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Monday, September 3, 1973
Bhadra 12, 1895 (Saka)

LOK SABHA DEBATES

(Eighth Session)



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**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

1

LOK SABHA

Monday, September 3, 1973/Bhadra 12,
1895 (Saka)

The Lok Sabha met at Eleven of
the Clock.

[MR. SPEAKER in the Chair]

RE: MOTION FOR ADJOURNMENT
(Query)

MR. SPEAKER: Papers to be
laid on the Table.

SHRI INDRAJIT GUPTA (Al-
pore): Sir, I have sent a notice of an
Adjournment Motion and I would
like to know what is your ruling
on that.

MR. SPEAKER: I received your
notice of Adjournment Motion. In
this session, first we have decided
that during these three days we will
not have any other motion. And
then, secondly, one no-confidence
motion is already there.

PROF. MADHU DANAVATE
(Rajapur): That is why there is this
Adjournment Motion.

MR. SPEAKER: I cannot take up
two motions. Moreover, this subject
is not the subject for an Adjourn-
ment Motion; that can be very easily
taken up along with the other items.
As the Plan discussion is going on,
you can discuss it in the Plan.

SHRI INDRAJIT GUPTA: Will
you please bear with me for a minu-
te? You said that it had been de-

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cided earlier, and that is true, that
no other motion would be taken up
during the last three days. You also
say that the discussion of the five
Year Plan is going on. But the
reason for bringing this Adjournment
Motion is that in spite of these things,
last Friday, when the Prime Minis-
ter had a meeting with the Opposi-
tion leaders, and on the subsequent
days, from the press, it has become
quite clear and is evident to us that
the assurances which were given at
the beginning of this session to Par-
liament and to the country, that
from the coming rice crop of the kha-
rif season they are going to imple-
ment the take-over of the wholesale
trade in rice—it is quite obvious
from our talks with the Prime Minis-
ter last Friday that they are going
back on that. The Prime Minister
is leaving tonight for Algiers; Parlia-
ment will adjourn in two days' time
and so, in fact, what it means is that
all the people of the eastern region
in particular, the people in the rice-
growing States, are going to be
thrown again to the mercy of the
wolves, the black marketeers. It is
not a matter to be discussed in the
five year Plan debate. The Plan
will go on for five years. This is a
matter which concerned us in the
coming two or three months...

MR. SPEAKER: Take-over is a
question of policy; it is not a ques-
tion for of an Adjournment Motion.
Nothing has specifically happened.

SHRI INDRAJIT GUPTA: What
has specifically happened is that so
long they were saying that they were
going in implement the take-over
from the coming kharif season. What
has happened is that they have gone
back on it at the end of the session.
It is creating a very serious situation
.... (Interruptions).

MR. SPEAKER: Certain decisions on policy matters which have been taken or not taken cannot be the subject-matter of adjournment motions. So, you can discuss it during the discussion of the Plan. The Plan discussion is going on. (Interruptions)

SHRI INDRAJIT GUPTA: The Plan is going on for five years. This Adjournment Motion cannot brook any delay.

MR. SPEAKER: The House has got the opportunity to discuss it in the Plan.

SHRI INDRAJIT GUPTA: If you say that the Adjournment Motion is not admissible, (Interruptions) we want an assurance, here, on the floor of the House, before the Prime Minister leaves, that they are going to implement that decision which they have assured to the country, that the wholesale trade in rice will be taken over from the coming kharif season. Are they surrendering to the hoarders and profiteers? Here, the Prime Minister is reported to have told some deputation which waited on her—this is in the press and it has not been contradicted—that 90 per cent of the Congress men are in favour of the rice take-over. This has not been contradicted. I want to know whether it means that she and her Government are succumbing to the pressure of the remaining 10 per cent? Who are they? Who are those people who are pressurising them and want to go back?

We want to know where we stand. Parliament may adjourn in two days. (Interruptions).

MR. SPEAKER: Order, order.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I want to seek the leave of the House for moving the no-confidence motion.

SHRI INDRAJIT GUPTA: According to your direction, the adjournment motion comes first and the no-

confidence motion can be taken up later.... (Interruptions). The House does not know what the adjournment motion is and you are giving your ruling; the adjournment motion is on the failure of the Government to honour its solemn assurance to the country that the take-over of the wholesale trade will be implemented from the next season, thereby betraying the people's interests and succumbing to the pressure of the landlords, rice mill owners, hoarders and profiteers.... (Interruptions).

SOME HON. MEMBERS: On a point of order.

श्री अटल बिहारी वाजपेयी (ग्वास्वियर): अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है।

श्री मधु लिनये : (बांका) : मैं पहले से खड़ा हूँ, आप सुन नहीं रहे हैं, पहले हम लोगों को सुने।

श्री अटल बिहारी वाजपेयी: यह पहला मौका नहीं है जब एडजर्नमेंट का नोटिस दिया गया है—लेकिन पहले आप ने कभी ऐसा मौका नहीं दिया कि हम अपने एडजर्नमेंट मोशन को पढ़ कर सुनाये ...

श्री मधु लिनये : अध्यक्ष महोदय, क्या यहां कोई व्यवस्था चल रही है। व्यवस्था के सवाल पर तो सब चीजों पर प्रेसिडेंट वरीयता मिलना चाहिये, मैं पहले ही क्षण से प्वाइन्ट ऑफ ऑर्डर पर खड़ा हूँ—आप इस सदन में व्यवस्था चलने दीजिये। अध्यक्ष महोदय, अब चिल्लाने की शक्ति मेरे गले में नहीं है—प्वाइन्ट ऑफ ऑर्डर पहले उठे तो उमे पहले सुनना चाहिये।

अध्यक्ष महोदय : पता ही नहीं चलता कि कौन बोल रहा है—प्वाइन्ट ऑफ ऑर्डर के लिए। आप का प्वाइन्ट ऑफ ऑर्डर किस चीज के बारे में है ?

श्री मधु लिमये : घाईर पेपर के बारे में है—श्री इन्द्रजीत गुप्ता बोल रहे थे, मैं उन के पहले ही खड़ा हो गया था। अब मेरे गले में चिल्लाने की शक्ति नहीं है।

अध्यक्ष महोदय : मेरे गले में भी अब चिल्लाने की शक्ति नहीं है।

श्री मधु लिमये : मैं चाहता हूँ कि आप इस सभा की व्यवस्था ठीक तरह से चलाइये। अध्यक्ष महोदय, हमारे सदन का यह नियम है कि स्वयं प्रस्ताव को तभी लिया जा सकता है, जब उस के सम्बन्ध में कोई अन्य मोशन न आया हो, और जिस के ऊपर चर्चा करना लाजमी है। जब अविश्वास का प्रस्ताव दे दिया गया है, तो वह तो आप की मर्जी पर नहीं है, वह मॅन्डेटरी मोशन है। एडजर्न-मेन्ट मोशन को आप स्वीकार कर सकते हैं और न भी कर सकते हैं। तो पहले अविश्वास प्रस्ताव के बारे में जब आप का निर्णय और इस सदन का निर्णय हो जायगा, उस के बाद आप काम रोकने मोशन को लीजिये। हमारे यहां एन्टीसिपेशन का नियम है, अगर आप चाहते हैं तो मैं नियम पेश करता हूँ....

अध्यक्ष महोदय : हम डायरेशन 2, पेज 2 को फौलो करते हैं।

श्री मधु लिमये : मैं उस के बारे में नहीं बोलना चाहता हूँ—मैं दूसरी ही बात कह रहा हूँ—आप इस नियम को देखिये—रूल 58(6) को आप देखें :

Rule 58(vi) :

"The motion shall not anticipate a matter, which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the proba-

bility of the matter anticipated being brought before the House within a reasonable time;"

प्रोबेबिलिटी का आपको विचार करना है, सम्भावना का विचार करना है यह इनमें साफ लिखा हुआ है। इसलिए श्री ज्योतिर्मय बसु का प्रस्ताव आपके सामने है, हमारे नेता श्री समर गुह का प्रस्ताव है, जिसकी संभावना का आपको विचार करना है। यह आदेशात्मक प्रस्ताव, मॅन्डेटरी मोशन है। यदि सदन इसको चर्चा के लिए नहीं लेता है तो मैं श्री इन्द्रजीत गुप्त के रास्ते में आने वाला नहीं हूँ।

श्री अटल बिहारी वाजपेयी श्री इन्द्रजीत गुप्त इस मोशन को सपोर्ट कर सकते हैं और अपनी बात कह सकते हैं। (अवधान)

SHRI INDRAJIT GUPTA: We want this particular issue to be highlighted because the Government is playing mischief on this issue and we must get an assurance from them. There may be a hundred other things which can be brought up in the no-confidence motion. (Interruptions)

MR. SPEAKER: I am not allowing any adjournment motion.

SHRI INDRAJIT GUPTA: In spite of rule 58, you have been good enough to lay down in your Directions the relative precedence of different classes of business before the House. There the adjournment motion comes much higher than motions for leave to make a motion of no-confidence in the Council of Ministers. Therefore, I am perfectly within my right to raise it before the no-confidence motion. That can certainly come later on. We press that you should give us permission to move this motion. It is an urgent matter because Parliament is adjourning day after tomorrow and the Prime Minister is going away today. They have

[Shri Indrajit Gupta]

violated their solemn assurance. The Secretary and President of the All India Foodgrain Dealers' Association have demanded that they should give up this take-over of wholesale trade. They are going back under the pressure of 10 per cent of their party people, as indicated by the Prime Minister's statement. This is very urgent.

MR. SPEAKER: The Minister can make a statement on it. But I cannot give permission to this adjournment motion.

SHRI INDRAJIT GUPTA: You can ask the minister whether they will give that assurance. We do not want a statement saying that in principle we are still in favour of take-over and that sort of thing.

MR. SPEAKER: I can only ask him to make a statement. What he should say, I cannot lay down.

SHRI INDRAJIT GUPTA: If that assurance is not given, the same thing will be repeated tomorrow and the day after also. (Interruptions)

श्री अटल बिहारी वाजपेयी : मुझे यह निवेदन करना है कि सारी खाद्य समस्या रर विचार करने के लिए प्रधान मंत्री जी ने बैठक बुलाई थी, हमारे कम्युनिस्ट मित्र भी उसमें शामिल थे। वहापर यह तय हुआ था कि उस बैठक की चर्चा आगे 6 तारीख को जारी रहेगी और हमारे कम्युनिस्ट मित्रों ने अभी उस बैठक का बहिष्कार करने का फैसला नहीं किया है। तो जबतक बात पूरी न हो जाए सरकार कोई स्टेटमेंट कैसे दे सकती है।

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, you have been pleased to ask the hon. Minister to

make a statement. Now, what is the matter on which he is expected to make a statement? As has been pointed out by the hon. Member, Shri Vajpayee, we are going to discuss this subject on the 6th. May I say that my hon. friend, Shri Indrajit Gupta's Government in Kerala has not taken over the rice trade? So, what they do not want to do in their own government, they want to be done here.... (Interruptions).

SHRI PILOO MODY (Godhra): Sir, you in your wisdom in the past have ruled that there are certain matters which are not big enough for an adjournment motion because the circumstances leading to the subject of the adjournment motion are not of a nature that can be shifted from its original position so that you can discuss it in the form of a censure motion. The whole purpose of the censure is that the Government has done something and the opposition wants to censure it. At the moment, as far as I understand, the Government is may be in two or three minds whether it should do it or not do it. In that what are we going to censure them for indifference, vacillation, what are we going to censure them for? If the Government has given an assurance, either here to the CPI or elsewhere, it has not said at the same time as to when it will bring the same. Even the change in the timing of the announcement does not form the subject of an adjournment motion. Therefore, I do not really understand why you in your wisdom are even considering this subject (Interruptions) Therefore, keeping in mind that discretion is yours and anticipation theirs, I do not know whether this is a way of sabotaging the no-confidence motion.... (Interruptions).

MR. SPEAKER: I have clearly mentioned two reasons why I am not prepared to admit this adjournment motion. Then Shri Indrajit Gupta got up to make a submission.

I did not admit his adjournment motion. He got up with a submission.

SHRI PILOO MODY: For once you have ruled in my favour.

MR. SPEAKER: Not in anybody's favour—but on merits of the subject and under the rules.

SHRI DINEN BHATTACHARYYA: (Serampore): One of the grounds for the no-confidence motion is the failure of the Government to take over the wholesale trade... (*Interruptions*).

MR. SPEAKER: Order; order Shri Samar Guha. Let me hear Shri Samar Guha. I am not allowing any of you except Shri Samar Guha.

SHRI SAMAR GUHA (Contai) : I want to draw your attention to two things. Firstly, the No-Confidence Motion anticipates all the problems that will be discussed and the problem of rice take-over is the most important aspect of it. Naturally, our friend Mr. Indrajit Gupta is feeling very strongly about it and he can speak about it. Secondly, in regard to your observation that let the Government make a statement on the issue of rice take-over there has been a meeting with the Opposition leaders and it has been said that there will be further discussion on the 6th. Mr. Indrajit Gupta was present in the meeting and he never raised the issue that a statement has to be made on the floor of the House, that the Government will make a statement without concluding a dialogue with the Opposition leaders in regard to food policy. Therefore, unless and until the Government concludes discussion with the Opposition leaders, you can only ask the Government to extend the session upto 7th or 6th so that, after discussion with the Opposition leaders, the Government will be in a position to make a statement.

SHRI S. M. BANERJEE (Kanpur): Sir, I rise on a point of order.

The contention of some of the hon. Members, including Shri Samar Guha, is that the No-Confidence Motion will

cover the issue of rice take-over. That is not correct... (*Interruptions*). Shri Dinen Bhattacharyya says that one of the items of the No-Confidence Motion might be, the failure to take over rice trade... (*Interruptions*).

SHRI DINEN BHATTACHARYYA: We are very clear about it. It is one of the issues.

SHRI S. M. BANERJEE: The No-Confidence Motion is a very omnibus one, a one-line motion. The most burning problem before the nation is the food trade... (*Interruptions*). This adjournment motion should be admitted. Shri Piloo Mody and others oppose it because they are in league with the hoarders and black marketers... (*Interruptions*).

MR. SPEAKER: The Direction is very clear about it

SHRI INDRAJIT GUPTA: In the meeting that we had on Friday, they had made it clear that for the coming kharif season, they are not going to do compulsory take-over. They want to discuss other alternatives. Secondly, Mr. Dinen Bhattacharyya may have that issue in mind... (*Interruptions*).

SHRI DINEN BHATTACHARYYA: That is one of the most urgent issues. (*Interruptions*).

SHRI INDRAJIT GUPTA: We have the liberty not to support the no-confidence motion which is also supported by the people who do not want the take-over of the wholesale trade. If he wants to do it, he can do, but we are not prepared to do it... (*Interruptions*). I know my friend, Mr. Shyamandan Mishra here... (*Interruptions*). But on this issue, will he support us?

PROF. MADHU DANDAVATE: I want to raise one procedural point.

According to the accepted rules, if any motion in this House depends upon some other motion, in that case,

[Prof. Madhu Dandavate]

the motion on which it depends, gets priority. Mr Indrajit Gupta's adjournment motion depends on the no-confidence motion. Therefore, the no-confidence motion should get the priority.

SHRI INDRAJIT GUPTA: If you are not going to admit this—we will have to accept your ruling—but I want to know, in that case, will you please ask him to give an assurance on the floor of the House? That is the minimum we demand... (*Interruptions*) This is the minimum we demand. They have got to give the assurance.

SHRI ATAL BIHARI VAJPAYEE: We would like to know the maximum condition on which they can support the Government... (*Interruptions*)

MR. SPEAKER: Order, please. If you think it is a competition in shouting. I cannot help it. Please sit down.

SHRI PILOO MODY: Mr. Indrajit Gupta is acting like a jilted bride... (*Interruptions*).

MR. SPEAKER : May I request you to please sit down ?

So far as this motion is concerned, I do not admit it. Moreover, when I see the shape of the motion, though I have already disposed of it, it is also in the form of a no-confidence motion or a censure motion 'Failure of the Government to honour its pledge etc.' A No-confidence or censure motion is always in this shape.

SHRI INDRAJIT GUPTA : Will you please read out no-confidence motion ?

MR. SPEAKER : Adjournment motions are always in this shape, namely "To discuss urgent matters of recent occurrence" and as I see it is as good as a no-confidence motion. I am sorry, I am passing on to the next item.

SHRI INDRAJIT GUPTA: Neither you are admitting this nor the Government is prepared to give the assurance is that the position? I want to know the position.

MR. SPEAKER: I must make it clear.

So far as the Government is concerned, they should come out with a statement, but...

SHRI S. M. BANERJEE : When ?

MR. SPEAKER: You are asking me as if I am to make the statement. You are asking as if somebody is standing in the dock—how this and how that. I am making a suggestion.

Please sit down. Order please.

SHRI SAMAR GUHA : To avoid the no-confidence, they are preparing the ground for a walk-out.... (*Interruptions*).

MR. SPEAKER : I will keep sitting. You better go on. ... (*Interruptions*)

Can I be assured of silence if I have to get up ?

The no-confidence motion is also coming before the House.

This is meant to be an adjournment motion. It is in the shape of a no-confidence motion. If the no-confidence motion is going to be discussed, of course, this will also be stated in the course of that. The Minister will have to reply.

During the course of the debate, the Minister will also reply to this specific subject. But, if the no-confidence motion does not come, in spite of that, I will ask the Minister to come out with a statement.

SHRI INDRAJIT GUPTA : We are not satisfied with any statement. We want a categorical assurance.

MR. SPEAKER : Whatever it be, it is for the Minister, not for me. When he comes with a statement, whether he is going to give a categorical assurance or not, it is upto them. I cannot assure you what type of assurance he is going to give

SHRI INDRAJIT GUPTA : I don't support the No-Confidence Motion in which the champions of hoarders and profiteers are also involved. (Interruptions)

Shri Indrajit Gupta and some other hon. Members then left the House.

MR. SPEAKER : Papers to be laid on the Table. Shri Bhola Paswan Shastri.

