध उठाए भी रैड घोबर एँड एक्सै-पप्टड कर दिया जाता है। उसकी बात को सही मान लिया जाता है। उसके सालिटरी एवीडेंस पर कनिवक्ट को कैपिटल पिनशर्मेंट मिल जाती है। दस साल के बच्चे के सालि-टरी एवीडेंस पर मरडर केस में एक्यूज्ड को फांसी की सजा मिल जाती है। वह प्राविजन ठीक है। यह पहले भी था।

342 में जो एक्यूज्ड है उसका स्टेटमेंट ओय पर नहीं होता है। लेकिन जब एक्यूज्ड अपने आप को एज विटर्नस पेश करता है तो उसको ओय लेनी पड़ती है। ये दोनों जो चीजें प्रोसीजर में रखी गई हैं, ठीक हैं।

मैं अदालतों पर कोई रिफलैक्शन कास्ट करनानहीं चाहताहूं। लेकिन एक बात मैं आपके नोटिस में लाना चाहता है। यह एक तरीका बन गया है कि एक आदमी का बयान हुआ तो वह बयान उसको पढ़ कर सुनाया नहीं जाता है। उसको रैंड ओवर एंड एक-सैप्टिड एज करेक्ट कर दिया जाता है। एवीडेंस हो जाता है तो उसको कहा जाता अच्छा, यह लो पैसा और जाओ । उस को पढ कर नहीं जाता है। आदमी का क्छ होता है भीर अहलमद कुछ और जाता है और जब वह कापी लेता है तो वह अलग ही तरह का उसको मिलता है। मैं चाहता है कि यह जो प्राविजन है उसको स्ट्रिक्टली फालो किया जाना चाहिये। जब गवाह देती उसकी दुबारा उसकी पढ कर सुनाया जाए । एवीडेंस के बाद उसको वह पढ कर सुनाया नहीं जाता है। मैजिस्ट्रेट सर्टिफाई कर देता है कि रैंड भ्रोवर एंड एक-सैप्टिड एज करेक्ट। रैंड ओवर होता ही नहीं है क्योंकि वह समभता है कि इस में समय लगेगा। कई बार तो ऐसा भी होता है कि मैजिस्ट्रेट कुछ ग्रीर ही कर रहा होता है कि जो हटेनो होता है वह उसकी गैरहाजिरी में लिख देता है कि रैड ओवर एंड एक्सैप्टिड और बाद में मैजिसट्टेट एस पर दस्तखत कर देता है।

मैं रिफलैंबशन कास्ट अदालतों पर नहीं करता है। यह एक रस्म बन गई है, एक रिवाज बन गया है। जो प्रोविजन है, जो ला में प्रोवाइ-डिंड है, उसका पालन नहीं किया जाता है। तो में इन चन्द ग्रावजवेंशंस के साथ जो बिल हाउस में लाया गया है इस की पुरजोर हिमा-यत करता हूँ।

MR. SPEAKER: Shri Kandappan.

SHRIS. KANDAPPAN (Mettur) t Sir, I would like to make a few observations pertaining to the provision....

MR. SPEAKER I He may continue after lanch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at five minutes past fourteen of the Clock.

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

श्री शिक्ष भृषण (लारगोन): सभापित महोदय, राजस्थान में हमारे माननीय सदस्य श्री अमृत नहाटा ने भूख हड़ताल की हुई है, वहां पर कुछ भील भूख से मर गये हैं, दो लाख गायें मर गई हैं, प्रकाल की स्थिति फैली हुई है। वहां से लोग पाकिस्तान भाग रहे हैं। मैं सरकार का ध्यान इस स्थिति की बोर आक्षित कराना चाहता हूँ और बनुरोध करता हूं कि नहाटा साहब जितनी जल्दी हो सके, भूख हड़ताल छोड़ें और समस्या का हल हो।

भी कंबर लाल गुप्त (दिल्ली-सदर) : शशि भूषणा जी ने जो कुछ कहा है, मैं भी उस का समर्थन करता हूं और मैं समझता हूं कि सरकार इस ओर ध्यान देगी।

एक दूसरी घटना की झोर भी आपका घ्यान आर्कावत करना चाहता हैं। आरल है .. ⋅ ...

[भी कंवर लाल गुप्त] इण्डिया रेडियो के विरोध में अभी हमारे जन-संघ के दिल्ली के चूने हुए एम० पीज, मैट्रो-पोलिटन कान्सिल के सदस्यों श्रीर दूसरे कार्य-कर्ताओं ने श्री सत्य नारायण सिन्हा की कोठी पर प्रदर्शन किया है। हमारी शिकायत है कि आल इंडिया रेडियो की तरफ़ से एक कैलकुलेटेड, प्रीप्लैण्ड पालिसी बरती जा रही है, जिसके अन्तर्गत कुछ पार्टियों को बदनाम करने का प्रयास किया जा रहा है तथा एक पार्टी को

भी शिव चन्द्र झा (मधूबनी): आल इंडिया रेडियों से दिल्ली के जनसघ के कुछ लोगों का भी प्रचार होता है, इस तरह की धांधली चल रही है, ज्यादा स्थान इन्ही लोगों को दिया जाता है, जब कि हम लोगों को स्थान नहीं दिया जाता है।

