

14.34 hrs.

***SHOPKEEPERS (FIXATION OF PRICE LABELS) BILL**

Shri J. B. S. Bist (Almora): Sir, I beg to move for leave to introduce a Bill to provide for fixation of price labels on commodities by shopkeepers.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for fixation of price labels on commodities by shopkeepers".

The motion was adopted.

Shri J. B. S. Bist: Sir, I introduce the Bill.

14.34½ hrs.

***LEGAL PRACTITIONERS (AMENDMENT) BILL**

(Amendment of Sections 14 and 15)

Shri Hem Raj (Kangra): Sir, I beg to move for leave to introduce a Bill further to amend the Legal Practitioners Act, 1879.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Legal Practitioners Act, 1879".

The motion was adopted.

Shri Hem Raj: Sir, I introduce the Bill.

14.35 hrs.

***HINDU SUCCESSION (AMENDMENT) BILL**

(Amendment of Section 30)

Shri Hem Raj (Kangra): Sir, I beg to move for leave to introduce a Bill

further to amend the Hindu Succession Act, 1956.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Hindu Succession Act, 1956".

The motion was adopted.

Shri Hem Raj: Sir, I introduce the Bill.

14.35½ hrs.

***INDIAN RAILWAYS (AMENDMENT) BILL**

(Amendment of Sections 11 and 12)

Shri Hem Raj (Kangra): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Railways Act, 1890".

The motion was adopted.

Shri Hem Raj: Sir, I introduce the Bill.

Mr. Deputy-Speaker: Shri M. L. Dwivedi—Absent.

14.36 hrs.

***CONSTITUTION (AMENDMENT) BILL**

(Amendment of Article 226)

Shri D. C. Sharma (Gurdaspur): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

Shri D. C. Sharma: Sir, I introduce the Bill.

14.36½ hrs.

INDIAN PENAL CODE (AMENDMENT) BILL—*contd.*

(Amendment of Sections 405 and 406)

Mr. Deputy-Speaker: The House will now proceed further consideration of the following motion moved by Shri Diwan Chand Sharma on the 8th June 1962:—

"That the Bill further to amend the Indian Penal Code, 1860 be taken into consideration."

Twenty-three minutes still remain. The hon. Minister may continue his speech.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, last time I pointed out to my hon. friend the sponsor of this Bill that it was unnecessary for the reason that the word "entrustment" had been used in its non-legal or general sense and therefore all trusts whether they were specifically so created by the Act or not will all be covered by the present section in the Indian Penal Code dealing with criminal breach of trust. In the circumstances, I would suggest to my hon. friend not to bother himself so far as such cases are concerned. I read last time certain portions of section 405 where the words used are of general application and they included not only express trusts, but as I stated implied and also contingent trusts. They were all covered by the very wide word used in this connection. They have

purposely used the expression "trust" in section 405; they have used the expression "entrusted with property" Such entrustment of property can arise from different circumstances, on account of combination of certain circumstances a trust is bound to follow. Whenever the terms either expressed or implied are not complied with, or rather violated, naturally there is a criminal breach of trust.

Such contingencies, as you are aware might follow not only in the case of a trustee and the beneficiary—these are the common expressions—but also in other cases like those of a bailor or bailee, a master and a servant, a pledger and a pledgee and a guardian and a ward—in other words, as I pointed out last time, all the relations of a fiduciary character are covered by the expression "entrustment". That is the reason why I suggested that whatever the hon. Member had in view is fully covered by the expression used. It must be remembered that the Penal Code was passed nearly a hundred years ago. Even though it was passed a hundred years ago, it has stood the test of time. Only a few amendments have been found necessary bringing within the purview of the offence certain types of circumstances or violations which require to be dealt with. Under these circumstances, criminal breach of trust was a matter which was very clearly defined in the Indian Penal Code. Therefore, so far as the first objection of the hon. Member is concerned namely, even the implied condition also should be included, it does not stand at all.

Secondly, if the wording is read, you will find that there are certain expressions which deal with express or implied condition. So far as trusts in general or the relations amounting to trusts in general are concerned, they need not be further made specific, because they already cover the wider grounds of all types of trusts, either specific, implied or resulting