श्री राधाबतार शास्त्री (पटना) होर्डेज बोनी तरफ हैं, उघर भी हैं और इघर भी हैं।

श्री समर गुहू : मैंने पहले कहा था कि यह एक बाक प्राउट के लिए बहाना है।

11.30 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER U.P. BUILDING (REGULATION OF LETTING, RENT AND EVICTION) ACT AND HYDERABAD MUNICIPAL CORPORATIONS (AMDT.) AMENDING ACT, 1973

THE MINISTER OF WORKS AND HOUSING (SHRI BHOLA PASWAN SHASTRI): I beg to lay on the Table—

(1) A copy of Uttar Pradesh Notification No. 7352/29-E-55/73 (Hindi and English versions) published in Uttar Pradesh Gazette dated the 1st May, 1973, under section 42 of the Uttar Pradesh Urban Building (Regulation of Letting, Rent and Eviction) Act, 1972 read with clause (c) (iii) of the Proclamation dated the 13th June, 1973, issued by the

President in relation to the State of Uttar Pradesh. [Placed in Library. See No. LT-5593/73.]

(2) A copy of Hyderabad Municipal Corporations (Amendment) Amending Act, 1973 (Hindi and English versions) (President's Act No. 5 of 1973) published in Gazette of India dated the 23rd July, 1973, under sub-section (3) of section 3 of Andhra Pradesh State Legislature (Delegation of Powers) Act, 1973. [Placed in Library. see No. LT-5594/73]

COMPTROLLER AND AUDITOR GENERAL'S REPORT RE APPRAISALS OF WORKING OF (i) HINDUSTAN SHIPYARD LTD. (ii) MARKETING DIVISION OF THE IOC LTD, AND (iii) MODERN BAKERIES (INDIA) LTD.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH):

I beg to lay on the Table a copy each of the following parts of the Report of the Comptroller and Auditor General of India for the year 1970-71—Union Government (Commercial), under article 151 (1) of the Constitution :—

Part VI. Appraisal of the working of the Hindustan Shipyard Limited.

Part VII Appraisal of the working of the Marketing Division of the Indian Oil Corporation Limited.

Part VIII Appraisal of the working of the Modern Bakeries (India) Limited

[Placed in Library. See No LT-5595/73.]

NOTIFICATIONS AMENDING ANDHRA PRADESH MOTOR VEHICLES RULES, 1964

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI M. B. RANA) : I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of

[Shri M. B. Rana]

section 133 of the Motor Vehicles Act, 1939, read with clause (c) (iii) of the Proclamation dated the 18th January, 1973 issued by the President in relation to the State of Andhra Pradesh:—

- (i) G. O. Ms. No. 660 published in Andhra Pradesh Gazette dated 21st June, 1973, making certain amendment to the Andhra Pradesh Motor Vehicles Rules, 1964.
- (ii) G.O.Ms. No. 812 published in Andhra Pradesh gazette, dated the 2nd August, 1973 making certain amendment in Andhra Pradesh Gazette Motor Vehicles Rules, 1964.

(2) Two statements (Hindi and English Versions) explaining the reasons for not laying the Hindi version of the above Notifications [Placed in Library See No. LT-5596/73].

NORTHERN RICE ZONE (MOVEMENT CONTROL) AMENDMENT ORDER, 1973

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ANNASAHEB P. SHINDE): I beg to lay on the Table a copy of the Northern Rice Zone (Movement Control) Amendment Order, 1973 (Hindi and English versions) published in Notification No. G. S. R. 397 (E) in Gazette of India dated the 22nd August, 1973, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-5597/73]

SUGAR (RICE DETERMINATION ETC.) FIFTH AMENDMENT ORDER, 1973 AND NOTIFICATIONS RE. ANDHRA PRADESH PANCHAYAT SAMITHIES AND ZILLA PARISHADS ETC.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (PROF. SHER SINGH): I beg to lay on the Table:

(1) A copy of the Sugar (Price Determination for 1972-73 Production) Fifth Amendment Order, 1973

(Hindi and English versions) published in Notification No. G. S. R. 392 (E) in Gazette of India dated the 13th August, 1973 under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See. No. LT-5598/73].

(2) (a) A copy each of the following Notification under sub-section (2) of section 69 of the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 read with clause (c) (iii) of the Proclamation dated the 18th January, 1973 issued by the President in relation to the state of Andhra Pradesh :—

(1) G. O. Ms. No. 621, published in Andhra Pradesh Gazette dated the 15th February 1973 making certain amendment to the rules relating to establishments under Panchayat Samithis and Zilla Parishads, together with an explanatory note.

(ii) G O. Ms No. 590 published in Andhra Pradesh Gazette, dated the 26th April, 1973 making certain amendment to Notification No. G.O. Ms. 89, dated 21st April, 1966, together with an erratum and an explanatory note.

(iii) G. O. Ms. No. 591, published in Andhra Pradesh Gazette dated the 26th April, 1973 making certain amendments to the rules relating to the posts of Van and Jeep Drivers under Panchayat Samithis and Zilla Parishads, together with an explanatory note

(iv) G.O. Ms. No. 612 published in Andhra Pradesh Gazette dated the 26th April, 1973 making certain amendments to rules relating to Establishment under Panchayat Samithis Zilla Parishads (District and Block Cadre Non-Government Servants), together with an explanatory note.

(v) G.O. Ms. No. 93, published in Andhra Pradesh Gazette dated the 24th May, 1973 making certain amendment to the Andhra Pradesh Panchayat Samithis and Zilla Parishads Ministerial Service Rules, together with an explanatory note.

(vi) G.O. Ms. No. 119 published in Andhra Pradesh Gazette, dated the 7th June, 1973 containing rules relating to the use of common seal of Panchayat Samithis and Zilla Parishads, together with an explanatory note.

(vii) G.O. Ms. No. 120 published in Andhra Pradesh Gazette dated the 7th June 1973 making certain amendment to the rules regarding the powers and functions of the Secretary of a Zilla Parishad, together with an explanatory note.

(b) Seven Statements (Hindi and English versions, explaining the reasons for not laying the Hindi versions of the above Notifications. *Placed in Library See No. LT-5599/73*]

AUDIT REPORT ON ACCOUNTS OF TEA BOARD FOR 1970-71

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI A. C. GEORGE): I beg to lay on the Table a copy of the Audit Report on the Accounts of the Tea Board for the year 1970-71 along with the statement of Accounts (Hindi and English versions). [*Placed in Library. See No. LT-5600/73*].

CERTIFIED ACCOUNTS AND AUDIT REPORT THEREON OF INDIAN SCHOOL OF MINES, DHANBAD, CERTIFIED ACCOUNTS OF I.I.Ts. BOMBAY AND KHARAGPUR AND NOTIFICATIONS RE. U.P. STATE UNIVERSITIES ORDERS OF 1973.

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE

DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg to lay on the Table—

(1) (i) A copy of the Certified Accounts (Hindi versions) of the Indian School of Mines, Dhanbad, for the year 1968-69 along with the Audit Report thereon.

(ii) A copy of the Certified Accounts (Hindi and English versions) of the Indian School of Mines, Dhanbad, for the year 1969-70 along with the Audit Report thereon. [*Placed in Library. See No. LT-5601/73*].

(2) A statement showing reasons for delay in laying the document mentioned at (ii) above. [*Placed in Library. See No. LT-5601/73*].

(3) A copy each of the following papers (Hindi and English versions) under sub-section (4) of section 23 of the Institutes of Technology Act, 1961:—

(i) Certified Accounts of the Indian Institute of Technology, Bombay, for the year 1970-71.

(ii) Certified Accounts of the Indian Institute of Technology, Bombay, for the year 1971-72.

(iii) Certified Accounts of the Indian Institute of Technology, Kharagpur, for the year 1970-71 along with the Audit Report thereon. [*Placed in Library. See No. LT-5602/73*].

(4) A copy each of the following Uttar Pradesh Notifications (Hindi and English versions) under sub-section (2) of section 68 of the Uttar Pradesh State Universities Ordinance, 1973 read with clause (c) (ii) of the Proclamation dated the 18th June, 1973, issued by the President in relation to the State of Uttar Pradesh:—

[Shri D. P. Yadav]

- (i) The Uttar Pradesh State Universities (Removal of Difficulties) (First) Order, 1973 published in Notification No. Shiksha (10)/6334-XV-60 (61)-73 in Uttar Pradesh Gazette dated the 24th July, 1973.
- (ii) The Uttar Pradesh State Universities (Removal of Difficulties) (Second) Order, 1973 published in Notification No. Shiksha (10) 6335-XV-60 (61)-73 in Uttar Pradesh Gazette dated the 24th July, 1973.
- (iii) The Uttar Pradesh State Universities (Removal of Difficulties) (Third) Order, 1973 published in Notification No. Shiksha (10)/6336-XV-60 (61)-73 in Uttar Pradesh Gazette dated the 24th July, 1973.
[Placed in Library. See No. LT-5603/73].

**JOINT COMMITTEE ON OFFICES
OF PROFIT**

SIXTH REPORT

SHRI D. BASUMATARI (Kokrajhar): Sir, I beg to present the Sixth Report of the Joint Committee on Offices of Profit.

11.32 hrs.

**CORRECTION OF ANSWER TO S.Q
NO. 368 RE. DEMARCATION OF
MILK SHED AREA OF DELHI MILK
SCHEME**

MR. SPEAKER: Prof. Sher Singh.

**THE MINISTER OF STATE IN THE
MINISTRY OF AGRICULTURE
(PROF. SHER SINGH):** Mr. Speaker,
Sir,...

MR. SPEAKER: You may lay it on
the Table.

PROF. SHER SINGH: Yes, Sir. I lay on the Table of the House a statement correcting the answer given on the 20th August, 1973 to Starred Question No. 368 by Shri Inder J. Malhotra regarding demarcation of milk shed area of Delhi Milk Scheme.

Statement

In reply to part (b) of Lok Sabha Starred Question No. 368 answered on 20th August, 1973 regarding Demarcation of Milk Shed Areas of Delhi Milk Scheme, it was stated that the areas for milk collection by Delhi Milk Scheme in Rajasthan under the Operation Flood Programme were the district of Alwar and Bikaner. The district of 'Bharatpur' in Rajasthan is also included in the D.M.S. milk shed areas under the Operation Flood. The word 'Bharatpur' was omitted in the reply to part (b) of the Question inadvertently. Part (b) (iv) of the answer given to the Question may accordingly be read as (iv) Alwar, Bharatpur and Bikaner in Rajasthan'.

I would also like to correct the reply given to parts (c) & (d) of the above question as under:—

"(c)&(d)" The Government of Uttar Pradesh are not in favour of Moradabad being included in the D.M.S. milk shed area under the Operation Flood Programme. It has been proposed that the district of Mathura may be included in place of Moradabad. This is under consideration.

**STATEMENT RE. STOPPAGE ON
SOUTH CENTRAL RAILWAYS
TRUNK TRAFFIC**

**THE MINISTER OF RAILWAYS
(SHRI L. N. MISHRA):** Sir, I beg to lay on the Table a statement regarding stoppage on South Central Railway's Trunk Traffic.

Statement

Sir, Indian Railways were regrouped into six major integrated zones in 1952. In course of time, South Eastern Railway was formed out of Eastern Railway in 1955. Thereafter, in 1958 the Northeast Frontier Railway was formed out of the North Eastern Railway. Thus to meet the growing needs of transport, some of the larger or outstretched Zones had to be subdivided to make the zonal units organisationally more manageable. Any regrouping or reorganisation inevitably entails adjustments and accommodation of all components and constituents in the interest of operational, administrative and economic compatibility and effectiveness.

The South Central Railway was formed mainly by combination of two divisions of Southern Railway and two divisions of Central Railway in 1966. From time to time, demands were pressed for the merger of Sholapur Division with Central Railway. This became more vociferous towards the middle of 1972 as local interests took an active part leading not only to relay fasts for about a week from 21st June, 1972 but also to occasional interference with train operations. Any reorganisation gives rise to problems of adjustment but the Government has been constantly reviewing the problems posed before them with a view to mitigate them to the extent possible. It was decided in 1972 that recruitment for Sholapur Division of South Central Railway would be made by the Railway Service Commission at Bombay and not the Commission at Madras. An assurance was given in December, 1972 on the Floor of the House that a committee of Members of Parliament of the area covered by this Division would be constituted to go into the administrative and economic aspects of the functioning of Sholapur Division and to make recommendations on adminis-

trative, economic and operational grounds. In fulfilment of the above assurance, it was decided to constitute a committee consisting of Shri Mohd, Shafi Qureshi, Deputy Minister for Railways and three Members of Parliament. The first meeting of the Committee was fixed for 1st September, 1973.

The recent agitations in Sholapur Division started from the 15th August, 1973 with hunger strike by outsiders and some railwaymen in support of the demand for outright merger in background of the appointment of the Committee. From the 29th August, the hunger strike was escalated to the stoppage of train running when railwaymen abstained from work.

Interchange of traffic at Daund Junction in Sholapur Division is vital for movement of goods between Northern, Western and Southern India. With the agitations over 10,000 wagons have been immobilised and nearly 70 trains have been stabled enroute on South Central and the adjoining Railways. Movement of essential commodities like foodgrains, petroleum products and fertilisers to deficit areas in Maharashtra, Mysore, Kerala and other Southern States has been adversely affected. Supply of liquid petroleum gas for industrial and domestic consumption in Hyderabad area has also been cut off. Apart from the effect on the goods services, passenger services have also been seriously affected. In three days between 29th and 31st August, 20 Broad Gauge trains, 14 Metre Gauge trains and 40 Narrow Gauge trains had to be fully cancelled and 21 Broad Gauge trains, 14 Metre Gauge and 3 Narrow Gauge trains had to be partially cancelled.

The first meeting of the Committee under the Chairmanship of the Deputy Minister for Railways with three Members of Parliament has already been held on Saturday, the 1st of September, 1973. An appeal has been issued by the three Members of

[Shri L. N. Mishra]

Parliament in the Committee that the agitation be withdrawn assuring that in their deliberations they will give the highest consideration to the demand and would try to get all the legitimate grievances of the railway workers redressed I join in this appeal to all the people of the area and the staff of the Sholapur Division to withdraw the agitation immediately because to continue it further will seriously affect the economy of the country

11-33 hrs.

STATEMENT BY MEMBER RE
MONOPOLY OF EMI/HMV IN
GRAMOPHONE RECORDS

अध्यक्ष महोदय श्री मधु लिमये ।

श्री मधु लिमये (बाका) मझे प्राप्त इसको पढ़ने का मौका दीजिये । नियमों के अध्यक्ष महोदय हाउस के सामने सब आ जायगा ।

श्री मधु लिमये : एत प्रार्थना गुनिये । नियमों के अनुसार डायरेक्शन 115 के अन्तर इसको पढ़ने का आदेश है । मैं आपकी बात मानने के लिए तैयार हूँ लेकिन, मरी एक प्रार्थना है कि इसको आप प्रिमीडेट न बनाइयेगा । अगर प्रिमीडेट बनाना चाहते हैं तो मुझे पढ़ना पड़ेगा क्योंकि गिन्ना हुआ है नियमों में कि पढ़ा जायगा ।

अध्यक्ष महोदय : पढ़ना चाहते हैं तो पढ़िये । लेकिन मैं तो कन्वीनियंस के स्थान में बहा है ।

श्री मधु लिमये : मैं आपकी इच्छा का प्रादर करता हूँ । लेकिन इसको आप प्रिमीडेट न बनाइयेगा ।

“मै ग्रामोफोन रिकार्डों में ई०एम०आई०/एच०एम० बी० के एकाधिकार के तार में अनारोक्त प्रश्न संख्या 1586 के 1 प्रश्न 1973 को लिए गए उत्तर में औद्योगिक विकास मंत्रालय में उपमन्त्री द्वारा दो गई कनिष्ठ जानकारी के बारे में आपना वक्तव्य समाप्त पर रख रहा हूँ ।”

Statement

In Unstarred Question No. 1586 on the monopolistic practices of EMI/HMV (Gramophone Records Company) answered on 1st August, 1973, I asked:

“(c) Whether the Company is using its monopoly position to exploit the artistes and dealers.” The Minister's answer was

“(c) Government have no information”

When I drew your attention to this misleading and incorrect reply, the Minister instead of owing his mistake offered an elaborate explanation which really made matters worse and proved to the hilt my charge that he is misleading the House

It was as far back as 28th November, 1970 that on the receipt of a complaint by HMV dealers I had written a long letter to the then Minister of Industrial Development drawing his attention to clauses in the HMV's contracts with their dealers which were violative of the Monopolies and Restrictive Trade Practices Act;

The letter, after asking the Government to accept the principle of supporting Swadesh, said:

“(1) the Gramophone Company of India, company known as HMV, is a dominant undertaking controlling production, supply and distribution of more than 90 per cent gramophone records manufactured in India ;

(2) This Company has a net work of 1,000 distributors and dealers. This is an exclusive channel of distribution of which no use can be made by any new company. These dealers are required to give an undertaking in the following form:

“We shall not, unless with the written consent of the Company offer for sale, sell or assist in selling or otherwise dealing in either

directly or indirectly goods or articles which in any way compete the goods supplied to us by your Company.'

This amounts to a restrictive trade practice within the meaning of Section 2(0) of the said Act.

(3) The Monopolies and Trade Practices Act has said that certain types of agreements amounting to restrictive trade practices should be filed with the Commission. The agreements which this Company makes with the dealers as well as the artistes come under this category;

(4) The total production of gramophone records is around 3 million per annum of which the HMV controls 90 per cent as stated above. The potential of the Indian market and foreign markets is much larger. However, because of the absence of real competition this potential has not been fully exploited;

(5) One inhibiting factor is the high price of gramophone records which this Company has been able to sustain because there are no other manufacturers in the field who can hope to compete with this Company on a fair basis;

(6) Artistes and musicians are required by this Company to enter into long term contracts. In the duration of these contracts these artistes cannot give their music to any other company. This, therefore, constitutes a classic case of monopoly in action;

(7) Being a foreign company, it is sending out large amounts of profits, royalties, etc. in the form of foreign exchange;

(8) This Company also manufactures gramophone equipment and record-players. Having complete control over the market, it also markets products manufactured by small-

scale and ancillary industries. The terms on which these products are marketed are naturally unfavourable to small producers; and

(9) *This foreign company, I understand, has terminated the dealership of several dealers because these dealers secured dealership of another new company which has entered the field.*

If no action is taken by the Government to put down these activities firmly, to encourage new indigenous units, to protect the interests of the consumers, the artiste and the small producers, it will only provide another evidence of the growing gap between the Government's pious professions and its actual practice."