हितों को आगे बढ़ाने का प्रयास किया जा रहा

श्री कंवर लाल गृप्त: मेरा कहना है कि आल इण्डिया रेडियो लगातार एक ही पार्टी का प्रचार करता है, पर्सेनेलिटी कल्ट डवेलप कर रहा है। मैं आपके जरिये मांग करना चाहता हं कि यह सरकार इस पर इण्डिपेन्डेन्ट एन्क-वायरी कराये कि हमारी एलीगेशन्ज कहां तक ठीक हैं। सरकार खुद इसको रिप्यूडियेट कर दे कि यह गलत है, इस से काम नहीं चलेगा। हम मांग करते हैं कि चन्दा कमेटी की सिफारिश के अनुसार एक कारपोरेशन बनाई जाय और उसका एप्वाइन्टमेंट पालिया-मेंट के थ्रुहो। क्यों कि इस समय जो प्रचार किया जा रहा है, हमारे यहां अनएजूकेटेड मासेज बहुत हैं, उससे हमारा रेडियो बदनाम हो जाएगा। मेरी प्रार्थना है कि इस बारे में सर-कार जल्द घोषणाकरे।

SHRI SAMBASIVAM (Nagapattinam) 1 I support it.

श्री भोगेन्द्र झा (जयनगर) : सभापति महोदय, विछले दिनों एक घ्यान आकर्षण में

जमशेदपूर की हड़ताल का जिक्र आया था, उस दिन मैं चला गया था और आज वहीं से आ रहा हं। डेड़ लाख मजदूर हडताल पर हैं। सरकार के श्रम-ग्रायुक्त वहां गये थे, लेकिन टाटा ने -- जैसा माननीय श्रम मंत्री जी ने कहा था कि जिनकी नौकरी छट गई है, उन को नौकरी में ले लिया जायगा—मानने से इन्कार कर दिया है। श्रम आयुक्त परसों वापस ग्रा गये। आज जमशेदपुर पूरा बन्द है। का वहां के ग्रधिकारियों पर बहुत ज्यादा असर है, 200 व्यक्तियों के वारन्ट काटेगये हैं। केदार नाथ वहां के एम० एल० ए० हैं, उन का वारन्ट काटा हुआ है। मैं आपका घ्यान दिलाना चाहता हं कि जो बयान उस दिन जगजीवन राम जी ने दिया था, उस को हिष्ट में रखते हए टाटा और मजदूरों के प्रतिनिधियों को बूलायें और बात करें। नहीं तो खतरा यह है कि विस्फोटक स्थिति पैदा हो जाएगी। मुक्ते यह भी मालम हुआ है कि टाटा का प्रयास है कि इस को हिंसात्मक रूप दिया जाए। उन्होंने उस दिन जो विश्वास दिलाया था उस के अनुसार उन्हें जल्द से जल्द कार्यवाही करनी चाहिये।

श्री कः मिः मधुकर (केसरिया): यह 40-50 हजार मजदूरों का सवाल है, पूरा जस-शेदपूर बन्द है।

MR. CHAIRMAN: I cannot say anything to the Government unless the matter is properly brought before the House. Proper notice has to given to Government for giving a reply. Anyway; what you have said is there.

14.09 hrs.

OATHS BILL—contd.

MR. CHAIRMAN: Shri Kandappan may now resume his speech.

SHRI S. KANDAPPAN (Mettur): Sir, I would like to support this Bill. It should have been brought forward long ago; nevertheless, I am happy that the Government has brought it. In addition to oath-taking there is provision for affirmation and that is quite in keeping with our secular tradition.

Yesterday, when some hon. Members were referring to this particular aspect, they cast some doubt whether a person, who did not owe allegiance to God but only to his conscience, could be relied upon. like to say categorically that he can be relied upon more than those who owe altegiance to God. Here I am not arguing about the existence of God. That is a matter of opinion. As far as I am concerned, I do not worry much about God. I do not know whether he is worrying about me. But in day-to-day life we know that some people think that they are under the protection of some divinity; due to the exigencies of circumstances they can commit a crime or tell a lie and afterwards go and do some penance for that, then they think that they will be all right. But that kind of scope is not there for a person who is guided only by his conscience. So, it is in the fitness of things that this provision for affirmation is there,

Since I am not a student of law, I would like to seek clarification from the hon. Minister on one small point. He has said the provision with regard to confirming the judgment on the basis of the oath taken is being done away with. As the hon, Minister himself has stated while initiating the I ill, it is rather a regrading practice, and there is no doubt about it. But in spite of the fact that it is so, they are still today prevalent in various parts of our country where disputes are being settled on the basis of satya or some oath or some such thing. I know also that there is a practice of settlement of various disputes by the panchayats. Suppose a party to a decision by a panchayat at any stage flouts the decision and goes to court and that panchayat judgment had been given on the basis of an oath, will that be held as valid or not valid? I would like the hon. Minister to clarify this point. If in certain remote corners of the country that basis is observed, in spite of our deleting the provision of law, and if it is convenient for the public, then I should think that it will not be good on our part to tamper with it but we should allow it for some time.

With these words, I support this Bill.

भी तुरुशीदास जाधव (बारामती): चेयर-मैन महोदय, ओष बिल, 1968 जो हाउस के सामने हैं इसके द्वारा, इस समय देश में जो ओष लेने के तरीके हैं उनकी जगह पर सारे देश में एक तरीका करने की कोशिश की गई है। लेकिन इसमें जो कहा गया है:

"Where a witness desires to make an oath or affirmation in any other form which is regarded as common amongst or held binding by persons of the class to which he belongs, he should, it is proposed, be allowed to do so".