The then Minister of Industrial Development, Mr. Dinesh Singh while generally agreeing with the principles enunciated by me about Swadeshi and indigenous industry assured me by his letter of 1st December, 1970 that he was having the matter examined.

I followed this up by the Unstarred Q No. 3791 on 8th December, 1970 in answer to which the Minister promised to collect the information about the HMV practices and lay it on the Table of the Lok Sabha.

But this information was never laid before Parliament

Now when I take up the matter again in this Lok Sabha, the Minister states that "the Government have no information". Is this a truthful reply?

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM) · Mr Speaker, Sir, I beg to lay a statement in reply thereto.

Statement

1. Untarred Question No. 1586 answered in the Lok Sabha on 1st August, 1973, related to the alleged dominant position in the production

[Shri C. Subramaniam]

and marketing of Gramophone Records by EMI/HMV and the alleged exploitation of artistes and dealers by the Gramophone Company of India Limited by virtue of its monopoly position. In the reply to the Question, it was stated that the said Company is registered as a dominant undertaking under the MRTP Act and is the only unit borne on the list of the DGTD reporting production of Gramophone Records. As regards part (c) relating to the alleged exploitation of artistes and dealers by the Company, it was stated in reply that Government had no information.

2. In his letter, dated 28th November, 1970, addressed to the then Minister of Industrial Development, Shri Madhu Limaye had *inter alia* stated that "artistes and musicians are required by this Company to enter into long-term contracts. In the duration of these contracts, these artistes cannot give their music to any other Company. This therefore, constitutes a classic case of monopoly in action". The matter was gone into and the various points raised were examined. Some points now reiterated in the statement of the Hon'ble Member had already been answered.

3. It may be stated that manufacture of Gramophone Records is not a Scheduled Industry under the Industries (Development and Regulation) Act, 1951.

4. M/s. Gramophone Company of India was registered as a dominant undertaking under the MRTP Act. It was reported to have been entering into individual contracts with its numerous clients—artistes and producers of musical performances. The terms of contracts substantially vary from artist to artist depending upon the relative status of the artist, market acceptability and other relevant considerations. The practice appears to have been followed by another Gramophone Company as well.

5. The Ministry of Information and Broadcasting who were specifically

consulted had no comments to offer in the matter. This Ministry had also not received complaints from dealers or artistes, alleging unfair practices on the part of the Company.

6. Matters relating to production figures had already been clarified in the reply to the Untarred Question No 1586 of the current session. It may be added that one small scale unit, viz. M/s. Polydor of India is in production and two more viz. M/s. Watmir Industries and M/s. Jyothi Records Manufacturing Company, both of Bombay have been approved for manufacture. The aim has been to reduce the dominance of the Gramophone Company of India in this field. The total capacity of these new units is expected to be of the order of 60 lakh pieces per annum.

7 It may be recalled that a similarly worded question on the same subject had been raised by the same Hon'ble Member in the 12th Session of the Lok Sabha being Unstarred Question No. 3791 dated 8th December, 1970. In reply, an assurance was given that the information on the point raised therein would be collected and laid on the Table of the House. The various aspects relating to restrictive trade practices were referred to the Department of Company Affairs and are still under correspondence. This position was reported to the Department of Parliamentary Affairs which in turn communicated it to the Lok Sabha Sectt. It is understood that the MRTP Commission has yet fix a hearing in the matter but a preliminary hearing is expected to take place in September, 1973. Till the hearing is over and the findings of the MRTP Commission are available, the assurance cannot be fulfilled.

8. This Ministry is concerned with problems of licensing and production under the Industries (Development and Regulation) Act. As stated in para 3 above, production of gramophone records is not covered by this Act. The fact that the Company

in question in this case is registered as a dominant undertaking was however ascertained and confirmed in the reply given to Unstarred Question No. 1586. Further questions relating to the commercial practices of this Company are not directly within the purview of this Ministry. Only the MRTP Commission can give a finding on questions relating to the fairness or otherwise of the business dealing of such companies. Under the circumstances I would respectfully submit to the House that there was no attempt to either suppress any information available to the Ministry or, in any manner, to mislead the House.

11.34 hrs.

MOTION OF NO-CONFIDENCE IN THE COUNCIL OF MINISTERS

MR. SPEAKER: I have received this Motion from Shri Jyotirmoy Bosu. I have received another one from Shri Samar Guha. Shri Jyotirmoy Bosu has given this Motion of No-Confidence in the Council of Ministers under Rule 198. And also on the same subject there is the motion from Shri Samar Guha saying 'This House expresses its want of confidence in the Council of Ministers'.

May I request those of you who are in favour of this to please stand in your seats?

SOME HON. MEMBERS rose—

SHRI JYOTIRMOY BOSU (Diamond Harbour): I seek leave of the House for moving a motion which reads as follows:

"This House expresses its lack of confidence in the Council of Ministers."

(Interruptions)

SHRI SHYAMNANDAN MISHRA (Begusarai): With your permission, May I make an appeal? We in the opposition have not the slightest doubt in our mind that this Govern-

ment has landed the Country into an unprecedented crisis and deserves the severest censure possible. But, all the same, I would like to make an appeal to the hon. Members Shri Jyotirmoy Bosu and Shri Samar Guha not to press this. Certain developments have taken place. It was, in view of the serious crisis that the country is facing, that we had decided that this motion would be taken up on the 5th of this month. But, the Prime Minister is leaving early tonight.

SHRI JYOTIRMOY BOSU: Where is our Prime Minister?

MR. SPEAKER: She has gone to receive H.M. the King of Nepal.

SHRI SHYAMANANDAN MISHRA: But, Sir, we regret to note that the Prime Minister has to leave early tonight for the Non-aligned conference at Algiers which of course is of great international significance and, in particular, for the third world.

Now, in view of this situation, we would like to make an appeal to the hon. Members, Shri Jyotirmoy Bosu and Shri Samar Guha that they should not press for it.

There is an additional reason too which I would like to place before them. To-day, situated as we are, we may not have a full discussion on the no-confidence motion. We will have only a few hours at our disposal because, the Prime Minister is leaving early tonight. So, let them accept this appeal in the spirit in which it is conceived and let the motion be postponed to the next session.

This is an appeal to them. We have demonstrated the strength and support behind the motion. I think that almost all the leaders of the Opposition are also of this view. We earnestly appeal to them not to press for this motion.

MR. SPEAKER: Do you agree to this?

SHRI JOYTIRMOY BOSU: Shrimati Indira Gandhi and her Government, by adopting wrong policies and dishonest means have run the country into

MR SPEAKER No, speech, please

SHRI JYOTIRMOY BOSU Sir my colleague has mentioned my name and so I must be allowed to speak

Shrimati Indira Gandhi and her Government by adopting wrong policies and dishonest means, have run the country into a calamitous severest, economic and political crisis. But in deference to the appeal made by my colleague, I shall not press for the discussion of the Motion today

SHRI SAMAR GUHA (Contd): Sir when the common people of our country are being drowned into the severest crisis economic and political — we feel that instead of pursuing extrovertist, the Prime Minister should have concentrated her energy to deal with the internal domestic problems of our country. At this critical moment I find no reason why, when we are in the midst of having a dialogue with the Prime Minister in regard to evolving a solution to the this crisis Shrimati Indira Gandhi our Prime Minister should go to Algiers. As I said, by adopting series of wrong policies the country is facing a serious crisis today on all fronts—from the food front price front and every other front. When we are in the midst of a serious crisis the Prime Minister should not go to Algiers. However in deference to the wishes expressed jointly by my friends from the Opposition I do not want to press my no-confidence motion to-day and as my friend said, it may be deferred till the next session

श्री मधु लिमये (बाका) अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। मन्विधान जारी होने के बाद हम तरह की स्थिति पहले कभी नहीं उत्पन्न हुई थी। इस लिए मैं आप की व्यवस्था चाहता हूँ।

अध्यक्ष महोदय : नई नई स्थिति का पैदा हो रही है।

श्री मधु लिमये : आप ने इस को स्वीकार किया और पंचम से अधिक सदस्य खड़े हो गये। मैं यह जानना चाहता हूँ कि अब इस की स्थिति क्या है। मैं यह सांविधानिक सवाल उठा रहा हूँ।

अध्यक्ष महोदय : जितने सम्झन चाहिए वे खड़े हुए थे। इस में पहले वि मैं डिक्लेयर करूँ मूवमेंट ने—जिन्होंने यह माणन मूव करनी थी—मन्विधान की वि हम इस को प्रेश करनी चाहते हैं वापिस लाना चाहते हैं।

श्री मधु लिमये इसी लिए मैं यह सवाल उठा रहा हूँ।

MR SPEAKER As he is not pressing I hope he is taking it back with the pleasure of the House

HON MEMBERS Yes

MR SPEAKER Yes, he is taking back with the pleasure of the House

श्री मधु लिमये इस में मदन की खुशी का क्या स्वाद है। प्रश्नी तब पेश नहीं हुआ है।

अध्यक्ष महोदय उन्होंने मूव कर दिया है। जो आज भी वापिस नहीं आया। यह प्रेश-आफ दि हाउस में आया।

श्री मधु लिमये उन्हें पण ना करने दायित्व।

MR SPEAKER It is before the House He was asking for the leave of the House He is not pressing for it I hope that it is the pleasure of the House that he may withdraw it

HON MEMBERS Yes

SHRI PILOO MODY (Godhra) Let the pleasure of the House be ex-

pressed by the Congress Members standing up.

श्री मधु लिमये : सदन की खुशी का सवाल ही नहीं है। यह नियम के विपरीत है। वह पेस ही नहीं हुआ है।

MR. SPEAKER: He had moved it.

So, it is withdrawn by leave of the House.

The motion was, by leave, withdrawn

11.43 hrs.

DIRECT TAXES (AMENDMENT) BILL*

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): I beg to move for leave to introduce a Bill further to amend the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Gift-tax Act, 1958 and the Companies (Profits) Surtax Act, 1964 and to provide for certain related matters.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Income-tax Act, 1961, the Wealth-tax Act, 1957, the Gift-tax, 1958 and the Companies (Profits) Surtax Act, 1964 and to provide for certain related matters".

The motion was adopted

SHRI YESHWANTRAO CHAVAN: I introduce† the Bill.

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 3rd September, 1973.

†Introduced with the recommendation of the President.

11.44 hrs.

Re. FLOODS IN SOME STATES

अध्यक्ष महोदय : कुछ संसदों गुजरात के फ्लड्स के बारे में कल-परसों मेरे पास कुछ मोशन ले कर आये थे। मैंने उनको एडमिट नहीं किया। लेकिन मैं आप लोगों की इजाजत से गुजरात के तीन चार मेम्बरों को दो दो, तीन तीन मिनट इस बारे में कहने के लिए देना चाहता हूँ। मैं राजस्थान के मेम्बरों को भी मौका दे दूंगा। जो मेम्बर मेरे पास आये थे, मैंने उनको इजाजत दी है। लेकिन इसकेशन के लिए टाइम नहीं है।

श्री बलंत साठे (अकोला) : मैंने भी रूल 377 के मानदण्ड नोटिस दिया है कि एल०आई०मी० ने कई हजार स्क्वियर फीट जमीन ट्रेडर्स को प्रॉक्टिकली फ्री दे दी है। मुझे भी इजाजत दी जाये।

श्री मधु लिमये (बाबा) : अध्यक्ष महोदय, मैंने बाकायदा नोटिस दिया है।

अध्यक्ष महोदय : कोई मोशन नहीं आ सकेगा। जिन मठभ्या ने कहा है कि उनको दो दो, तीन तीन मिनट का मौका दिया जाये मैं उनका इजाजत दे दूंगा।

SHRI P. M MEHTA (Bhavnagar) : With your permission, I would make a submission on the Narmada floods....

अध्यक्ष महोदय : इस के लिए टाइम फिक्स कर दिया जायेगा। तब आप अपनी बात कह लें।

श्री मधु लिमये : अध्यक्ष महोदय, मेरे विशेषाधिकार के प्रश्न का क्या हुआ ?

अध्यक्ष महोदय : उम के बारे में मिनिस्टर साहब ने कहा है....

श्री मधु लिमये : आप मंत्री महोदय का जवाब पढ़िये। वह श्लतबदानी कर रहे हैं।

MR. SPEAKER: I will ask Minister when he comes back to read the statement himself.

श्री मधु लिमये : पहले मुझे प्रश्न करने कीजिये।

अध्यक्ष महोदय : जब वह आयेंगे।

Immediately after the passage of the Code of Criminal Procedure Bill, I will allow one hour for brief speeches for two or three minutes by members who are affected by the recent floods in Gujarat and Rajasthan to impress upon the Government the need for appropriate action.

श्री हुसैन चन्द कच्छवाय (मुरैना) : अध्यक्ष महोदय, मध्य प्रदेश के सदस्यों को भी मौका दिया जाये।

श्रीमती सहोदराबाई [राय (सागर) : अध्यक्ष महोदय, मध्य प्रदेश में भी बाढ़ आई है।

अध्यक्ष महोदय : यह बिल पास होने के बाद आप भी कह लीजिएगा।

11.48 hrs.

CODE OF CRIMINAL PROCEDURE
BILL.—contd.

CLAUSES—contd.

MR. SPEAKER: Further clause by clause consideration of the Bill to consolidate and amend the law relating to Criminal Procedure, as passed by Rajya Sabha.

This Bill must be disposed of within two hours. That is the commitment in this House. The House was devoting the whole of its time Saturday to this.

New Clause 485A

SHRI MADHU LIMAYE (Banks):
I beg to move.

Page 148, after line 4,—insert—

"485A. (1) When any person under the age of fifteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the State Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry or which is kept by a person willing to obey such rules as the State Government prescribes with regard to the discipline and training of persons confined therein.

(2) All persons confined under this section shall be subject to the rules so prescribed.

(3) This section shall not apply to any place in which the Reformatory Schools Act 1897, is for the time being in force". (261)

अध्यक्ष महोदय, मेरा यह संशोधन कोई नया संशोधन नहीं है। जो वर्तमान क्रिमिनल प्रोसीजर कोड है, उस की धारा को मंत्री महोदय ने नये बिल में काटने का निर्णय किया है। इस का कारण क्या है, यह मेरी समझ में नहीं आता। वर्तमान कोड की धारा में वह प्रावधान है कि यदि पंद्रह साल, या उस से कम उम्र के लड़कों की सजा हो जाती है, तो उन को जेल में रखने के बजाये रेफ्रेमेटरी में भेज दिया जाये। अब इस धारा को काट देने के बाद मैं मंत्री महोदय से जानना चाहता हू कि क्या उन को आप जेलों में भेज देंगे? जेलों में जो बस उम्र के लड़के होते हैं उन के साथ बड़ी ज़्यादती होती है। मंत्री महोदय जानते हैं, श्री स्वराज्य के पहले के जमाने में जो बाल बच्चों में यह

बुके हैं उन को यह मान्य है कि जेलों में जो बड़ी उम्र में खूबवार कैदी होते हैं उन के साथ यह तरह के अत्याचार करते हैं। ऐसी हालत में मैं यह मुनासिब नहीं समझता हू कि 15 साल से जिन की उम्र कम है उन को आप रिफार्मेटरी में भेजने के बजाय जेलों में भेजें। अगर मंत्री महोदय बतलाएंगे कि उन्होंने इस धारा को क्यों हटा दिया है तो मैं अपने संशोधन पर पुनर्विचार करूंगा। लेकिन अगर कोई कारण नहीं है और उन्होंने ठीक ढंग से इन के ऊपर नहीं सोचा है तो मेरा मुझाव है कि इस संशोधन को मानें और वर्तमान क्रिमिनल प्रोसीजर कोड की जो धारा है उस को नये बिल में भी समाविष्ट करें।

SHRI DINESH JOARDER (Malda).
I also support the amendment moved by Shri Madhu Limaye, on the ground that minors, women and other invalid persons, if they have been convicted of any offence, should not be sent to the prison as ordinary prisoners. We are also discussing this item in the Indian Penal Code Bill as regards juvenile offenders and other similar offenders, to the effect that they should not be in any case treated as veteran criminals and they should not be sent to the prison to be associated with those veteran prisoners who spoil their future lives. Even for a short period of detention, during the under-trial proceedings or during investigation, clause 437(1) says:

“Provided that the Court may direct that any person under the age of 18 years or any woman or any sick or infirm person, accused of such an offence be released on bail.”

So there is a provision for releasing this type of offenders on bail. Under any circumstances whenever they are brought to the court, they should be released on bail. So, even the fra-

miers of the Bill had the intention that this type of offenders should not be sent to the prison to be associated with the veteran criminals and spoil their lives. So, when there is such a provision which you have inserted in the Bill for releasing them on bail during under-trial or during investigation time, why should you not keep a specific provision also for not sending them to the prison to be associated with the veteran criminals? So, I support the amendment moved by Shri Madhu Limaye and I request that the amendment may be accepted.

श्री राम रतन शर्मा (बादा). अध्यक्ष महोदय, श्री मधु लिये के संशोधन का मैं स्वागत करता हूँ और उसका समर्थन करता हूँ। मंत्री महोदय ने मैं यह आग्रह करना चाहता हूँ कि यह सर्वमान्य सिद्धान्त है और पूरे क्रिमिनल ला का यह मंशा है कि अशुभियों को मुघारा जाय। खास तौर से जहाँ पर छोटे बच्चों का और औरतों का प्रश्न है वहाँ तो उनको उन क्रिमिनल्स के साथ न रखा जाय जो कि मुघारे नहीं जा सके। इसलिए मैं आग्रह करूंगा कि इसको अच्छी तरह से सोचे और इस मुघार को स्वीकार करने की इत्ना करे।

SHRI G. VISWANATHAN (Wandiwash): Sir, I support the amendment moved by Shri Madhu Limaye, in the sense that the ultimate purpose of punishing the people is not to make them worse criminals but to reform them in the sense that those who are below 16 years of age are to be moulded; on the other hand, if you send them to the prison along with the habitual criminals, their condition will become worse and they cannot be reformed at all. So, either they must be sent to the reformatories or the borstal schools. It is very unwise to send them to the prison which will make them only worse criminals. So, I think that the Government should accept the amendment moved by Shri Madhu Limaye.

SHRI R. V. BADE (Kharagone):
I want to support Mr. Limaye on

[Shri G. Viswanathan]

this point. The object is to reform an accused person, and not to punish him, so that his future will not be spoiled. Therefore, I do not know why the Joint Committee omitted the original section and why the hon. Minister had brought this Bill in this form. Since the object is reformatory and Mr. Madhu Limaye's amendment seeks to realise that objective, I support his amendment.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL SHRI RAM NIWAS MIRDHA: I agree with the hon. Members that children should not be sent to jail but should be treated in a special school. Shri Limaye's amendment takes us back to the old code where this clause found place which also provided. This section shall not apply to any place in which the Reformatory Schools Act, 1897, is for the time being in force. When the Code was framed they put in this clause so that this section would not be enforced in places where there are Reformatory Schools. Since the adoption of the Code, the Reformatory Schools Act and its improved variety the Children's Act were made applicable in such large areas that this section had become obsolete. Almost every State has enacted its own Children's Act. Kindly see clauses 360 and 361 of the Bill, in clause 360 you will find "When any person not under twenty-one years of age is convicted of an offence....." 15 years has been increased to 21 years in that clause. Another important change has been made in clause 361 where it says: "Where in any case the Court could have dealt with an accused person under section 360 or under the provisions of the Probation of Offenders Act, 1958, or.....but has not done so, it should record in its judgment the special reasons for not having done so." Our policy is that in cases coming under the Probation Offenders

Act or the Children Act, these Acts should be applied. If the Courts want to make an exception, it has to record the special reasons. This is an improvement in that sense.

SHRI MADHU LIMAYE: Make it mandatory; I have no objection.

SHRI RAM NIWAS MIRDHA: We thought about this. Unless we have the requisite number of reformatory schools and children's institutions where they could be sent, this could not be done. The State Governments have been requested on a number of occasions that they should make more and more use of these provisions and more reformatory schools should be opened and children should be treated in a special way. From that point of view this provision is an improvement on the amendment.

श्री मधु लिमये : अध्यक्ष महोदय, सब के लिए करें तो मुझे कोई एतराज नहीं है ।

अध्यक्ष महोदय, यह बच्चों का सवाल है, इस तरह से कैसे छोड़ा जा सकता है । अगर उनको मैनडेटररी करना है तो हमको कोई एतराज नहीं है ।

SHRI DINESH JOARDER: The minister says some States have adopted measures for juvenile offenders, but not all the States. So, why not make a provision in this Code so that it may be applicable to all the States?

SHRI RAM NIWAS MIRDHA: I have pointed out the practical and administrative difficulties. Unless it is implemented in the right spirit, what is the use of making such a provision?

MR. SPEAKER: I will now put amendment No. 261 to the House.

Amendment No. 261 was put and negatived

Clause 436—(In what Cases bail to be taken.)

SHRI DINESH JOARDER: I beg to move:

Page 148, line 7, for a "non-bailable" substitute "an" (187)

Page 148, line 7, for "a non-bail-without warrant" (188)

Clause 436 is the beginning clause of chapter XXXIII containing provisions as to bail and bonds. Clause 436 states that bail should be granted only to those persons who have been arrested or brought before a court other than persons accused of a non-bailable offence and arrested without warrant. That means, if a person is arrested for an offence which is non-bailable and is detained without a warrant, in that case there is no discretion for giving him bail. I want that the words "non-bailable" and "detained without warrant" should be omitted so that the discretionary power of the court to grant bail should be applicable to all categories of accused persons. The second proviso to this clause states:

"Provided further that nothing in this section shall be deemed to affect the provisions of sub-section (3) of section 116"

Section 116 provides for the proceedings to be adopted in cases where a bond is to be executed for maintaining peace and law and order, If the enquiry is pending, there is the discretionary power of the court for releasing him on personal bond or a bond to be executed by his sureties, By this second proviso you have taken away that discretionary power of the court,

In that case, as the cases mentioned in sub-clause (3) of clause 116, during the pendency of an inquiry for submitting or for executing a personal bond or security for main-

taining peace and order, in those cases you have taken away the discretionary power of the court. So, I would request that this clause should be amended as I have suggested so that the discretionary power of granting bail may be given to the court, irrespectively of any class of offences or the circumstances under which the offenders have been brought to the court. I would request the Minister to accept my amendments

श्री राम रतन शर्मा (बांदा) : अध्यक्ष महोदय, मैं इस अमेंडमेंट के बारे में जो श्री जोआरदार ने प्रस्तुत किया है दो शब्द कहना चाहूंगा। 116 क्लॉज, सब क्लॉज 2 के बारे में आपने जो कहा है, वह बहुत सही बात है। इलाहाबाद हाई कोर्ट की बात मुझे मालूम है इलाहाबाद हाईकोर्ट की रूलिंग है कि 107, 117 और 151 जाब्ता फौजदारी में जिनको लाते हैं, उनके लिये बेल का प्रोवीजन लागू नहीं होता है, उसको ठीक करने के लिये आपने 116(3) में आपोजीशन पार्टीज को जो बेल का प्रावीजन दिया है, वह अच्छी बात है, क्योंकि वह एक्यूज्ड परसन नहीं है, उन्होंने कोई आफेंस कमिट नहीं किया है। परन्तु प्रस्तुत मुधार के संबंध में उक्त बात लागू नहीं है। आप उत्तर में कहेंगे कि—

"or appears or has brought before a court"

मे वारन्ट की बात कबर हो जाती है। लेकिन मेरा आग्रह यह है कि यह मंक्शन हैपिलीबर्डेड नहीं है। इसलिये जहां वारन्ट की बात आई है, वहां पर यह आजाये with or without warrant—

तो बात बिल्कुल साफ हो जाएगी ।

SHRI B. R. SHUKLA (Bahraich): There appears to be some confusion regarding the provisions of this section. If a person is arrested in pursuance of a warrant, there in the warrant itself it is written whether a person would be released on bail or not. Therefore, the suggestion becomes superfluous. So far as the suggestion of Shri Joarder that the discretion to allow bail to all persons irrespective of the offence should be given to the courts is concerned, my submission is that it would go to the very root of the matter because there are certain offences which have been designated as bailable while there are certain other offences which have been designated as non-bailable. The power to refuse bail is vested with the judiciary in those cases where the offences are punishable with life imprisonment. As far as section 116 is concerned, the power is not taken away. Under section Cr. PC a person is required to furnish bail only for maintaining peace and good behaviour during the pendency of the inquiry. In default of the execution of the surety bond he has to be sent to the lock up, not otherwise. Therefore, the provisions are perfectly reasonable and they are in consonance with the previous position of law as it was obtaining in the country for the last more than half a century.

SHRI K. NARAYANA RAO (Bobbili): The mere fact that this particular provision has been there for the past fifty years is no answer for retaining it. There is an apparent anomaly between this position and the position we have taken earlier. Under the new provision the period of detention cannot exceed 60 days if he wants to extend it further he has to give the reasons. That is the position taken by the Code. What is the purpose of arresting and detaining a person? The purpose is that he should not be allowed to obstruct the enquiry. Once the charge-sheet has been submitted in a court of law, what is the necessity of detaining a

person? Where is the need for non-bailable offences? The very distinction between bailable and non-bailable offences seems to me an anomalous one. Even though it is a murder case, till it is proved, he is presumed to be innocent. Why should he be kept in detention? It is virtually a detention and imprisonment of a person without trial. Therefore, this is a matter which requires serious consideration by the Government. I know cases where the people have been detained for nothing. Sometimes, it happens that a person may be found innocent and may be acquitted. So, this distinction between bailable and non-bailable offences should be taken away. Once an investigation is completed, the person should be allowed at large and, after he is convicted, he will take the punishment under the law.

SHRI RAM NIWAS MIRDHA: Sir, the amendments suggested by Shri Dinesh Joarder, if accepted, will completely obliterate the distinction between bailable and non-bailable offences. Bailable and non-bailable offences have been listed according to the severity. There are some very serious crimes against individuals and society in which bail cannot and should not be given automatically. This is a very healthy distinction, based not only on past practice but also keeping in view the interests of society as a whole. Distinction between bailable and non-bailable offences must be maintained.

In this Bill, we have tried to liberalise bail provisions. We have provided for anticipatory bail. In certain cases, we have said that people could be let off on bail if the investigation is taking too long a time. We have tried to liberalise the provisions so far as bail is concerned. But the basic distinction between bailable and non-bailable has to remain. The courts have interpreted bail provision liberally. I think, that will serve the ends of justice.

MR. SPEAKER: Now, I put Amendment Nos. 187 and 188 to the vote of the House.

Amendments Nos. 187 and 188 were put and negatived.

MR. SPEAKER : The question is :

"That Clause 436 stand part of the Bill".

The motion was adopted.

Clause 436 was added to the Bill

Clause 437—(When bail may be taken in case of non-bailable offence).

SHRI DINESH JOARDER: I beg to move :

Page 148,—

for lines 28 to 30, substitute—

"Court, he shall be released on bail, if he is prepared to give such bail, unless the Court is of opinion that the same shall be refused in order to secure his attendance at the trial :

Provided that in all cases where bail is refused the reasons for such refusal shall be recorded in writing ;" (144)

Page 148, line 31,—

after "Provided" insert "further" (145)

Page 148, line 28,—

for "may" substitute "shall" (246)

Page 148, line 28,—

omit ", but he shall not be so released if there" (247)

Page 148,—

omit lines 29 to 33, (248)

Page 148, line 34,—

for "Provided further that" substitute "and" (249)

Page 148, line 36,—

omit "if he it otherwise entitled" (250)

Page 148,—

omit lines 37 and 38. (251)

Page 148, line 40,—

omit "that there are not reasonable" (252)

Page 148, lines 41 and 42—

omit "grounds for believing that the accused has committed a non-bailable offence, but" (253)

Page 149,—

omit lines 3 to 20. (254)

Page 149, line 23,—

for "sixty" substitute "ten." (255)

Page 149, line 24,—

for "during the whole of the said period"

substitute—

"for any time or reason whatsoever" (256)

Page 149, line 25,—

omit "unless for reasons" (257)

Page 149,—

omit line 26. (258)

श्री मधु सिन्धु : अध्यक्ष महोदय, मैं एक गुजारिश करना चाहता हूँ। उग द्वारा के क्लॉक के बारे में हम लोगों को सख्त एनराज है और इसमें काफ़ी सुधार की गुंजाइश है। लेकिन कभी बात करने का मौका ही

[श्री मधु लिमये]

नहीं मिला। क्या मैं आपसे चिन्तित कर सकता हूँ कि कुछ समय के लिए जैसे 76 धारा के बारे में किया और उसका रास्ता भी निकला उसी तरह से इसको भी विद्‌होल्ड किया जाये और इस बीच में हम लोग बात कर लेंगे।

श्री राम निवास मिर्धा : दो घंटे रह गए हैं, अगर आप समझते हैं कि इस बीच में बात हो सकती है तो बातचीत के लिए हम हमेशा तैयार हैं।

श्री मधु लिमये : दो घंटे बहुत होते हैं सुबह के लिए। अभी पांच मिनट में बात करते हैं।

SHRI DINESH JOARDER: Day before yesterday, on Saturday last, we adopted one amended clause 167.

Amendment No. 280 was moved by Shri B. R. Shukla; that was accepted by the Minister and was passed in the House. That amended provision of Clause 167 is totally contradictory to the provisions of Clause 437....

MR. SPEAKER: I pass on to the next Clause. You discuss this with them meanwhile.

कितना समय आप चाहते हैं ?

श्री मधु लिमये : एक घण्टा। यह कोई ऐसा बिल है कि बड़ी देरकर ही पास किया जाये ?

अध्यक्ष महोदय : बड़ी कहां तक आपका आग्रह देगी। आपने कितना समय पहले लिया, फिर सैटबैठों को समय लिया और फिर हाउस ने फैसला किया कि दो घंटे में आज हो जायेगा तो यह भी क्या बड़ी का कसूर है।

SHRI DINESH JOARDER : It should be taken up later.

MR. SPEAKER: Yes, it will be taken up later.

आज लंच आवर रख देंगे उसमें जो भी बात आपने करनी है वह कर लें, पीछे की भी बात और आगे की भी बात। बैसे लंच आवर रखना तो नहीं चाहिए लेकिन रख देते हैं।

Clause 438—(Direction for grant of bail to person apprehending arrest)

MR. SPEAKER: Now we take up Clause 438.

SHRI RAM NIWAS MIRDHA : I move :

Page 149, line 43, for "an officer of the police", substitute: "a police officer". (83)

श्री राम रत्न शर्मा : अध्यक्ष महोदय, मेरा ओरल प्रमेण्डमेंट है। मैं बहुत थोड़ा टाइम लूंगा।

यह जो 438 क्लॉज है, मन्त्री जी ने इस बिल में एक नयी चीज समझ कर रखा है लेकिन मेरे विचार से गरीबों के लिए यह हितकर नहीं होगा। इससे उनको कोई फायदा होने वाला नहीं है। इसमें जितने भी ब्लैकमार्केटियर्स हैं, होर्बर्स हैं या बड़े आफेंस कमिट करने वाले जो बड़े आदमी हैं, जो पैसे वाले हैं वे एन्टीसिपेटरी बेल ले लेंगे और जिस आशय से आपने इसको रखा है कि गरीब आदमियों को कुछ फायदा होगा वह होने वाला नहीं है। ऐसी स्थिति में मंत्री महोदय से मेरा आग्रह है कि इस क्लॉज को आप आम्बुवेयर हटा दें।

SHRI RAM NIWAS MIRDHA: The problem was very seriously discussed in the Law Commission as well as in the Joint Committee. Even now certain High Courts have permitted some sort of anticipatory bail.

Therefore, it was thought necessary that some such provision would be necessary. But we have laid down certain conditions and safeguards so that this provision is not abused by persons. For example, if you see sub-clause (2), there it is laid down :

"When the High Court or the Court of Session make a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including—

(1) a condition that the person shall make himself available for interrogation by an officer of the police as and when required; ."

Then, there are other conditions also. So, I think this clause along with these conditions is quite satisfactory.

MR. SPEAKER : Now, the question is :

Page 149, line 43, for "an officer of the police", substitute "a police officer". (83)

The motion was adopted

MR. SPEAKER : Now, the question is :

"That clause 438, as amended, stand part of the Bill"

The motion was adopted.

Clause 438, as amended, was added to the Bill.

Clauses 439 to 456 were added to the Bill.

Clause 457—(Procedure by police upon seizure of property.)

SHRI RAM NIWAS MIRDHA : I move :

Page 155, line 19, for "appear", substitute:

"to appear". (84)

श्री मधु लिमये : अध्यक्ष महोदय, आप इतने धीमे चले गये ? केवल तरमीम नहीं है इसलिये क्या एकदम से बोट हो जायेंगे ?

अध्यक्ष महोदय : आप कहा थे ?

श्री मधु लिमये : मैं तो यही बँटा हूँ, आप ने 439 से 456 क्लॉज तक पाम कर दिया ।

अध्यक्ष महोदय : आप जग चौकन्ने रूहा कीजिये । मैंने खास तौर से पूछा था ।

श्री मधु लिमये : मैंने सुना ही नहीं ।

अध्यक्ष महोदय : आप वानें जरा कम कीजिये ।

श्री मधु लिमये : एभा कंमे हो सकना है ? यह सी० आर० पी० सी० है । ऐसा नहीं है कि इसमें हमको किस चीज पर आशेप, आब्जेक्शन नहीं है । इसलिये आप इकट्ठा बोट मत लीजिये ।

MR. SPEAKER : What is all this ? I have put them before the House. You were not getting up.

SHRI MADHU LIMAYE : I was under the impression that it was clause 439.

MR. SPEAKER : Now, I will put amendment No. 84 to the vote of the House.

श्री आर० पी० बड़े : मेरा कहना यह है कि जब यह ज्वॉयेंट कमेटी में था उस समय जो सुझाव रखे गये उस पर तो मंत्री महोदय ने आब्जेक्शन नहीं किया, लेकिन पार्लियामेंट में और वॉलें कह रहे हैं, और अमेंडमेंट दे रहे हैं ।

अध्यक्ष महोदय : आप भी दे रहे हैं, वह भी दे रहे हैं । यह तो उनका हक है ।

MR. SPEAKER : Now, the question is:

Page 155, line 16, for "appear", substitute "to appear". (84)

The motion was adopted.

MR. SPEAKER : Now, the question is :

"That clause 457, as amended, stand part of the Bill."

The motion was adopted

Clause 457, as amended, was added to the Bill.

Clauses 458 to 467 were added to the Bill.

Clause 468—(Bar to taking Cognizance after lapse of the period of limitation.)

MR. SPEAKER: There are two amendments, Shri Joarder.

SHRI DINESH JOARDER: I beg to move :

Page 158—

for lines 2 and 3, substitute

"Court shall take cognizance, in any case, after the expiry of the reasonable period of time within which the complaint could have been brought to the court unless otherwise debarred due to circumstances beyond the control of the complainant or the police officer, as the case may be." (229)

Page 158—

Omit lines 4 to 9. (230)

Sir, this is regarding period of limitation. This is about certain offences to be taken cognizance of by the courts. It says:

Except as otherwise provided elsewhere in this Code, no Court

shall take cognizance of an offence of the category specified in sub-section 2 after the expiry of the period of limitation.

The period of limitation shall be—

(a) 6 months if the offence is punishable with fine only ;

(b) 1 year if the offence is punishable with imprisonment for a term not exceeding 1 year.

(c) 3 years if the offence is punishable with imprisonment for a term exceeding 1 year but not exceeding 3 years.

Now, Sir, we have already discussed in the past when we were discussing certain earlier clauses.

SHRI MADHU LIMAYE: You may please put every clause separately.