मेरी राय यह है कि यह भी नहीं होना चाहिए। क्योंकि अलग-अलग जगह पर कोर्ट स में कोई आदमी साक्षी देने के लिए जाता है तो किसी के हाथ में करान, किसी के हाथ में बाइबिल और किसी के हाथ में गीता रखते हैं - मैं समभता है यह तरीका भी ठीक नहीं है। हर इन्सान की अपनी जो श्रद्धा है उस पर वह अपनी इहिवीज-अल लाइफ में अमल करे लेकिन सामुदायिक जीवन में जो देश के ऐसे इन्स्टीट्युशन होते हैं जिनके सामने सभी को आकर के सच्ची बात कहनी होती है वहां पर अलग अलग धर्मों की पूस्तकों को लेकर के ऐसा करना, मैं समभक्ता हं यूनिफार्मिटी की दिष्ट से भी ठीक नहीं है। अभी तक हमने देखा है कि जब जब ऐसे मौके आते हैं तो उसके लिए वहां पर भिन्न भिन्न धर्मी की पूस्तकों रखी रहती हैं और लोग अपने धर्म की पुस्तकों को हाथ में लेकर शपथ लेते हैं। एक देश को दब्टि में रखते हुए यह बात कुछ उचित नहीं भाजूम होती है। पहले एक जमरना था जब अलग अलग कम्युनिटीज थी और अलग अलग सारी बार्ते थी लेकिन अब हमारा प्रयत्न दूसरा है। भव यह सारा एक देश है भीर देश के प्रति जो त्वायल्टी है, निष्ठा है, उस दृष्टि से सारे देश के लिए एक ही तरीका होना चाहिए, यही मेरा कहना है।

[श्री तुलशीदास जाधव]

श्री रए। घीर सिंह ने जैसा कि अभी कहा कि कोई गाय की शपथ ले. कोई बैल की शपथ ले. इस प्रकार की फीडम देना भी मैं समभता हं ठीक नहीं है। यह तो हजारों साल पहले की .. बात है जबकि लोगों को डर होता था जैसे कि आजभी कड़ीं-कहीं पर सर्पेन्ट की लोग पूजा करते हैं भ्रीर कहीं कहीं पर बडे पत्थर को सिन्द्रर लगाते हैं, उसकी पूजा करते हैं। उस समय साइन्स और टेक्नोलाजी का विकास नहीं हुआ था और आज की तरह से प्रजातन्त्र भी नहीं था इसीलिए ये सारी बातें चलती थीं। लेकिन आज के जमाने में उन सारी बातों को बन्द करके यही होना चाहिए जैसे यहां पर कोई मेम्बर खडा हो वह स्वतः के ऊपर विश्वास ले कर शपथ लेने की बात कहे। यही तरीका सभी जगह होना चाहिए--यही मेरा कहना है।

MR. CHAIRMAN 1 Now, the hon. Minister.

भी ज्ञित्र चन्द्र झा (मधुबनी): कुछ और लोगों को भी बोलने का मौका दीजिए।

समापति महोद्यः ग्रापके बहुत से अमेन्ड-मेन्ट्स हैं, उन पर बोलिएगा।

श्री शिश खन्द्र झा: ग्रमेंडमेंट्स के समय कन्फाइन्ड होना पड़ता है, लिमिटेड होना पड़ता है।

MR. CHAIRMAN: Now, the time is up. I shall allow the hon. Member some latitude when he speaks on the amendments. Now, let the hon. Minister reply.

THE MINISTER OF LAW AND SOCIAL WELFARE AND RAILWAYS (SHRI GOVINDA MENON): I do not want to speak on all the ciriticims made by hon, Members. I shall refer at this stage only to the general points made. Regarding

matters pertaining to particular clauses, I shall speak with your permission when those clauses are taken up.

Many hon. Members have spoken on the clause which says that this law shall not apply to the State of Jammu and Kashmir. Since this is a common criticism levelled against the Mover of a Bill here, whenever it comes up, I shall take five minutes to explain the position.

This particular legislation is covered by entry 12 in the Concurrent List in the Seventh Schedule, and that entry is 'Evidence and oaths etc.', and in footnote 2 to that entry, it is said, 'Not applicable to the State of Jammu and Kashmir' it stands to reason that a Bill introduced and passed here cannot extend to the State of Jammu and Kashmir.

The next question then will be why that entry has not been extended to the State of Jammu and Kashmir. I shall draw the attention of the House to article 370 where it is said that the provisions of article (1) and of that article shall apply in relation to the State of Jammu and Kashmir, So, on 26th January, 1950, when Constitution was promulgated, the position was that only two articles applied to the State of Jammu and Kashmir, namely article 1 and article 370. But there is a provision in article 370 that various entries in the Union List and in the Concurrent List may be extended to the State of Jammu and Kashmir if there be agreement on that matter on the part of the Government of Jammu and Kashmir, The reason why this process was adopted in the Constitution is well known or should be well known to hon. Members.

At the time the Constitution was enacted, the question regarding the accession of the State of Jammu and Kashmir to India was being discussed elsewhere, and the position which the Gover ment of India took at that time was that the accession of the State of Jammu and Kashmir to India was supported by the Instrument of Accession executed, by the Miharaja of

Jammu and Kashmir, and since we were taking our stand on the Instrument of Accession, we could not ignore it when the Constitution was enacted, and as the hon. Members are aware, the Instrument of Accession said that the State acceded to the Union with respect to certain subjects. namely defence, foreign affairs and communications etc. Therefore, the Constitution with respect to Jammu and Kashmir was made in the manner in which it was made. One by one, the Entries in the Union List and the Concurrent List are being extended to the State of Jammu and Kashmir. I would request the hon. Members who are interested in this matter to refer to the text of the Constitution as published authoritatively and refer to the Entries in the Union List and the Concurrent List. You will see foot-notes in which it is stated that certain item are not applicable to Jammu and Kashmir. That meens all the other Entries are applicable. So, one by one, during the last 19 years, the Entries in the Union List and the Concurrent List are being made applicable to the State of Jammu and Kashmir. That is to say, the special position given to the State of Jammu and Kashmir In the Constitution is being eroded by a gradual process and, in course of time, probably in the next few years, there will not be any Entry either in the Union List or in the Concurrent List which will not be applicable to the State of Jammu and Kashmir. That is the reason why, in this Bill, we have said that it is not applicable to the State of Jammu and Kashmir.

Then, my hon, friend, Shri Kandappan, raised a question whether the Bill which we pass now will be applicable to the panchayat courts. Now, these panchayat courts are established by State administrations after enacting a law to give them the power. As it is, this will be applicable to the panchayat courts because clause 4 says :

"Oaths or affirmations shall be made by the following persons, namely: -

(a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any court or person..."

Since it is under law which constitutes the panchayat courts that they are empowered to take evidence, this law will apply. But if there is any. State which thinks that in the panchayat courts or village courts a more informal procedure should be followed, it is possible for the legislature of that State to amend the Oaths Act because it is in the Concurrent List. That can be considered whenever the situation arises. Today, the position is that it will apply.

It was said that there should be an exemption made in the matter of statements made to the police. That is not necessary because under the Code of Criminal Procedure the police officers are not entitled to take evidence on oath from whomsoever they examine. In one case, the Calcutta High Court had occasion to say that the position that the police officers cannot administer the oath is rudimentary.

There was also some reference clause 7. It was asked 1 What is the use of having this provision? If it is obligatory on the part of a witness to take the oath. is it not a contradiction to say that an omission to take the oath shall not vitlate the proceedings? This refers to cases of accidental omission because, when it is said that the oath shall be administered to a witness, if that is not done, it can be only an accidental omission. Unless a provision like this is there -it may be, in the second appellate court or, it may be, in the Supreme Court, somebody says that the oath was not administered -and if that is found to be true, the entire proceedings become infructuous. In order to avoid that, by way of abundant caution, this clause has been incorporated.

The clause will not facilitiate periury because in the next clause-clause 8-it is said:

> "Every person giving evidence on any subject before any court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject."

So that is there. Even where the oath is not administered, clause says 8 that if you are [Shri Govinda Nalr]

giving evidence before a court or person authorised to administer oaths, then you shall speak the truth and if untruth is spoken, then you become guilty of perjury. A reference to the appropriate section in the Penal Code also will make it clear. I think it is Sec. 191.

SHRI LOBO PRABHU UDIPI : Reference to oath is not that section. It is definition of perjury.

SHRI GOVINDA MENON I Oath Is not there. It is perjury. So, there is nothing for me to refer to general matters. Some members said that oath and affirmation, both, should not be there, and it hould be only affirmation. In providing what we have provided, we have followed the Third Schedule of the Constitution where the form of oath taken by Members of Parliament, Ministers etc, is given. Third Schedule relates to forms of oath or affirmation. We have followed clause.

In these circumstances, 1 would request that my motion may be passed.

MR. CHAIRMAN: Now the question is a

"That the Bill to consolidate and amend the law relating to judicial oaths and for certain other purposes, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN 1 Now we shall take up clause-by-clause consideration.

There are no amendments to clause 2. The question is a

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Power to administer oaths)

SHRIS. N. MISRA (Kannauj) 1 l beg to move 1

Page 2, line 6-

for "conmanding officer" substitute-

"officer in command for the time being." (21)

Sir, sometimes the Officer Commanding may not be present at the station when the oath has been taken. A difficulty has actually arisen in some of the court proceedings. Therefore, I have moved my amendment that the words 'commanding officer' may be substituted by 'officer in command for the time being.' There is only one officer Commanding at a particular station and if he is not present and the affirmation is made before any other officer, it has been held by one of the courts that it is not valid. Therefore, in order to obviate this difficulty, I have given this amendment. There is absolutely no difference in the change.

SHRI GOVINDA MENON: There is a provision in the General Clauses Act which renders this amendment unnecessary. I am referring to Sec. 17(1) of the General Clauses Act which says:

"In any Central Act or Regulation made after the commencement of this Act it shall be sufficient for the purpose of indicating the application of a law to every person or a number of persons for the time being executing the functions of an office to mention the official title of the officer at present executing the function or that of the officer by whom the functions are commonly executed."

That provision in the General Clauses Act being there, this amendment is not necessary.