यह क्रिमिनल ला है, व्यक्ति स्वतंत्रता का मामला है। मैं जनरल बात कह रहा हूँ कि आप हर क्लॉज को अलग अलग रखिये।

अध्यक्ष महोदय मैं ने आप से पूछा था, आप कुछ बोलने ही नहीं।

श्री मधु लिमये कोई कोई क्लॉज कहता है, कोई कोई क्लॉज कहता है, इस महबब से सुनने में नहीं आता।

MR. SPEAKER: Please do not interrupt the hon. Member.

श्री मधु लिमये : यह क्रिमिनल प्रोसीजर कोड है यह एक बुनियादी कानून फंडामेंटल प्रोविजर की बात है।

SHRI DINESH JOARDER: These provisions of the Criminal Procedure Code were made by the British Government to suit their purposes. That is why we fought against it. We fought against these very oppressive measures. I think we should be given

sufficient time and opportunity to discuss the different clauses. While discussing the earlier clauses we have expressed our resentment over delays of the proceedings and delays of the investigations. If such delay takes place what is the fate of the accused persons? The police officer, at a convenient time of the period of 3 years, refers it to the court. The court has to take cognizance of that. The trial begins. You have not also specified anything as regards the completion of the investigation.

So, there is no timelimit excepting for the summons cases where there is provision for completion of the enquiry and investigation within the period of six months. These delaying tactics of the police officers will lead the accused persons to a very dangerous position.

I, therefore, object to this provision that the courts shall take cognizance of offences within a period of three years and then the Courts will start the trial and then the trial will go on. How long will it go on? That has not been specifically provided except in the cases of summons procedure. In these cases, for a longer period, the accused person will be kept on hanging. This is a very dangerous clause. I want this three year's provision and one year provision to be omitted and in that case, a shorter period should be there for the purpose of limitation. Generally what we find is this. I may mention that some incidents took place when West Bengal Government was led by the 'leftist party' And big capitalists instituted certain cases against the peasant workers and the labour workers. At that time, the police officers did not dare to go to the court. Now they have come up to the Central Government when these cases are three or four years old. Why are they sending those cases after three or four years? The accused person is being sent to the jail and he is under detention. What will happen to the witnesses? After three years, what

will they remember? How will you conduct the cases in the courts? The witnesses shall have no memory after the lapse of three or four years. Even after the lapse of one or two years, how can you ensure a fair justice being administered to the accused person? You will have to limit the period of limitation to a certain short period and that should be for two or three months. I have moved my amendment and I am strongly opposed to this period of three or four years. I would request the Minister that the clause should be suitably amended and the courts shall take cognizance within a period of two months—the maximum period must be sixty days. In other provisions you have kept the period of sixty days. That is in regard to releasing a person on bail or completion of investigation of cases and in case of summons cases. Similarly, in this case also, the period of limitation for taking cognizance of the offences by the court should be not less than sixty days. I have moved this amendment and I request the hon. Minister to say something on this.

श्री राव रतन शर्मा : यह प्राप्त्र्य की बात है कि लिमिटेशन का प्रोविजन रखा गया है। यह समय में जाने वाली बात नहीं है। हर एक प्रादमी की रक्षा करना राज्य सरकार और केन्द्रीय सरकार का कर्तव्य है। अगर एक व्यक्ति दूसरे के खिलाफ आफेन कमिट करता है तो आफेन्डर को प्रासीक्यूट करना और हमने को न्याय दिखाना सरकार का काम है। यह जुरिसप्रुडेंस की बात है। किसी इडिबिजुथल की जिम्मेदारी नहीं है। आपने यहां तीन साल रख दिया है। मजार्गे ट्रांसपीटेशन फार लाइफ और डैच पैनलटी भी होती है। तीन साल की सजा तक भी आफेन्स कामनिजेबल और नाल बेसेबल होता है। उस में पुनिम इनवेस्टीगेट करती है और ऐसा करने में उसको

[श्री राम रतन शर्मा]

तीन तीन और चार चार साल लग जाते हैं माइनर नेचर के अफेंस जो होते हैं और थॉफ्ट के अन्तर्गत आते हैं इन में इन्वेस्टीगेट करने में ही तीन चार साल तक लग जाते हैं। कभी-कभी पुलिस आफेंडर से मिल जाती है और झुठी केस डेरीज भी लिखती है। फिर दरखास्त होती है और कभी-कभी सी० आई० डी० का इन्वेस्टीगेशन भी होता है सी० आई० डी० जांच करना शुरू कर दे और लिमिटेशन निकल जाए तो उसका इसमें क्या सेफगार्ड है ? छः महीने या तीन साल का लिमिटेशन जो भी आप ने रखा है उससे अगर एक दिन भी ज्यादा हो जाएगा तो टेक्नीकल डिफिकल्टी पैदा हो जायेगी सी० आर० पी० सी० का मंशा यह है कि क्रिमिनल को हर हालत में सजा दिलाई जाए। आफेंस करने वाले किसी भी आदमी के दिल में यह भावना नहीं आने देनी चाहिये कि जो लिमिटेशन प्रेसक्राइब्ड है उसको उसने पार कर लिया है और अब वह शान्ति से बैठ सकता है। आफेंस एक पाप है और पापी को कभी भी मानसिक शान्ति नहीं मिलनी चाहिये। इस सब पर सोच विचार करने के बाद मैं यही आग्रह करता हूँ कि आप लिमिटेशन के प्राविजन को मूलतः समाप्त कर दें।

SHRI G. VISWANATHAN: The cognisance of the power of the court extending for three years. I think, is a little too much on the high side. As was argued by my hon. friend Shri Joarder, after all, the police has to produce witnesses, and even if the period is six months or one year, it is too late for them to remember what happened at that time. If it is three years, then definitely it will only be tutored evidence by the police and they cannot say whatever

they saw, because they would have forgotten everything. I think the hon. Minister should consider the question of bringing down the limitation period from three years, and it will be wiser to keep it at one year or even less than that.

SHRI RAM NIWAS MIRDHA: At present, there is no limitation period provided in the Criminal Procedure Code, of the type that we have incorporated in this clause. This clause has been drafted in pursuance of the recommendations of the Law Commission and brings in a new element. One hon. Member said that the offender should always suffer and he should not be allowed to go scot-free or feel that he can break the law. On the other hand, Shri Joarder said that this limitation period was too much. What we are trying to do is this. There are certain types of cases of the nature that I mentioned earlier, which could not be kept hanging indefinitely like a Damocles' sword on the person concerned. It was with that and in view that we have made a beginning to impose limitations in criminal cases; and we have provided at the same time another safeguard in clause 473 which would answer the fears of Shri Sharma, which says:

"Notwithstanding anything contained in the foregoing provisions of this Chapter, any court may take cognizance of an offence after expiry of the period of limitation if it is satisfied on the facts and in the circumstances of the case that the delay has been properly explained and that it is necessary so to do in the interests of justice."

SHRI DINESH JOARDER : That is more dangerous.

SHRI RAM NIWAS MIRDHA : These two taken together would give the complete picture, and I hope that Shri Joarder would at least admit it as some beginning in the right direction, and if he does so, I shall be more than satisfied.

MR. SPEAKER : I shall now put amendments No. 229 and 230 to vote.

Amendments Nos. 229 and 230 were put and negatived.

MR. SPEAKER: The question is :

“That clause 468 stand part of the Bill”.

The motion was adopted.

Clause 468 was added to the Bill.

Clause 469 to 472 were added to the Bill.

Clause 473—(Extension of period of limitation in certain cases.)

SHRI DINESH JOARDER : I beg to move :

Page 150, line 27, for ‘of the period of limitation’, substitute ‘of the reasonable period of time as prescribed in section 468.’ (231)

Just now, the hon. Minister has referred to clause 473 in relation to the provisions of clause 468. We have already expressed our discontentment about the provisions of clause 468 which provides a limitation period of 3 years if the offence is punishable with imprisonment for a term exceeding one year. At least to have a fair trial in genuine cases, the period of completion of the trial as well as taking cognizance thereof, that is of any offence, should be as short as possible.

Generally, we have experience in the criminal courts that witnesses produced after two or three years or even after one year of the commission of a crime cannot remember it or identify the persons or the names of the accused. They do not remember what actually happened. Generally the police officers and the public prosecutor tutor the witnesses and ask them to depose in the court whatever the police officers tutor them. This way trial is going on in almost all criminal courts. Actually most of the people in the rural areas

are illiterate and have no idea of dates or calendars or time. They have no means of livelihood and they are very much tempted if a certain remuneration is offered in return for such deposition. By this malpractice witnesses can be purchased. If an unlimited period of three years or more or even three years is provided, the class of witnesses who generally appear in the courts will not be able to depose concerning the truth of what took place at the time of the commission of the offence. As a matter of principle, we opposed the period of limitation under cl. 468. Again under cl. 473, you give the court the discretionary power to take cognizance of such offences even after the expiry of three years. That means if the police officer sends a report or requests the court or submits any reason of his own, the court may take cognizance of the offence even after 3 years. There is no limit to the discretionary power to be applied by the court. This is a very dangerous clause provided. I vehemently oppose it and request the Minister to omit it altogether.

श्री राम रतन शर्मा : अध्यक्ष महोदय, मैं श्री जोरदार के संशोधन का अनुमोदन तो नहीं कर रहा हूँ, लेकिन मैं कहना चाहता हूँ कि मंत्री महोदय ने धारा 468 के द्वारा जो लिमिटेशन लगाया है, उस को धारा 473 के द्वारा खत्म कर दिया है। हम तो चाहते हैं कि क्रिमिनल ला में कोई लिमिटेशन न रहे और इन्वेस्टीगेशन के बाद फौरन ट्रायल हो जाये। लेकिन मंत्री महोदय ने धारा 468 में लिमिटेशन रख दिया है और धारा 473 में उस को समाप्त कर दिया है। हम समझते थे कि कानून में शब्दों का जो खिलवाड़ चला आ रहा है वह कम होगा, लेकिन मंत्री महोदय ने उस को बढ़ा दिया है उन्होंने इस को लाइजर्ज पैराडाइज बना दिया है मंत्री महोदय को इन दोनों क्लॉजिज को हटा देना चाहिये। वह

[श्री राम निवास शर्मा]

इतने बड़े कोड में दो दफायें क्यों बढ़ा रहे हैं अगर उस में ये दो दफायें बट जाती, तो लोगों को कुछ राहत मिलती।

श्री मधु सिन्घे : अध्यक्ष महोदय, मैं देख रहा हूँ कि इस विधेयक में एक हाथ में जो नये अधिकार दिये गये हैं, घाने चल कर दूसरे हाथ से उन को छीनने का इन्तजाम किया गया है। मैं हर एक प्रावधान के बारे में यह प्रवृत्ति देख रहा हूँ। मैं मंत्री महोदय से प्रार्थना करना चाहता हूँ कि वह क्लॉज 473 को वापस ले ले। अगर क्लॉज 473 नहीं रहेगी तो कोई धासमान नहीं टूटने वाला है।

SHRI RAM NIWAS MIRDHA: As I said earlier, the idea of limitation in the Code is put in for the first time. We have made a beginning in a certain limited way; clause 468 and cl. 473 are complementary and if for any reason, the court feels that the period of limitation should not strictly apply, it has been given the power to relax it in the light of the circumstances of the case. So, there is nothing wrong in this. We are introducing a new idea, (Interruptions) Either we believe that the system of limitation is correct or we do not. If we do, this should be welcomed. But since we are doing it for the first time, certain safeguards have been provided in clause 473 which make it complementary with clause 468.

SHRI R. R. SHARMA: Where have you borrowed this idea from?

SHRI RAM NIWAS MIRDHA: The Law Commission has recommended it.

MR. SPEAKER: Now ideas are always brought in. Now, I shall put amendment No. 231 to the vote.

Amendment No. 231 was put and negatived

MR. SPEAKER: The question is:

"That clause 473 stand part of the Bill"

The motion was adopted.

Clause 478 was added to the Bill.

Clauses 474 to 476 were then added to the Bill.

Clause 477—(Power to make rules in respect of petition writers.)

Amendment made:

Page 160, in the marginal heading, omit "in respect of petition writers". (85)

(Shri Ram Niwas Mirdha)

MR. SPEAKER: The question is:

"That clause 477, as amended, stand part of the Bill"

The motion was adopted.

Clause 477, as amended, was added to the Bill

Clause 478—(Construction of reference to Magistrates)

SHRI RAM NIWAS MIRDHA: I move.

Page 161, for the existing marginal heading, substitute:

"Power to alter functions allocated to Judicial and Executive magistrates in certain cases". (86)

श्री मधु सिन्घे : अध्यक्ष महोदय, इस क्लॉज में जो पॉवर गेवें देते प्रौर दूसरे हाथ में छीनने वाला बाप को जा रहा है। मैं चाहता हूँ कि मदन डी. तरह में देखें कि हम क्या पाम करने जा रहे हैं। यह क्लॉज इस प्रकार है—

"If the State Legislature by a resolution so requires, the State Government may, after consultation with the High Court, by notification, direct that—

(a) references in sections 108, 109 and 110 to a Judicial Magistrate of

the first class shall be constructed as references to an Executive Magistrate;

(b) references in sections 145 and 147 to an Executive Magistrate shall be construed as references to a Judicial Magistrate of the first class."

सब-क्लाज (बी) के बारे में किसी को शिकायत नहीं है। जहां तक (ए) का संबंध है, हम यह सुनते सुनते ऊब गये हैं—चार पांच सालों से मैं यह बहस सुन रहा हूँ—कि मौलिक अधिकारों और निर्देशक सिद्धान्तों में टकराव है। यही है न इस सरकार की दलील? लेकिन दफा 50 क्या है? उस में बिल्कुल स्पष्ट तौर पर कहा गया है कि कार्यपालिका और न्यायापालिका का अलगवाव होगा। वह निर्देशक सिद्धान्त इस प्रकार है:

"The State shall take steps to separate the judiciary from the executive in the public services of the State."

हम तो क्लाज 108, 109 और 110 के खिलाफ ही हैं। लेकिन श्री महोदय द्वारा कहा गया कि हमने कार्यकारी मैजिस्ट्रेटों के अधिकारों को छीन लिया है। अब यह जो जुडिशियल मैजिस्ट्रेट हैं ये सब करोगे। अधिकारों का दुरुपयोग नहीं होगा और हम लिये गले के नीचे उतारने का इन्होंने प्रयास किया। लेकिन धन में 478 में क्या ले कर आ रहे हैं? मैं मंत्री महोदय से पूछना चाहता हूँ कि क्या उन को कोई नैतिक, कानूनी या मर्यादात्मक अधिकार है। कि जिस से निर्देशक सिद्धान्त संख्या 50 के विपरीत वह काम करने की छूट दे दे? मैं इसका कोई विरोध करता हूँ। खास कर 110 में कोई अंतराध नहीं, जर्म नहीं,

कोई सन्देह नहीं, कोई शक नहीं, केवल वह हेबिचुअल आफेंडर है इस के लिये वह लोग जमानत, वान्ड वगैरह की कार्यवाही करवा सकते हैं। मैं जानना चाहता हूँ कि जुडिशियल मैजिस्ट्रेट तो कम-से-कम निपलस ब्रग में सोचेंगा लेकिन कार्य पालिका के जो मैजिस्ट्रेट हे उन का यदि अधिकार आप देगे तो इन लोगों के साथ बहुत बड़ा अन्याय होगा। मैं सिद्धान्त. इस का विरोधी हूँ।

50 धारा के तहत कोई काम ऐसा नहीं होना चाहिये। मेरी सभी लोगों से प्रार्थना है और कांग्रेसियों से भी कि निर्देशक सिद्धान्त के हक में बह बंले। इस लिये (ए) को तो आप कटवा दीजिये? (बी) ठीक है, उसको रक्षिये।

SHRI B. R. SHUKLA: It is no doubt true that by the constitutional provision we are committed to separation of judiciary from the executive but unfortunately the administration of criminal justice is a State subject and any law passed by this parliament would be subject to any law passed by the State Legislature.

श्री नरु निमये: यह क्या जान कह रहे हैं? कौन सा सिद्धान्त प्रतिगदत कर रहे हैं।

श्री ब.० शुकल: आप लडिये नहीं, कांस्टिट्यूशन को देखिये।

If there is any law affecting the administration of criminal Justice which is not in consonance but in conflict with the State law, the State law shall prevail. The creation of courts is an exclusive subject of the State list. Even if this Parliament were to pass a law that only judicial magistrates should enquire into certain types of offences, and if the State legislature passes a law contrary to that, the State law shall prevail over the law passed here.... (Interrup-

[Shri B. R. Shukla]

tions) I would be enlightened if there are any constitutional provisions to the contrary. In the Joint Committee the Government view was that State Government should be empowered to confer power by notification, on executive magistrate. As a via media it was felt that where the State Government wanted to invest the executive magistrate with power, it would have to do so after the concurrence of the State legislature and this concurrence would not depend upon the sweet will or caprice of the Government of the day. No State legislature I am sure, would go against the public opinion which has found expression in the insertion of this power which Parliament is going to delegate.

श्री रामरत्न शर्मा मैं श्री मधु लियये के इस प्रस्ताव का अनुमोदन करना हूँ कि सेक्शन 108, 109 और 110 में एग्जीक्यूटिव मैजिस्ट्रेट को पावर्म न दे कर के जूडिशियल मैजिस्ट्रेट को ही रखा जाये इस का कारण है कि 109 और 110 के अन्तर्गत कम-से-कम उतर प्रदेश में हर थाने के लिये कोटा फिक्स्ड है और प्रति थाने में निश्चित सख्या में 109 व 110 के मामले लाने पड़ते हैं। हर महीने मीटिंग होती है जिस में डिस्ट्रिक्ट मैजिस्ट्रेट प्रेसाइड करता है, उसमें एस० पी०, पी०पी० और थाने के दारोगा तथा एग्जीक्यूटिव मैजिस्ट्रेट सब रहते हैं। अगर किसी बात में कटौत होती है तो उस के उपर वह डिस्कस करने हैं। किस थाने से उपरोक्त कितने मामले आये और कितने सजा हुये इस बात पर भी विचार होता है। थानेदारों से जबाब तलब होता है कि तुमने थाने में कुछ नहीं किया वह कहते हैं कि मैजिस्ट्रेट ने इतने छोड़ दिए तो मेरा कहना है कि अगर आप न्याय करना चाहते हैं तो

कम से कम जिनमें व्यक्ति स्वार्थक्य का प्रश्न है उन में जूडिशियल मैजिस्ट्रेट को ही दाई करने दीजिए और स्टेट्स को डायरेक्शन दे दीजिए कि वह कुछ नहीं बोवेंगे यह कंट्रोवर्सी लीगला राही हो सकती है जो शुक्ला जी बोल रहे हैं लेकिन जहाँ पर विल आफ दि रिपुल का प्रश्न है और लिबर्टी का प्रश्न है उनमें एग्जीक्यूटिव मैजिस्ट्रेट को यह पावर न दी जाये।

SHRI DINESH JOARDER: After the policy of separation of the judiciary from the executive at the magisterial level, the executive magistrates have very little time to dispose of quasi or semi judicial proceedings That is accepted by everybody The executive magistrates are overburdened with executive matters In fact, they do not sit in the courts for disposing of matters under sections 108, 109 or 110 Actually we find it very difficult to get in touch with them for giving any relief to the persons who have been charged under these sections Therefore, I agree with the suggestions made by Mr Limaye and submit that only judicial magistrates should be there and not executive magistrates.