श्री क० मि॰ मधुकर (केसरिया) : सजा-पति महोदय, मैं प्रस्ताव करता हूं :

पृष्ठ 2 सेक्शन 3 क्लाज 2 सब-क्लाज (बी) के बाद इस प्रकार लिखा जाय:

> "तथा ग्राम कचहरियों के सरपंच अथवा अभ्य किसी अधिकारी द्वारा को उस समय सरपंच के अधिकार को प्रयुक्त करता है।" (24)

मंत्री महोदय ने कहा है कि ग्राम कवहारियों में

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जो ओय लेने की बात है उस को प्रमाण स्वरूप स्वीकार किया जायेगा। मैं चाहता हूँ कि इस को साफ ढंग से कानून में शामिल कर लिया जाये कि ग्राम कचहरियों में ग्रीय ली जायेगी। ओय के बारे में जो बिल लाया गया है उस में इस की कोई आवश्यकता नहीं है फिर भी चूँकि ग्राम कचहरियों का बिल पास हुआ है इसलिए स्पष्ट रूप से इस को कहा जाना चाहिये।

SHRI GOVINDA MENON: It is legally provided now. I read out that in connection with what Mr. Kandappan said. In the law as it is, administration of oath will be obligatory in the case of witnesses appearing before the courts.

SHRI B. P. MANDAL : I move :

page 2, after line 5, insert -

"Provided that no Police Officer shall be competent to administer oath or affirmation in course of any investigation." (33)

सभापित महोदय, अभी मैं जब मंत्री महोदय को सुन रहा था तब उन्होंने कहा कि पुलिस आफिसर के विषय में कलकत्ता हाई कोर्ट की रूलिंग है जिस में पुलिस आफिसर के सामने ओय लेने को बैलिंड ओथ नहीं समभा जाता है। लेकिन जब हम इस बिल को देखते हैं तो उस में लिखा हुआ है कि:

All parties and persons having by law or consent of the parties authority to receive evidence.

मुक्त को इस में सीरियस डाउट है। प्रध्न यह है कि पुलिस आफिर इन्वेस्टिगेशन करता है। पुलिस आफिसर में डिमान्ड कि हमारे सामने ओय ले कर गवाही वी। इसीक्रिये मैंने यह प्रोवाइची चाहा था कि:

A proviso may be added that no

Police Officer shall be competent to administer oath or affirmation in the course of any investigation.

आप को मालूम है कि हमारे देश में पुलिस अफसरों का स्तर कितना नीचे चला गया है। यह किसी से खिपी हुई बात नहीं है। रोजमरों की बात है कि खून होते हैं. रावरी होती है, मडँर होते हैं। आज पुलिस आफिसर आनेस्ट नहीं है। इस लिए मैं चाहता हूँ कि पुलिस आफिसर के सामने ओथ पर एविडेंस लेने का अधिकार पुलिस को नहीं होना चाहिए। नहीं तो हो सकता है कि जो झादमी पुलिस आफिसर के सामने जा कर एविडेंस दे उस के लिए पुलिस आफिसर लिख दे कि स्रोथ पर एविडेंस दिया है। उस के खिलाफ पजंरी का अफरेंस हो सकता है बाद में। इसलिए मैं चाहता हूं कि यह चीज जोड़ दी जाय कि पुलिस के आदिमायों के सामने ओथ लेने का अधिकार नहीं होगा।

SHRI GOVINDA MENON: The persons who by consent of parties can administer the oath, refer to arbitrators. When the Code of Criminal Procedure says that no police officer shall be permitted or shall have power to administer the oath to any one whom they examine,—that is section 161,—it would be redundant to state that in this Bill. I would draw the attention of the hon. Member to what the courts have said. I would like to read from a passage from Sarkar's Criminal Procedure Code wherein it is said:

"It has been held by Courts that a police officer examining witnesses under Section 161 of the Code of Criminal Procedure cannot administer any oath or affirmation. In Queen Empress Versus Bhagwantia case it was held as for back as 1898 that a person making a false statement to a police officer in reply to questions put to him in the course of investigation by such police officer will not be liable for the offence of perjury under sections 191 and 193 of the IPC. In another case Calcutta: High Court held that a statement under

[Shri Govinda Menon]

section 101 Cr. P.C. is unsworn, unexamined and recorded behind the back of the accused and is not substantive evidence. The court forcefully observed that this is "one the rudiments of elementary law"."

That being so, I would request the hon. Member to withdraw his amendment.

SHRI B. P. MANDAL: I seek the leave of the House to withdraw my amendment.

MR. CHAIRMAN I I shall put Amendment No. 21 to the vote of the House.

Amendment No. 21 was put and negatived.

MR. CHAIRMAN; I shall now put amendment No. 24 to vote.

Amendment No. 24 was put and negatived.

MR. CHAIRMAN; Has Shri Mandal the leave of the House to withdraw his amendment.

Amendment No 33 was, by leave, withdrawn.

MR. CHAIRMAN 1 The question is 1

"That clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(Oaths or affirmations to be made by witnesses, interpreters and jurors)

SHRI SHIVA CHANDRA JHA: I beg to move:

Page 2, line 30, after "he" insert "or she" (4)

क्लाज 4 में जो मेरा संशोधन है वह इस प्रकार

का है जिस को मंजूर करने में कोई तकलीफ नहीं होगी। वह बिल्कुल कंट्रोवर्शल नहीं हैं। जरा गौर करेंगे तो बात बिल्कुल साफ हो जायेगी कि यह मानने लायक है।

जब बच्चे की बात आती है तो बिल में कहते हैं कि ग्रगर चाइल्ड को गवाह के रूप में लाया जाता है तो कितने उमर के बच्चे पर यह लागू नहीं होगा। उस के बाद क्लाज 4 में यह कहा जाता है कि:

"Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness is of opinion that, though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation....."