SHRI G VISWANATHAN: Sir, I rise to oppose sub-clause (a) of this clause Even the member who supported this, Mr. Shukla, agreed with the view that the judiciary should be separated from the executive But he said that some States could not bring about this separation and so, we have to accommodate them If the Government is of the opinion that there should be complete separation of the judiciary from the executive, it should be the endeavour of Parliament to compel the States to make provision for this separation. In most of the southern States, they have been separated completely. I think tahsildars, who are otherwise called executive magistrates, are overburdened with revenue work and most of them do not have the legal know-

Judges also to deal with these cases. So, I submit that sub-clause (a) should be omitted.

SHRI SOMNATH CHATTERJEE (Burdwan): One of the Directive Principles of the Constitution is that there should be separation of the judiciary from the executive. The previous code was enacted in 1898, 75 years after that and 28 years after the attainment of independence, at a time when Directive Principles are getting important theoretically at least, should Parliament pass a legislation which goes contrary to the Directive Principles? Secondly, should Parliament make a provision that the law enacted by Parliament could be overridden by a State Government by a notification?

That should not be there. Only in respect of certain provisions this over-riding power is conferred on the State Government, i.e., with regard to the security proceedings which have always been condemned by everybody as one of the most pernicious and obnoxious provisions which have found a place in our criminal jurisprudence. So, we would say that sub-clause (a) of section 478 should not be pressed and it should not find a place in our law.

13 hrs.

श्री आर० बी० बड़े : अध्यक्ष महोदय, मैं दो मिनट लेना चाहता हूँ इसमें जहाँ उन्होंने कहा है कि न्याय सस्ता होना चाहिए— वहाँ स्पष्टि यह है कि जजिसियल मैजिस्ट्रेट वहाँ से 40 मील दूर रहता है, कभी ड्राउट के मामले में व्यस्त है तो कभी फ्लड्स के मामले में व्यस्त है; उन लोगों को तारीख पर 10-10 दिनेमेज को लेकर भ्राना पड़ता है, जब कचहरी में पहुँचते हैं तो तारीख पड़ जाती है और 6-6 महीने तक तारीख पड़ती रहती है कहा जाता है कि साहब ड्राउट कमेज में बिधी है, गठके के गठके किलेक के बाँध कर रखे रहते हैं, 1830 LS-4.

मैजिस्ट्रेट को फुरसत ही नहीं है। हर 15 दिन में वह 10-10 दिनेमेज को लेकर आता है। और वापस ले जाता है 6 रुपया भी अगर बर्ष का किराया लगता है तो घ्राप देखिये उसे भाय कितना महंगा पड़ रहा है। कम से कम आदिवासी क्षेत्रों में तो ऐसी स्थिति नहीं होनी चाहिये। इस लिये मैं घ्राप से बिनता करता हूँ कि घ्राप इस को वापस ले ले।

SHRI RAM NIWAS MIRDHA: It is in consonance with the spirit of the directive principles regarding the separation of judiciary from the executive that we have incorporated some provisions in this Code so that some of the security proceedings that were formerly dealt with by the executive magistrates would now be handled by the judicial magistrates. In this respect we cannot just ignore the wishes of the State Governments. Because the situations differ from State to State we have thought it fit to incorporate this clause. This clause has sufficient safeguards. It says:

"if the State Legislature by a resolution so requires, the State Government may, after consultation with the High Court...."

I think these are two very salutary conditions and I do not think any State Legislature would lightly interfere with the general scheme of this Code. It is gratifying that this House is alert on the rights of the citizens and we hope that the State Legislative Assemblies would be no less so.

श्री मधु सिमवे : अध्यक्ष महोदय, एक बात का खुलासा इन्होंने नहीं किया। घ्रापने यह नहीं बताया कि यदि इस को वाट दिया जाएगा तो क्या स्टेट लेजिस्लेचर्स इस के खिलाफ कोई कानून बना सकते हैं। सैन्ट्रल ला के, केंद्रीय विधी के खिलाफ—

[श्री मधु सिन्घे]

खिलाफ आप को इस में दिक्कत क्या है—
यह हम जानना चाहते हैं ?

SHRI RAM NIWAS MIRDHA: What I have said is that the power that is being given to the State Government is an enabling provision. If their State Legislature passes a resolution to this effect, then after consulting the High Court it could be done. We want that this power should be with the State Government. They should have the right to exercise their discretion in an area which is of their concern also

श्री मधु सिन्घे : अध्यक्ष महोदय, इनमें व्यवस्था का प्रश्न है। मैं आप की तबज्जह आर्टिकल 25A की ओर दिखाना चाहता हूँ। मैं यह मानना क्या उठा रहा हूँ—क्या हम लोगों को यह जानने का अधिकार नहीं है कि विधान और कानून की स्थिति क्या है ? यदि ये सफाई नहीं दे सकें तो कानून मंत्री और एटर्नी जनरल को बुलाकर हमारा सन्तोष कराये, बिना ऐसा किये इस को पाम करना ठीक नहीं है। मैंने सीधा सवाल पूछा है—अगर उसमें से सब-मलाज (ए) हटा दी जाती है तो क्या राज्य की विधान मंडलों को इसके विपरीत कानून पाम करने का अधिकार है—इस के बारे में आप क्या कहना चाहते हैं ?

SHRI RAM NIWAS MIRDHA: This is a subject in the Concurrent List and the State Legislature can amend this after taking the concurrence of the Central Government.

श्री मधु सिन्घे : अध्यक्ष महोदय, डि-क्रेट-इज-भाउट-आफ-डी-बीग । इसमें जल्दबाजी की जरूरत नहीं है।

MR. SPEAKER: No counter arguments. The position is that this is in the Concurrent List.

श्री मधु सिन्घे : अब स्थिति साफ हो गई है—यदि यह सदन चाहे तो संविधान में कोई रोक नहीं है। इस के विपरीत कोई कानून राज्य की विधान मंडल पास नहीं कर सकती है, यदि करेगी तो उस विधेयक को प्रेजिडेंट के ऐसेन्ट के लिये रिजर्व किया जाएगा और प्रेजिडेंट का अर्थ आप ही है, आप ऐसा काम ही नहीं करेंगे क्योंकि सदन की इच्छा है, तो उसके विपरीत हमें जानमें। इस लिये आप सीधा कहिये कि हम करना नहीं चाहते, डाइ-रेक्टिव प्रिन्सिपल पर हम अमल नहीं करना चाहते हैं। गवा साफ स्थिति, कितनी ही बात में न छिपिये।

SHRI RAM NIWAS MIRDHA: I started my reply by saying that it is in consonance with the spirit of Directive Principles that we have introduced the changes. We do not want to put ourselves in a position where we have to confront the State Government on a matter like this. That is why we have provided an enabling thing. Why should the hon. Member presume that the State Legislature will be less zealous in guarding the right of the ordinary citizen than this House or the hon. Member himself?

MR. SPEAKER: Now, I put Amendment No. 86 moved by Shri Ram Niwas Mirdha to the vote of the House.

The question is:

Page 161, for the existing marginal heading, substitute: "Power to alter functions allocated to Judicial and Executive magistrates in certain cases".(86)

The motion was adopted.

MR. SPEAKER: The question is: "That Clause 478, as amended, stand part of the Bill".

The Lok Sabha divided:

Division No. 18)

(13.14 hrs. Das, Shri Anadi Charan

AYES

Achal Singh, Shri

Das, Shri Dharnidhar

Aga, Shri Syed Ahmed

Daschowdhury, Shri B. K.

Agarwal, Shri Shrikrishna

Deshmukh, Shri K. G.

Ahiwar, Shri Nathu Ram

Dhamankar, Shri

Ambesh, Shri

Dwivedi, Shri Nageshwar

Azad, Shri Bhagwat Jha

Engti, Shri Biren

Aziz Imam, Shri

Gandhi, Shrimati Indira

Bahunath Singh, Shri

Ganesh, Shri K. R.

Bajpai, Shri Vidya Dhar

Gangadeb, Shri P.

Banamali Babu, Shri

Garcha, Shri Devinder Singh

Banerji, Shrimati Mukul

Ghosh, Shri P. K.

Barman, Shri R. N

Gill, Shri Mohinder Singh

Barupal, Shri Panna Lal

Godara, Shri Mani Ram

Basumatari, Shri D

Gogoi, Shri Tarun

Besra, Shri S C.

Gohain, Shri C. C.

Bhattacharyya, Shri Chapalendu

Gokhale, Shri H. R.

Bheeshmadev. Shri M.

Gomango, Shri Giridhar

Bhuvarahan, Shri G.

Gowda, Shri Pampan

Bist, Shri Narendra Singh

Hari Singh, Shri

Chandrakar, Shri Chandulal

Hashim, Shri M. M.

Chandrashekharappa Veerabasappa,
Shri T. V.

Ishaque, Shri A. K. M.

Chaturvedi, Shri Rohan Lal

Jaffer Sharief, Shri C. K.

Chawla, Shri Amar Nath

Jeyalakshmi, Shrimati V.

Chellachami, Shri A. M.

Jha, Shri Chiranjib

Chhotey Lal, Shri

Jitendra Prasad, Shri

Chhuttien Lal, Shri

Joshi, Shri Poptial M.

Daga, Shri M. C.

Kadam, Shri Dattajirao

Dalip Singh, Shri

Kadam, Shri J. G.

Kallias, Dr.

Kale, Shri	Pandey, Shri Damodar
Kamble, Shri T. D.	Pandey, Shri Narsingh Narain
Kamla Kumari, Kumari	Pandey, Shri R. S.
Kapur, Shri Sat Pal	Pandey, Shri Sudhakar
Karan Singh, Dr.	Pandit, Shri S. T.
Kasture, Shri A. S.	Panigrahi, Shri Chuntamani
Kinder Lal, Shri	Paokaj Haokip, Shri
Kisku, Shri A. K.	Paswan, Shri Ram Bhagat
Kotoki, Shri Liladhar	Patel, Shri Arvind M.
Krishnan, Shri G. Y.	Patil, Shri Krishnarao
Krishnappa, Shri M. V.	Patil, Shri T. A.
Kushok Bakula, Shri	Pradhan, Shri Dhan Shah
Lakkappa, Shri K.	Pradhani, Shri K.
Lakshminarayanan, Shri M. R.	Qureshi, Shri Mohd. Shafi
Lutfal Haque, Shri	Raghu Ramiah, Shri. K.
Mahajan, Shri Y. S.	Ram, Shri Tu. Mohan
Mandal, Shri Yamuna Prasad	Ramji Ram, Shri
Maurya, Shri B. P.	Rana, Shri M. B.
Mehta, Dr. Mahipatray	Rao, Shri Jagannath
Mirdha, Shri Nathu Ram	Rao, Shri Pattabhi Rama
Mishra, Shri Bibhuti	Rathia, Shri Umed Singh
Mishra, Shri G. S.	Ravi, Shri Vayalar
Mishra, Shri Jagannath	Reddy, Shri P. Narasimha
Mohapatra, Shri Shyam Sunder	Roy, Shri Bishwanath
Mohsin, Shri F. H.	Rudra Pratap Singh, Shri
Munsi, Shri Priya Ranjan Das	Saini, Shri Mulki Raj
Murthy, Shri B. S.	Salve, Shri N. K. P.
Naik, Shri B. V.	Samanta, Shri S. C.
Negi, Shri Pratap Singh	Sanghi, Shri N. K.
Painuli, Shri Paripoornanand	Sarkar, Shri Sakti Kumar

Sathe, Shri Vasant

Satpathy, Shri Devendra

Savitri Shyam, Shrimati

Sayeed, Shri P. M.

Sethi, Shri Arjun

Shambhu Nath, Shri

Shankar Dayal Singh, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Shastri, Shri Raja Ram

Sher Singh, Prof.

Shinde, Shri Annasaheb P.

Shivnath Singh, Shri

Shukla, Shri B. R.

Shukla, Shri Vidya Charan

Siddayya, Shri S. M.

Siddheahwar Prasad, Shri

Singh, Shri Vishwanath Pratap

Sohan Lal, Shri T.

Suryanarayana, Shri K.

Swaminathan, Shri R. V.

Thakre, Shri S. B.

Tiwary, Shri D. N.

Tulsiram, Shri V.

Vekaria, Shri

Venkatasubbalah, Shri P.

Verma, Shri Ramsingh Bhai

Vikal, Shri Ram Chandra

Virbhadra Singh, Shri

Yadav, Shri Chandrajit

Yadav, Shri B. P.

NOES

Bade, Shri R. V.

Bhattacharyya, Shri Dinen

Bhattacharya, Shri Jagadish

Bhattacharyya, Shri S. P.

Brahman, Shri Rattanlal

Chatterjee, Shri Somnath

Chowhan, Shri Bharat Singh

Dandavate, Prof. Madhu

Deb, Shri Dasaratha

Dutta, Shri Biren

Goswami, Shrimati Bibha Ghosh

Halder, Shri Krishna Chandra

Hazra, Shri Manoranjan

Joarder, Shri Dinesh

Joshi, Shri Jagannathrao

Krishnan, Shri M. V.

Lamaye, Shri Madhu

Mavalankar, Shri P. G.

Modak, Shri Bujoy

Mukherjee, Shri Samar

Mukherjee, Shri Saroj

Nayak, Shri Baksi

Pandeya, Dr. Laxminarain

Parmar, Shri Bhaljbhai

Ramkanwar, Shri

Rao Shrimati, B. Radhabia A.

Rao, Shri M. Satyanarayana

Reddy, Shri B. N.

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Sen, Shri Robin

Shakya, Shri Maha Deepak Singh

Sharma, Shri R. R.

Viswanathan, Shri G.

Yadav, Shri G. P.

MR. SPEAKER: The result* of the division is: Ayes—149; Noes—35.

The motion was adopted.

Clause 478, as amended, was added to the Bill.

Clause 479—(Case in which Judge or Magistrate is personally interested.)

MR. SPEAKER: Mr. Limaye, do you want to speak on Clause 479?

SHRI MADHU LIMAYE Yes, Sir

MR. SPEAKER: I propose that we take up the held-over Clauses after Lunch. Before that, we shall finish the other Clauses because there are no amendments to these Clauses.

श्री मधु लिमये अध्यक्ष महोदय इस क्लॉज में मेरा बुनियादी विरोध नहीं है लेकिन इन्होंने जो स्पष्टीकरण दिया है, मैं समझता हूँ उसकी कोई आवश्यकता नहीं है क्योंकि अगर कोई मुन्जिम इसके बारे में वरिष्ठ अदालत के सामने जाये तो वरिष्ठ अदालत "पर्मनल इन्ट्रेस्ट" क्या होता है उसकी परिभाषा कर सकती है इसलिए स्पष्टीकरण की कोई आवश्यकता ही नहीं है। इसलिये मेरी मंत्री महोदय से प्रार्थना है कि बिना स्पष्टीकरण के ही इस क्लॉज को पास किया जाये हमारा कोई एतराज नहीं है लेकिन स्पष्टीकरण मन जाँडिये।

SHRI RAM NIWAS MIRDHA: The explanation is very clear. The circumstances are mentioned. Still if the hon. Member feels that he should be regarded as being interested, if he thinks like that, that is a different matter.

MR. SPEAKER: There are no amendments to Clauses 479 to 484. So, I shall put them all together to the vote of the House.

The question is:

"That Clauses 479 to 484 stand part of the Bill."

The motion was adopted.

Clauses 479 to 484 were added to the Bill.

MR. SPEAKER: Now, we come to these held-over clauses. Of course, there is not going to be much discussion. Only time was given so that you may meet and discuss with the Minister. These held-over clauses will be taken up after lunch. But there would not be much discussion.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): You have been good enough to say that there would be a discussion on floods. After this Bill is over, there is one item, Item 14—Coking and Non-Coking Coal Mines (Nationalisation) Amendment Bill which was passed by the Rajya Sabha. I consulted the Leaders of the Opposition as are available and they are willing that item 14 be taken up after this and before further consideration of the Approach to the Fifth Plan 1974-79.

MR. SPEAKER: I hope you have no objection. So, item 14 will be taken up before item 13. Moreover, we are quite free to-day. We will take up the discussion on Gujarat floods for one hour after this.

SHRI DINEN BHATTACHARYYA: Not only Gujarat, there are floods in many other States as well.

SHRI N. K. SANGHI (Jalore): There are floods in Rajasthan and Madhya Pradesh also.

*The following Members also recorded their votes:
 AYES: Sarvshri Kartik Oraon and J. P. Dube;
 NOES: Shri Mohammad Ismail.

SHRI R. S. PANDEY (Rajnandgaon): It is very good that you have allowed a discussion on floods. Apart from Gujarat, there are floods in other places like Madhya Pradesh also. You should allow only two two minutes to each Member.

MR. SPEAKER: Now, we adjourn to re-assemble after lunch at 2 15 p.m.

13.18 hrs.

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

The Lok Sabha reassembled after Lunch at nineteen minutes past Fourteen of the Clock

[MR DEPUTY-SPEAKER in the Chair]

CODE OF CRIMINAL PROCEDURE
BILL—Contd.

CLAUSE 57—Contd.

SHRI HUKAM CHAND KACHWAI (Morena)—rose.

MR. DEPUTY-SPEAKER: We are in the midst of a clause. What do you want?

श्री हुकम चन्द कछवाय : उपाध्यक्ष महोदय, आज मैं सदन तथा सरकार का ध्यान एक महत्वपूर्ण विषय की ओर दिलाना चाहता हूँ। परमो उज्जैन में काफी लाठी चार्ज हुआ और अशु गैम छोड़ी गई। माडे तीन मी के करीब लोग घायल हुए हैं। उम सम्बन्ध मैं चाहता हूँ कि सरकार की ओर में एक वक्तव्य धाना चाहिये कि आखिर राज्य सरकार निष्क्रिय तथा उदासीन क्यों बनी हुई है ? वहाँ ऐसी परिस्थितिया पैदा हुई और निहत्थे मजदूरों पर पुलिस ने जो बर्बरता का व्यवहार दिखाया, उससे सदन को अवगत कराया जाये ।
(Interruptions).

MR. DEPUTY-SPEAKER: Order, order. I would request Members on this side to cooperate. He has made a statement. I have listened. If you say something on this side, another will say something on that side and a storm develops. Order please. Also we have finished with the consideration of the clauses except for three clauses which were held over. We shall take up those three clauses which were held over. What about Clause 57? Is there any agreed amendment?

I think there is no more that is to be submitted on this clause. I understand that Shri Madhu Limaye who raised the objections had met the Minister and they have agreed to something. I take up clause 57. There is an amendment—No. 193—to clause 57 that was moved by Shri Madhu Limaye. I shall put that amendment to the vote.

I would like the House to understand me. We are considering clause 57. This was held over because of Shri Limaye's objection. Then it was brought to my notice that you and the Minister had met. After that you had agreed to certain amendments as a result of which you had tabled an amendment to Clause 57. You have moved amendment No. 193 to clause 57. I shall put it to the vote again so that there is no confusion. This was told to me; I am putting it to the vote. It is for the House to reject it.

SHRI MADHU LIMAYE: Sir, I am withdrawing it.

MR. DEPUTY-SPEAKER: Does the hon. Member have the leave of the House to withdraw the amendment?

SEVERAL HON. MEMBERS: Yes. Sir.

Amendment No. 193 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Now, I shall put Clause 57 to the vote.

[Mr. Deputy-Speaker]

The question is:

"That Clause 57 stand part of the Bill".

The Motion was adopted.

Clause 57 was added to the Bill.

Clause 76— (Person arrested to be brought before court without delay.)

MR. DEPUTY-SPEAKER: There are two amendments to clause 76. Are you moving, Mr. Mirdha?

SHRI RAM NIWAS MIRDHA: I beg to move:

"Page 22,—

after line 35, insert—

"Provided that such delay shall not, in any case, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court." (285)

MR. DEPUTY-SPEAKER: I shall put amendment No. 285 to the vote.

The question is:

"Page 22,—

after line 35, insert—

"Provided that such delay shall not, in any case, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court." (285)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 76, as amended, stand part of the Bill".

The motion was adopted.

Clause 76, as amended, was added to the Bill.

श्री मधु लिखवते : उपाध्यक्ष महोदय, मैं आप को बधाई देना चाहता हूँ। आपकी वजह से हम लोगों को मोका मिला है इस सभोवन को पास करने का। आपने मदद न दी होती तो यह पास नहीं होता।

MR. DEPUTY-SPEAKER: Thank you very much. Well, sometimes, the Chair also deserves some bouquets. It has been receiving brick-bats all the time. Towards the end of the session, some bouquets are also necessary.

PROF. MADHU DANDAVATE: You have put on the ear-phones. Otherwise you would have said 'order, order'.

Clause 437 —Contd.

MR. DEPUTY-SPEAKER: Now we take up clause 437. Shri Mirdha has given notice of his amendment. Are you moving?

SHRI RAM NIWAS MIRDHA: I beg to move:

Page 148, line 28, after the word "Court" insert:

"other than the High Court or Court of Session" (287)

MR. DEPUTY-SPEAKER: I shall put amendment No. 287 to clause 437 to the vote.

SHRI DINESH JOARDER: What about my amendments to clause 437?

MR. DEPUTY-SPEAKER: Just a minute. Do you want to speak?

All right. I thought you have all agreed.

SHRI DINESH JOARDER: Clause 437 provides the procedure and cases where bail may be taken in case of non-bailable offences. It was the pleasure of the House that we should consult with the hon. Minister Shri Mirdha on this and come to a mutual

agreement to see if we could do something better in regard to the procedure laid down in clause 437. In certain aspects, we do agree to the amendment moved by Shri Mirdha. But there are some other provisions at which we would like to record our resentment and discontentment. That is why I have risen to say a few words in regard to this clause.

There are certain objectionable words in this clause. For instance, we find in this clause:

"When any person accused of or suspected of the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before the court, he may be released on bail...."

At the same time, it is also stated:

"...but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or with imprisonment for life."

At the time of investigation, when the case has not been tried and judgment pronounced, how can the accused person be termed as guilty of an offence. The word 'guilty' is highly objectionable. During investigation, no accused person should be termed as being guilty of an offence.

Similarly, the discretionary power, of the court that it may be released the person on bail, is also interfered with, because in the next sentence, it has been stated that the accused person shall not be so released. I have great objection to this word 'shall'.

So, I have moved an amendment which seeks to omit the words 'shall' and 'guilty' appearing in sub-clause (1) of this clause and substitute other words in their places.

Further, the granting of bail in cases of non-bailable offences has been made very rigid to a certain ex-

tent. I would request the hon. Minister to omit the wordings of the clause so that the provisions for granting bail could be liberalised as far as possible.

Recording this note of protest, I support the amendment brought forward by Shri Mirdha, and I move my amendments also, though I do not press for a division on them.

श्री राम शर्मा : क्लॉक
मदाम्. मंत्री महोदय ने जो एमेंडमेंट
257 वें क्लॉक में पढ़ा है कि या
ता इस में कोई भ्रम हो गई है और या फिर
मेरे समझने में शर्तों द्वारा। इस एमेंडमेंट
क द्वारा क्लॉक 437 में 'शॉल' शब्द को
कोर्ट आफ मैजिस्ट्रेट्स कोर्ट आफ
दिया गया है, क्योंकि इस एमेंडमेंट में शब्द
'कोर्ट' के बजाए 'प्रिंसीपल ऑफ दिस कोर्ट आफ
मैजिस्ट्रेट्स' जोड़ने की बात नहीं गई है। मंत्री
महोदय इस को पुनः देख लें। क्लॉक
436 वेलेबल के लिए है और क्लॉक 437
नान-वेलेबल के लिए है।

श्री राम निवास मिश्रा : क्लॉक 439
देख लीजिए।

SHRI R. R. SHARMA: Thank you.

MR. DEPUTY-SPEAKER: Shri Joarder says that he does not want to press his amendments. Does he mean to say that he wants to withdraw them? Or I will just put them to the vote of the House.

First, I will put Shri Mirdha's amendment to vote.

The question is:

Page 148, line 28, after the word "Court" insert—

"other than the High Court or Court of Session" (287)

The motion was adopted.

MR. DEPUTY-SPEAKER: I will now put all the rest of the amendments by Shri Joarder to vote.

Amendments Nos. 144, 145 and 246 to 258 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 437, as amended, stand part of the Bill".

The motion was adopted.

Clause 437, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER: To the First Schedule, there are quite a good number of amendments by Shri Mirdha.

SHRI RAM NIWAS MIRDHA: They are all verbal in nature

I move:

Page 167, line 25 and Page 168, line 15, against sections 124A and 129, in column 4, for "Cognizable", substitute "Ditto". (87)

Page 168 line 21, against section 131, in column 5, for "Ditto", substitute "Non-bailable". (88)

Page 171, line 5, against section 153A, in column 2, for "places", substitute "place". (89)

Page 171, line 25, against section 160, in column 4, for "Cognizable", substitute "Ditto". (90)

Page 173, line 22, against section 172, in column 2, for "order", substitute "other". (91)

Page 176, lines 10-11, against section 177, for "Imprisonment for 6 months, or fine of 1,000 rupees, or both", substitute "Ditto". (92)

Page 175, lines 20-21, against section 179, for "Simple imprisonment for 6 months, or fine of 1,000 rupees, or both", substitute "Ditto". (93)

Page 176, against section 185, in column 2,—

(i) line 12, for "legal", substitute "a legal",

(ii) line 15, for "obligations", substitute "obligations incurred". (94)

Page 180, line 23, against section 213, in column 3, for "years", substitute "years and fine". (95)

Page 181, line 14, against section 215, in column 2, for "of", substitute "by". (96)

Page 181, line 22, against section 216, in column 2, for "not", substitute "not for". (97)

Page 183, lines 16-17, against section 225, in column 3, for "Imprisonment for 2 years, or fine, or both", substitute "Ditto". (98)

Page 184 line 24, in the heading of Chapter XII, for "Coins", substitute "Coin". (99)

Page 186, line 15, against section 246, in column 2, for "weight" substitute "the weight". (100)

Page 187, line 16, against section 256, in column 2, for "years", substitute "years and fine". (101)

Page 189, lines 21-22, against section 276, for "Imprisonment for 6 months, or fine of 1,000 rupees, or both", substitute "Ditto". (102)

Page 191, line 11, against section 292, in column 3, for "offence", substitute "conviction". (103)

Page 191, line 14, against section 293, in column 3, for "Ditto", substitute "On first conviction, with imprisonment for 3 years, and with fine of 2,000 rupees, and in the event of second or subsequent conviction, with imprisonment for 7 years, and with fine of 3,000 rupees". (104)

Page 191, line 15, against section 294, in column 6, for "Any Magistrate", substitute "Ditto". (105)

Page 196, line 15, against section 345, in column 4, for "Cognizable", substitute "Ditto". (106)

Page 199, line 7, against section 374, in column 4, for "Cognizable", substitute "Ditto". (107)

Page 200, line 20, against section 388, in column 2, for "or", substitute "of". (108)

Page 206, line 9, against section 440, in column 3, for "3", substitute "5". (109)

Page 210, line 22, against section 482,—

(i) in column 4, for "Non-cognizable", substitute "Ditto";

(ii) in column 5, for "Bailable", substitute "Ditto". (110)

Page 212, line 4, against section 489D, for "possessing instruments", substitute "possessing machinery, instrument". (111)

Page 211, line 22, against section 504, for "3", substitute "2". (112)

Page 214, line 24, against section 505, for "2", substitute "3", (113)

SHRI DINESH JARDER: I move:

Page 164, lines 14 to 17, in column 4,—

omit "According as offence abetted is cognizable or non-cognizable." (223)

Page 164, lines 14 to 17, in column 5,—

omit "According as offence abetted is bailable or non-bailable." (224)

Page 164, line 18, in column 4,—
omit "Ditto" (225)

Page 164, line 18, in column 5,—
omit "Ditto" (226)

As a matter of principle, I have always opposed any distinction between bailable and non-bailable offences and cognizable and non-cognizable offences. That is why I have suggested that wherever this distinction appears in cols. 4 and 5 of the First Schedule, this should be removed. As a matter of principle, granting of bail should be the rule and rejection should not be there at all, or at least it should be the exception. This is my request to the House that no offences should be categorised as cognisable and non-cognisable and bailable and non-bailable. There should be a general for all offences with the same rule for granting or refusing bail. Hence my amendments.

श्री राम रतन शर्मा : उपाध्यक्ष

महोदय, पेज 177 पर सेक्शन 192 के आगे लिखा है कि पनिशमेंट "इमप्रिजनमेंट फार 7 यीअर्ब एंड फाइन" और "मैजिस्ट्रेट आफ दि फस्ट क्लास" के द्वारा द्रायेबल है और पेज 178 पर सेक्शन 201 के आगे लिखा है कि पनिशमेंट "इमप्रिजनमेंट फार 7 यीअर्ब एंड फाइन" है और वह "कोर्ट आफ सेशन" के द्वारा द्रायेबल है। दोनों सेक्शन्स में पनिशमेंट एक ही है, अर्थात् "इमप्रिजनमेंट फार 7 यीअर्ब एंड फाइन", लेकिन एक फ्रस्ट क्लास मैजिस्ट्रेट द्वारा द्रायेबल है और दूसरा कोर्ट आफ सेशन द्वारा द्रायेबल है। मैं चाहता हूँ कि मंत्री महोदय इस को साफ कर दें। मेरे क्वेश्चन में यह इम्प्लिकेशन को गलती रह गई है।

SHRI RAM NIWAS MIRDHA: I do not have anything to say.

MR. DEPUTY-SPEAKER: The question is:

Page 167, line 25 and Page 168, line 15, against section 124A and 129, in column 4, for "Cognizable", substitute "Ditto". (87)

[Mr. Deputy-Speaker]

Page 168, line 21, against section 181, in column 5, for "Ditto", substitute "Non-bailable". (88)

Page 171, line 5, against section 153A, in column 2, for "places", substitute "place". (89)

Page 171, line 25, against section 160, in column 4, for "Cognizable", substitute "Ditto". (90)

Page 173, line 22, against section 172, in column 2, for "order", substitute "other". (91)

Page 175, lines 10-11, against section 177, for "Imprisonment for 6 months, or fine of 1,000 rupees, or both" substitute "Ditto". (92)

Page 175, lines 20-21, against section 179, for "Simple imprisonment for 6 months, or fine of 1,000 rupees, or both", substitute "Ditto". (93)

Page 176, against section 185, in column 2,—

(i) line 12, for "legal", substitute "a legal";

(ii) line 15, for "obligations" substitute "obligations incurred". (94)

Page 180, line 23, against section 213, in column 3, for "years", substitute "years and fine". (95)

Page 181, line 14, against section 215 in column 2, for "of", substitute "by". (96)

Page 181, line 22, against section 216, in column 2, for "not", substitute "not for". (97)

Page 183, lines 16-17, against section 225, in column 3, for "imprisonment for 2 years, or fine, or both", substitute "Ditto". (98)

Page 184, line 24, in the heading or Chapter XII, for "Coins", substitute "Coin". (99)

Page 186, line 15, against section 246, in column 2, for "weight" substitute "the weight". (100)

Page 187, line 16, against section 256, in column 2, for "years", substitute "years and fine". (101)

Page 189, lines 21-22, against section 276, for "Imprisonment for 6 months, or fine of 1,000 rupees, or both", substitute "Ditto". (102)

Page 191, line 11, against section 292, in column 3, for "offence", substitute "conviction". (103)

Page 191, line 14, against section 293, in column 3, for "Ditto", substitute "On first conviction, with imprisonment for 3 years, and with fine of 2,000 rupees, and in the event of second or subsequent conviction, with imprisonment for 7 years, and with fine of 5,000 rupees". (104)

Page 191, line 15, against section 294, in column 6, for "Any Magistrate", substitute "Ditto". (105)

Page 196, line 15, against section 345, in column 4, for "Cognizable", substitute "Ditto". (106)

Page 199, line 7, against section 374, in column 4, for "Cognizable", substitute "Ditto". (107)

Page 200, line 20, against section 388, in column 2, for "or", substitute "of". (108)

Page 206, line 9, against section 440, in column 3, for "3", substitute "5". (109)

Page 210, line 22, against section 482,—

(i) in column 4, for "Non-cognizable", substitute "Ditto".

(ii) in column 5, for "Bailable", substitute "Ditto". (110)

Page 212, line 4, against section 489D, for "possessing instruments", substitute "passing machinery, instrument". (111)

Page 214, line 22, against section 504, for "3", substitute "2". (112)

Page 214, line 24, against section 505, for "2", substitute "3". (113)

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put the other amendments, moved by Shri Joarder, to vote.

Amendments Nos. 223 to 226 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the First Schedule, as amended, stand part of the Bill."

The motion was adopted.

The First Schedule, as amended was added to the Bill.

The Second Schedule

Amendments made:

Page 222, line 9, FORM No. 11, for "seals", substitute "seals, or". (114)

Page 223, line 30, FORM No. 15, for "Offier", substitute "Officer". (115)

Page 226, after line 30, FORM No. 20, insert "Or". (116)

Page 229, line 15, FORM No. 25, for "to decide" substitute "do decide". (117)

(Shri Ram Niwas Mirdha)

MR. DEPUTY-SPEAKER: The question is:

"That the Second Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Second Schedule, as amended, was added to the Bill.

Clause 1—(Short title, extent and Commencement.)

Amendments made:

Page 1, line 5, for "1972" substitute "1973". (11)

Page 2, line 10, for "1st day of July, 1973", substitute "1st day of January, 1974." (13)

(Shri Ram Niwas Mirdha)

SHRI RAM NIWAS MIRDHA: Sir, with your permission I am moving my amendment No. 286, which is in substitution of my amendment No. 12.

I move:

Page 1, for lines 8 to 11 and page 2 for lines 1 to 4, substitute—

"Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof shall not apply—

(a) to the State of Nagaland,

(b) to the tribal areas,

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notification", (286)

MR. DEPUTY-SPEAKER: Where is amendment No. 286? I understand you gave notice of the amendment a little while ago. I think you better explain your amendments, because the office seems to think that there seems to be some kind of confusion and conflict with your amendments which you have moved.

SHRI RAM NIWAS MIRDHA: This is in sub-clause (2) of clause 1. This is of a very verbal nature. It reads :

Page 1, for lines 8 to 11 and page 2 for lines 1 to 4, substitute—

“Provided that the provisions of this Code, other than these relating to Chapters VIII, X and XI thereof, shall not apply—

- (a) to the State of Nagaland,
- (b) to the tribal areas,

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notifications”, (286)

One word I change. That is “but”, which is a drafting improvement. Then “apply such provisions or any of them”, should be added. Our draftsmen have advised us that this is a better provision.

MR. DEPUTY SPEAKER: At the last moment when things are done in a hurry, it is difficult to proceed.

SHRI MADHU LIMAYE: Indecent haste to move the Bill, and pass it.

MR. DEPUTY SPEAKER: I will put this amendment to the House.