यहां पर 'ही' लिखा गया है। हो सकता है कि बच्ची भी हो। इसीलिए मैंने कहा है कि 'ही' के बजाय 'ही आर शी' कर दिया जाय। यह बहुत छोटा सा संशोधन है और इस को स्वी-कार कर लेना चाहिए।

श्री क॰ मि॰ कथुकर : सभापति महोदय, मैं प्रस्ताव करता हूं :

> सेक्शन 4 क्लाज 1 की उपधारा (सी) के बाद प्रथम पंक्ति में 'बारह वर्ष' की जगह 'चौदह' वर्ष शब्द अंकित किया जाय। (25)

इस क्लाज में जहां बच्चे की उम्र की चर्चों की गई है उस में बारह वर्ष रक्खा गया है। मैं कहता हूँ कि बारह वर्ष की उम्र पर्याप्त नहीं है। इसके लिए कम से कम चौदह वर्षों की उम्र होनी चाहिये ताकि उस को पता रहे कि वह क्या मोष ले रहा है। यह मेरा छोटा सा संशोधन है और उस को स्वीकार कर लेना चाहिये।

SHRI GOVINDA MENON: Regarding Shri Jha's amendment, I would draw his

attention to sec. 13(1) of the General Clauses Act in which it is said:

"In all Central Acts and regulations unless there is anything repugnant in the subject or context, words importing the masculine gender shall be taken to include females".

Hence I do not think the amendment is necessary.

Regarding the other one, in the Penal Code, sec. 82 says that no act of a child under seven years of age constitutes an offence and under sec. 83 it is said that an act of a child above seven and under twelve does not constitute an offence if the child has not attained sufficient maturity or understanding to judge of the nature and consequences of his conduct on that occasion. That is why here in clause 4, it is said that oath shall not be administered to a child under twelve.

The hon. Member wants to raise the age limit to 15. That will be upsetting the entire scheme of statute law passed by Parliament and unless we revise the scheme and introduce it in all the Central Acts, it will not be possible to accept the amendment for the purpose of the Oaths Act only. I would therefore request him to withdraw his amendment.

MR. CHAIRMAN 1 I put amendment No. 4 to the House.

Amendment No. 4 was put and negatived.

MR. CHAIRMAN: I put amendment No. 25 to the House.

Amendment No. 25 was put and negatived.

MR. CHAIRMAN: The question is a

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

MR CHAIRMAN: The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6.—(Forms of Oaths and Affirmations)

SHRI BRIJ BHUSHAN LAL (Bareilly): I beg to move:

Page 3,-

after line 19, insert-

"(3) Special oaths in accordance with religious traditions shall be allowed by the courts, to be administered to a witness, on the request of the other party." (29)

स्पेशल ओथ का प्राविजन 1873 के एक्ट में था। मैंने कल भी अर्ज किया था कि बाज केसिस में ऐसा होता है कि अगर आदमी खद अपनी मर्जी से दूसरे गवाह के ऊपर छोडता है कि धगर बह स्पेशल ओय ले कर कोई बात कह देगा तो वह **बादमी** उसको मंजूर कर लेगा। इस चीज को आप खत्म क्यों करते हैं। इस में कोई हानि नहीं होती है, कोई इल्लीगल बात नहीं होती है और साथ ही साथ कोर्ट के टाइम की सेविंग होती है। तजुर्वा बताता है कि बहुत से केसिस जिन में बहुत वक्त लगता, बहुत जल्दी इस तरह से समाप्त हो गए। मैं निवेदन करता हं कि इस पर आप विचार करें भीर इसको अगर शामिल करें तो इस में कोई आपत्ति की बात नहीं होनी चाहिए। भ्रापका जो भ्रदालती काम है, ऐसा करके वह जल्दी निपट सकेगा।

SHRI LOBO PRABHU: I beg to move I

Page 3, line 5,-

after "affirmations" insert-

"for those who disclaim belief in God" (30)

My reason for this amendment and bringing God into the picture is that we have very little regard for oaths in this country

[Shai Lobo Prabhu]

We have a situation every day in every case in every court of two sets of witnesses not merely differing from each other but contradicting each other. There can be no reasonable doubt in such a situation that one set of witnesses are telling lies.

SHRI N. K. P. SALVE (Betul) : That is not a problem peculiar to India.

SHRI LOBO PRABHU : I am sorry that his experience of the rest of the world is not so extensive as that of our own courts. other courts-I have experience of British courts--- there may be difference in the evidence, but there is no contradiction as occurs in our courts. I am not inventing something. I am not my country, I am stating a fact that today truth is at a discount in our courts. common phrase when somebody is lying is अदालती बात कर रहा है that he is talking court language. I think my friends are familiar with this phrase. When you have reached the stage when untruth is equated with the language of courts, you have to consider whether by dispensing with this provision of God as a witness, you are going to increase the effectiveness of your oath.

I would like to recall to this House the exact form of the oath ; खुदा को नाजिर जान कर सच बोलूंगा i.e., after knowing God and desiring Him to be present, I shall be speaking the truth. Now, I ask the hon. Minister why he is dispensing with this simple provision which is very effective for common people.

SHRI SURENDRANATH DWIVEDY (Kendrapara): You want to tell him the truth.

SHRI LOBO PRABHU : You will remember that the provision of solemn affirmation goes back to 1870 when Mr. Bradlaw in that famous case was told that as he did not believe in God, any oath by him wold be a form of mockery and therefore under special provision Parliament or the courts at that time invented the solemn affirmation. Where a person does not believe in God, he should not asked to

take the oath in the name of God. Where a person does believe in God, why do you prevent this minor check. If the Government removes this check, it is going to make truth very much more scarce for our courts than it has been so far. That is why I propose a simple amendment that after the word 'affirmation' the words 'those who disclaim belief in God' be added. When a person is asked to disclaim belief in God, he is put to a serious check. He is therefore going to consider very solemnly whether he should first disclaim belief in God and secondly to proceed to tell a lie. I should like the Government to accept this amendment. I know the difficulties of Minister. He is of the view that once a Bill has been passed by the Rajya Sabha any amendment made here involves referring back to that House. If that is the basis for refusing amendments, there is no reason to have this procedure at all.

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SHRI SURENDRANATH DWIVEDY: You press it; we shall accept it.

SHRI LOBO PRABHU: I want to press this amendment with all the force at my command, with what little we have of God in this country we should try to bring God into our courts so that truth may prevail as it did before and it may not be made more scarce.

SHRI GOVINDA MENON : Two points had been raised by the hon. Members who spoke. The first is regarding special oaths and the second was the point raised by Mr. Lobo Prabhu. I hold the view that it is degrading to parties to ask them to settle their disputes by oaths.

श्री राम चरण (खुर्जा): प्वाइंट आफ बार्डर, सर । एक माननीय सदस्य*

SHRI GOVINDA MENON: Special oath is administered in the following manner. It is not as if the party who requires to have his case settled on oath offers to do so. The opposite party puts a question : are you prepared to take an oath before such and such temple or in such and such Church? In that case I shall be prepared to accept your contention. It is almost in the nature of a wager. The court is asked to adbicate its function. So I said that it was degrading. The Law Commission produced an elaborate report after looking on the question and said that we should dispense with that method of disposal of cases.

SHRI LOBO PRABHU; This is not wagery. It is a test. You are making a mistake. The person cannot go to a judge.

SHRI GOVINDA MENON: I do not accept Mr. Lobo Prabhu's contention with respect to these matters. A man of God or a man who believes in God and enters the witness box to give evidence will speak only the truth, whether he takes an oath or whether he is called upon to make an affirma-It is not as if God will not pardon a person for uttering a lie if he has not taken an oath in the name of God and otherwise he will be excused. That is a very peculiar way of looking at the question. It is left to the witness concerned—(Interruptions).

MR. CHAIRMAN: Order, order.

SHRI RANDHIR SINGH: This should not go on record: this should not go in the press 1** It should be expunged. That is our prayer. It should not go on record that a Member of Parliament**

SHRI N.K.P. SALVE : I entirely agree.

SHRI LOBO PRABHU: I agree with Shri Randhir Singh; for once I agree with him. We do not want to give publicity to this.

SHRI BENI SHANKER SHARMA (Banka) 1 I support Mr. Randhir Singh, that it should not go on record.

MR. CHAIRMAN : Yes; it is expunged.

SHRI GOVINDA MENON: I wish to put to Mr. Lobo Prabhu and to others who may be agreeing with him whether a person who has come to court determined to speak an untruth in favour of one of the parties would be prevented from doing or would be persuaded from not doing so if the word God is used. He will say "By God I swear" and will pray to God that he may be ex-

cused. That is what would happen. Therefore, if after taking an oath in the name of God you can expect every witness to speak the truth, it is not correct. I am sure the Members here know that during the wars between nations, in the countries belonging to either group, there are prayers in the churches and temples that the country to which that group belongs should win and Go would be in a very difficult position when conflicting appeals are made to him thus. But obove all. I would draw the attention of Mr. Lobo Prabhu to Schedule III of our Constitution where the forms of oath to be taken are given. It applies to us also, Members of Parliament. It is left to a party whether to swear in the name of God or to make an affirmation. There are persons who are theists, who believe in God and who would refuse to take an oath in the name of God because they think that God should not be brought down to mundane matters: it does not follow that a person who makes and afflamation and does not swear in the name of God, say, a Member of Paaliament here, does not believe in God. Therefore, the question is one of standards among the people in our country.

I am not familiar with the standards in other countries, but in our own country, it it may be that there are a large number of witnesses who are prepared to perjure in the courts of law. I think in course of time when our standards improve there would be a lowering of the percentage of persons who will determindly perjure in courts.

SHRI RANGA: Why should he specially mention villages?

SHRI GOVINDA MENON : I did not say villages; probably you did not hear me. I said our country. And most of our courts are in towns and not in villages. With these words, I request Mr. Lobo Prabhu not to press the amendment.

SHRI TENNETI VISWANATHAM (Visakhapatram): May I draw the attention of the hon. Minister to what he said? Probably he does not mean what he said. But he is creating the impression that the largest number of people who to go into the wit-

^{*}Bxpunged as ordered by the Chair,

[Shri Tenneti Viswanatham]

ness box lie. On the other hand, my experience is that the persons who perjuretheir number is relatively very small.

There are no statistics before the Minister. But my own experience in courts is that persons who tell lies in witness boxes are not more than 5 per cent. The Minister should not give a bad certificate to our people.

SHRI GOVINDA MEMNON 1 I agree Probably he was not here when Mr. Lobo Prabhu was speeking. He was saying that perjury is widely prevalent in the country.

SHRI TENNETI VISWANATHAM I He must have always come in contact with that 5 per cent.

SHRI LOBO PRABHU: Without lies, there would be no lawyers.

SHRI TENNETI VISWANATHAM 1
I protest; I am a lawyer.

SHRI GOVINDA MENON: I was trying to erase the impression created by Mr. Lobo Prabhu. I agree that as time goes on, people would be more and more reluctant to commit perjury. This oath or affirmation is intended to put them on the guard. There are very few prosecutions for perjury in our country, indicating that perjury is not as prevalent as is attemped to be made out. In the circumstances, I would request Mr. Prabhu to withdraw his amendment, not because this will have to go to Rajya Sabha again, but because in our Constitution we have adopted a particular form for oath and affirmation and in a parliamentary law we should not make a departure.

SHRI LOBO PRABHU: It is very difficult to resist the Law Minister when he is so sweet. There are many people here who have been on the other side of the court. I have been administering justice while many you have been lawyers helping the court in administering justice. I am speaking the truth when I say that the amount of mendacity in our courts is a thing which we should aim to reduce. If yon give more sanctity to your oath, you will succeed in reducing that mendacity. I

would like the minister to excuse me and allow me to press my amendment for what it is worth.

MR. CHAIRMAN: I will now put amendment No. 29 of Shri Brij Bhushan Lai.

Amendment No. 29 was put and negatived.

MR. CHAIRMAN: I will now put Mr. Lobo Prabhu's amendment No. 30.

Amendment No, 30 was put and negatived.

MR. CHAIRMAN: The question is 1

"That clause 6 stand part of the Bill"

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—Proceedings and evidence not invalidated by omission of oath or irregularity.)

SHRI LOBO PRABHU | I beg to move:

Page 3. line 20,

for "omission to take any oath or make any affirmation" substitute—

"oversight in taking any oath or making any affirmation" (31)

15 hrs

I am going to build up my appeal to the Minister on his own words in this House and in Rajya Sabha. It was pointed out to him that when you use the word "omission", there may be a tendency for people not to administer oath at all, but to proceed on the basis that it be condoned by section 7. The Minister explained there, as he has explained here, that it relates to accidental omission. I am glad that he has repeated that it refers to accidental omission. In that case, why did he not use the term "accidental omission" in the Bill instead of giving a carte blanche in respect of the word "omission"? I have used the term accidental omission. But I have sought some economy by using only one word, namely, "oversight". If there is an oversight than the proceedings need not be vitiated.

The Minister thought that this kind of point would be raised at any stage, in the second court of appeal or the Supreme Court. But that applies to everything. Where there is a defect in the law and it remains it is bound to be raised at the lower court or the higher court. The question is whether we should encourage this defect by using the word "omission" without any qualification, whether we should allow the courts to give up or distroy the whose purpose of this Act.

SHRI RANDHIR SINGH I In other words, the omission should not be fatal.

SHRI LOBO PRABHU: That is a different matter. The court can take that view.

Another matter which the Minister pressed here, which he did not press before, was the fact that clause 8, which makes it incumbent on everyone to speak the truth before the court, amply covers this omission

MR. CHAIRMAN I It is three O'Clock and we will now take up Private Members' Resolutions. Shri Lobo Prabhu may continue his speech the next day.

15.2 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-FIFTH REPORT

SHRI BHALJIBHAI PARMAR : I beg to move :

"That this House do agree with the Fifty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th November, 1969."

MR. CHAIRMAN & Motion moved:

"That this House do agree with the Fifty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th November, 1969."

SHRI S. M. BANERJEE (Kanpur): Sir, I want to submit something about this

Report, The Resolution moved by Shri Jyotirmoy Basu is very important and it should be given the maximum time permissible. By no stretch of imagination could we say that unemployment is not important. At the same time, the second Rosolution about Shri Jagjivan Ram is also equally important. So. I would suggest that two more hours should be given to the first Resolution and the last 20 minutes to the second one so that it may not lapse but will again come up after a fortnight.

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SHRI JYOTIRMOY BASU (Diamond Harbour): I am in full agreement with that suggestion.

श्री शिव चन्द्र झा (मघुवनी): मैं भी इन का समर्थन करता हं।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH): We have no objection to the suggestion of the hon. Member. The second resolution may be given five minutes today so that it can come up again.

श्री सूरजमान (अम्बाला): सभापति जी, आप इस तरह से कीजिए कि तीसरा रेजोल्यूजन भी इन्ट्रोडयूस हो सके। इस सम्बन्ध में पहला रेजोल्यूजन पिछले सेशन में लैप्स हो गया था।

MR. CHAIRMAN: All right The equestion is:

"That this House do agree with the Fifty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th Novembar, 1969."

The motion was adopted.

15.05 hrs.

RESOLUTION RE 1 UNEMPLOY-MENT—contd.

MR. CHAIRMAN: Shrimati Sushila Rohatgi,

SHRI E. K. NAYANAR (Paighrt); Sir, I have given notice of an amendment and it is printed in the agenda. Similarly; Shri Lobo Prabhu also give notice of an