The question is :

Page 1, for lines 8 to 11 and page 2 for lines 1 to 4, substitute—

“Provided that the provisions of this Code, other than those relating to Chapters VIII, X and XI thereof, shall not apply—

- (a) to the State of Nagaland,
- (b) to the tribal areas,

but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland

or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications as may be specified in the notification”, (286)

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 Enacting Formula:

SHRI RAM NIWAS MIRDHA: I move :

Page 1, line 1, for “Twenty-third”, substitute “Twenty-fourth”. (10)

MR. DEPUTY SPEAKER: The question is :

Page 1, line 1, for “Twenty-third”, substitute “Twenty-fourth”. (10)

The motion was adopted.

MR. DEPUTY SPEAKER: The question is :

“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 the Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): As I explained to some hon. Members opposite, one of the clauses, No. 125, is under re-consideration and I request that this discussion might be taken up after the ‘food discussion’ is over; that will give us some time to consider it. I have already told the gentleman here.

MR. DEPUTY SPEAKER : There is a request from the Government side that they would like to have a second look at clause 125.... (Interruptions). They would like to have a little time and therefore they would like the further consideration of the Bill to be held over.

श्री शम्भू लिंगम उपाध्यक्ष महोदय, यह 125 का जो विषय है, मुसलमानों के, शमीम प्रॉग मेरे हमारे नाथरु दारनों ने शुरू से ही इस पर अपना एतराज प्रकट किया था। लेकिन उन वक्त मरगाने से मुना नहीं। अब देख रहे हैं कि उक्त पदम के चुनाव में मुसलमानों के वाट पर तो वही खराब प्रकट नहीं पड़ेगा। इस का दृष्टि में खबर कर ये नई बातों को ले कर आए है इदिना जी के कहने पर। तो मेरा इनका ही कहना है, मेरा विरोध नहीं है। शमीम साहब से मेरा इत्तफाक है। लेकिन यह नीति समझ में नहीं आती है कि मुसलमानों को क्या हमेशा बोटर की दृष्टि से ही देखा जायेगा? कभी इमान की दृष्टि से भी उन को देखा जायेगा क्या? क्या कभी मुसलमानों को इस देश में इमान की नजर से देखा जायेगा या नहीं या हमेशा बोटर की नजर से देखा जायेगा? इसलिए जहाँ तक शमीम साहब की राय है मैं उस से सहमत हूँ। लेकिन इस को पहले आप को करना चाहिये था।

दूसरी बात यह बता दें कि किन नियमों के अनुसार पास किए गए क्लॉज पर हम पुनर्विचार कर सकेंगे क्योंकि आप जो कार्यवाही करेंगे वह आइन्दा के लिए भी प्रिसिडेंट

बन जायेगी। 125 के बारे में हमें एतराज नहीं है। आप अवश्य पुनर्विचार कीजिए। लेकिन और बहुत से क्लॉज हैं 144, 106, 108, 109, 110, और एक और दफा है चार्ज के बारे में जिस के ऊपर बोलने का भी मौका हम लोगों को नहीं मिला। तो अगर इन सभी खतरनाक क्लॉज के ऊपर पुनर्विचार करने की छूट मदन को मिलेगी तो हम को क्या एतराज है। 125 के बारे में? कोई एतराज नहीं है। म शमीम साहब से इस मामले में आप खतरनाक विचार मुँह में पकाने लाना तो कोई परिश्रम करना है तो ब्रैव डों में खो लिया जाये? उन का रजामन्दी में होना चाहिए। यह मेरी पहल में गय है। उम्मांग मुझे यह एवेक्शन टैक्टिस इस में अच्छा नहीं लग रही है। उम्मान के माने उन की जो मांग है उन को आप पूरा करें। लेकिन यह जो आप कर रहे है यह बिबुल गलत है और अगर करते है तो बाकी जो इममें दमनकारी क्लॉज है उन के ऊपर भी हमें पुनर्विचार करने का मौका मिले, कोई नियम या प्रक्रिया ऐसी बनायी जाये जिस के अन्दर पास किए हुए क्लॉज के ऊपर हम पुनर्विचार कर सकें।

Some Hon. Members rose.

MR. DEPUTY-SPEAKER: Is there any need for a discussion on this?

SHRI DINEN BHATTACHARYYA (Serampore): With regard to the Government's decision to reconsider that clause, the point is this. You see how they are behaving with the Muslim sections in our country. At the time when this clause was considered, they did not mind it; Shri Shmam raised that point at that

[Shri Dinen Bhattacharyya]

time. It was not accepted by the hon. Minister. At the time of elections you are prepared to reconsider. There is a clause which goes against the Directive Principles of the Constitution. Did you consider that? We have tabled 400 amendments; you did not have the courtesy to accept one of them. Mr. Joarder and Mr. Limaye and others are fighting some of these clauses; you did not concede a single amendment. You are asking us again and again to do this and to do that. We are not against that point mentioned by you. (Interruptions)

श्री दिनेश ब्रह्म शर्मा (श्रीनगर) :
 जनता मझे श्री मंत्र निमंत्रण की वजह से जानता हूँ कि 100 फी.दी इन्फॉर्मेशन एक्ट का जो प्रावधान है कि एम. एल. ए. को वोटिंग जमाने में भाग लेना चाहिए, लेकिन निर्दिष्ट वोटिंग ही नहीं, समझना चाहिए वोटिंग होने में पहले वह एम. एल. ए. को उतारने में मनाया है जो कि कुछ दुरुस्तर है, उन पर रखा जाना चाहिए। लेकिन एक बात पर मैं थाडा सा ध्यान देना चाहता हूँ— जो इन्फॉर्मेशन एक्ट की सरकार पर है, वह बहुत ही बुरा है कि हम मुक्त की हर सिधायी जमायत पर है। इस लिए मैं तमाम सिधायी जमायतों से गुजारिश करूँगा—आइन्दा भी और इस वकत भी—हम बात का जरूर ध्यान रखें कि उस की समस्या को, उस की मुश्किलों को, उसके दुख दर्द को इसानी तरह पर जांचें। यह मही है कि हुकुमत की तबज़ह कई बार इस पर दिखाई गई कि इस तरह का कानून पाम करने में मुस्लिम परमतल ना वा इन्टरफियरेस होगा। शेख इबाहीम मुलमान सेठ साहब ने कई बार अपनी तकरीरों में इस बात का जिक्र किया था, लेकिन उस को नहीं माना

मन्त्रों ने भी इस विषय पर चर्चा की थी और मुझे मालूम हुआ कि मन्त्रिमंडली ने भी यह सजैस्ट किया था कि इस तरह से इस बिल को पास करने से मुस्लिम परमतल ना में इन्टरफियरेस होगा और यह उन बयानात के खिलाफ होगा जो हुकुमत ने, ला मिनिस्टर ने बार बार दिये हैं कि मुस्लिम परमतल ना में इन्टरफियरेस नहीं किया जायेगा।

अब मैं मधु निमये जो ग्राम बाकां तमाम दस्तावेजों में गुप्तता का प्रस्ताव कि इस विषय को हटाकर समाज के सामने वा लेकर आना चाहता हूँ, क्योंकि समाज में गुप्तता का प्रयोग वा से है। इस में आजादी की हानि चाहिये। फारसी में एन वहाबन है—इय्याद दुस्सा इय्याद। यह सरकार हमेशा बेअब्वल के काम करती है, लेकिन एन आज एसा काम आया है कि इस बेअब्वल सरकार को कुछ बत पहले अकल शा गरी, हम लिये हम को इस का खैर-मकदम करना चाहिये।

[شری شمیم احمد شمیم (سريلنگا):
 جناب۔ مجھے شری مدھو لہئے کی اس بات سے 100 فیصدی اتفاق ہے کہ مسلمان کو ووٹر ضرور سمجھنا چاہئے۔ لیکن صرف ووٹر ہی نہیں سمجھنا چاہئے، ووٹر ہونے سے پہلے وہ ایک انسان ہے اسکے کچھ مسائل ہیں۔ اس کے کچھ دکھ درد ہیں۔ ان کا خیال رکھنا چاہئے لیکن ایک بات پر میں تھوڑا سا ورودہ کرنا چاہتا ہوں۔ جو الزام اس ملک کی سرکار پر ہے۔ وہ بہت حد

تک اس ملک کو دے - جاسی جسامت
 پر ہی ہے - اس لئے میں تمام سہاسی
 جسامتوں سے گزارش کرونگا . آئندہ
 اور اس وقت بھی اس بات کا ضرور
 خیال رکھیں کہ مسئلہ کو اس
 کی مشکلوں کو اس کے دیکھ دین
 کو انسانی سطح پر جانچیں - یہ
 صحیح ہے کہ نوجہ کئی بار اس پر
 دلائل کئی کہ اس طرح کا قانون پاس
 کرے سے مسلم پرسنل لا کا انٹرفیرنس
 ہوگا - شیخ ابراہیم سلیمان سہتو
 صاحب نے کئی بار ایسی تقریروں میں
 اس بات کا ذکر کیا تھا ، لیکن اسکو
 تہوں سانا گیا - میں نے اس سلسلے
 میں مزید کہج کی اور مجھے معلوم ہوا
 کہ لا ملسٹری نے یہ صلح دی تھی کہ
 اس طرح سے لا کو پاس کرنے سے مسلم
 پرسنل لا میں انٹرفیرنس ہوگا اور یہ
 ان بیانات کے خلاف ہوگا جو حکمران
 نے لا ملسٹری نے بار بار دیئے ہوں کہ
 مسلم پرسنل لا میں انٹرفیرنس نہیں
 کیا جائیگا -

اب میں مدعو لہئے جی اور ہائی
 رام دوستوں سے گزارش کرونگا کہ اس
 ایشو کو دوسرے کٹگریز کے معاملے کو
 کر کٹگوری شامل نہ بنائیں کہنکہ اس کا
 تعلق مسلمانوں نہ پرسنل لا ہے -
 اس میں کٹگریوں سے نہیں ہونی چاہئے -
 فارسی میں ایک کہاوت ہے دیر آید
 درست آید - یہ سزاؤں سے پہلے
 کے کام کوئی ہے لیکن آج ایک ایسا
 1890 L.B. - 5

چانس آیا ہے کہ اس کے عقل سزاؤں
 کو کچھ وقت پہلے عقل آگئی اس
 لئے ہم کو اس کا خیر مقدم دینا
 چاہئے -

श्री राज रत्न शर्मा. उपाध्यक्ष महोदय,
 जायता कौजवारी किसी जमायत, किसी
 धर्म और किसी मजहब कं, ले कर नहीं
 बनाया गया और क्लाज 125 कं, जब इम
 मदन मे पास किया तां काफी सं.च.मस
 कर, विचार-विमर्श करने के बाद पास किया ।
 श्रीमान्, मुझ को आश्चर्य है कि किसी परसुनल
 ला की बात यहा पर क्यों लाई जाती है ?
 स्त्री चाहे मुसलमान की हो अथवा हिन्दू
 की हो वह स्त्री है । यदि उसे वगैर अपराध
 छोडा जाता है तो उसे मेन्टेन किया जाना
 चाहिये । उसे केवल धर्म एव नीति के
 के आधार पर निर्वाह भत्ते (Maintenance
 Allowance) में पृथक नहीं किया जा
 सकता ।

एक बात बहुत ही भावनात्मक कही
 है—लेकिन उस के जो महत्वपूर्ण पहलू
 इन्क्लूड है उस को नहीं देखा गया छोटा
 बच्चा, इलेजिमिनेट चाइल्ड अथवा लेजिमिनेट
 चाइल्ड को मेन्टेन करने के लिये अगर कोई
 स्पीडी प्रोसीडर रखना चाहे तो इस में हिन्दू
 धर्म मुसलमान की बात उठाई जायेगी ।

MR. DEPUTY-SPEAKER: At the
 moment, the main question is whe-
 ther we should hold over the passing
 of this Bill in view of the fact that
 the Government wants to reconsider
 clause 125. You can make your
 submissions at that time.

श्री राजरत्न शर्मा श्रीमान्, वह
 समय निकल गया । अगर अब कोई
 प्रोसीडर बदलना चाहते हैं तो किस प्रोसीडर

[श्री राम रतन शर्मा]

या प्रीक्टिस के अन्तर्गत करना चाहते हैं —
घाप किस नियम के अन्तर्गत एसा करेंगे।

MR DEPUTY-SPEAKER: We are concerned with the procedure.

SHRI SOMNATH CHATTERJEE: Clause 125 has already been passed while the House has been considering this Bill clause by clause Under-rule 89 the Speaker may, if he thinks fit, postpone the consideration of a clause. But how can this apply when the clause has already been passed. So far as the rules are concerned, there is no provision for putting in an amendment in respect of a clause which has been passed. Secondly, we do not know what is the proposed amendment. There are certain assumptions about certain provisions which are going to be applied to certain communities. We must know what the amendments are before we could even consider our attitude. We do not know what amendments are going to be proposed. Although this clause was passed last Saturday, till 3 O' Clock today we do not know the thinking of the Government on this matter. Then, how can we do it under the rules unless the rules are suspended? Firstly, we must know the thinking of the Government.

MR. DEPUTY-SPEAKER: I think the situation procedurally is not as simple as it appears to be. I would like the House to consider this very coolly and very calmly. Whatever I do here must not be irregular. At least I cannot be a party to any irregularity. We must do things in a regular way. Government have come forward with this suggestion that they would like postponement of the consideration and passing of the Bill in view of the fact that they would like to have a second look at one clause that has been passed. I think that is a very legitimate thing. It shows their concern that certain things should not be done in a hurry. It is also true that we have gone through such a long Bill in a hurry. In any case, there are difficulties this way

and that way. According to the rules, in the first place this clause has been passed; the House has finished with it. If at all this clause has to be reconsidered, nothing stands in the way of the Government to come forward with a motion to say that in view of certain things this clause may be reconsidered. They can bring forward a motion on anything. But here the problem arises because here is a definite rule in the Rules of procedure, namely, rule 338, which says:

"A motion shall not arise a question substantially identical with one on which the House has given a decision in the same session."

So, unless this rule is suspended, I do not know whether under the rules you can bring this motion that this clause has to be reconsidered. I am just pointing out to the Government the procedure. But the House is the master of its own procedure; it can suspend the rules, it can do this or that. This is the position.

SHRI DINESH JOARDER: Since many of the provisions of this Bill require detailed consideration, we requested both the Home Minister and the Minister of Parliamentary Affairs that the consideration of this Bill should be postponed till the next session. Yet, they hurried through not only clause 125 but many other clauses which now require reconsideration by the Minister as well as other Members. So, I would request the Minister that the passing of this Bill should be postponed now and it should be taken a fresh in the next session. The Minister should call all the opposition leaders and other interested Members of Parliament to reconsider not only this clause but other stringent and oppressive measures and then come to a consensus so that this Bill can be passed unanimously in the next session.

SHRI G. VISWANATHAN: Now Government want to reconsider clause 125, which has already been pas-

sed in this House. For that purpose they want adjournment of this debate for one hour. If they want postponement, if they want to reconsider any provision, then they will have to circulate the amendments.

MR. DEPUTY-SPEAKER: First it will have to be postponed.

SHRI G. VISWANATHAN: We want to know the amendment first and then consider it. So far as procedure is concerned, unless rule 338 is overcome, it cannot be taken immediately. The Minister has to move first for suspension of the rules and then he has to move for the adjournment of the debate. It is legitimate for us to ask then whether the other clauses to which the opposition has taken objection would also be reconsidered along with clause 225. It is the usual policy of the Government to act in a hurry and regret later. Take the case of the Aligarh Muslim University Act. They rushed through it and then they had second thoughts. In the case of Mulki Rules, even though we opposed it, they passed it in indecent haste and now they are in the soup. It is better to postpone it, take enough time to consider it and then bring it before the House.

श्री राज रत्न शर्मा मेरी प्रार्थना है इसको पोस्टपोन करे अगले सेशन में लावें तब तक हमको मोच समझ ले क्योंकि इसमें कोई जल्दी नहीं है, एक जाब्ला फौजदारी पहले से मौजूद है जिसकी तहत काम चल रहा है। हम बिल को अभी पाम करने की कोई जरूरत नहीं है, इसके लिए समय दिया जाये और सोच समझ कर अगले सेशन में लाया जाये।

PROF. MADHU DANDAVATE (Rajapur): The only way is to suspend the rules. In that case there will be no difficulty.

श्री मधु लिमये में चाहता हूँ कि आप ऐसी व्यवस्था दे जिनमें बिन्कुल जल्द बाकी न हों, पक्षपात न हों, और जितने इसमें जो खराब क्लोजेज है

उन सभी पर पुनर्विचार करने का मौका मिले। यह सभी बातों का गवर्नर है। 125 के बारे में दा गवर्नर है।

MR. DEPUTY-SPEAKER: Has the Minister anything to say on this?

SHRI K. RAGHURAMAIAH: The consideration of this Bill should be postponed for an hour.

श्री मधु लिमये : पहले पाम कीजिए

कि पुनर्विचार के दौरान इनपर भी चर्चा होगी

SHRI K. RAGHURAMAIAH: So far as the Government is concerned, as I have made it very clear, this to reconsider clause 125. So, this discussion may be postponed by one hour. In the meanwhile, the discussion on floods would be over. If the hon. Members of the opposition want to give us suggestions about any other clauses, we will consider them also.

श्री मधु लिमये : पहले पाम कीजिए कि इन क्लोजेज पर पुनर्विचार होगा—10

108, 109, 110, 125 144 आदि।

SHRI K. RAGHURAMAIAH: So far as we are concerned, we are requesting the House to give us time to have a reconsideration of clause 124-A.

श्री मधु लिमये रत्न गौडग नहीं होनी चाहिये, यह इनकी गलती है।

15 hrs.

MR. DEPUTY-SPEAKER: There is nothing wrong in having a second look. I personally feel that should be the spirit. But I would like to run this House according to the Rules of the House. Even if it is an adjournment of one hour, it is an adjournment of discussion on this Bill—it may be one hour; it may be one day, whatever it is. Therefore, I think, if the Minister wants it, he should come with a formal motion under Rule 109 that the debate on the Bill be adjournment by whatever time it is. I will formally put it to the House. In the meanwhile, you sort out things.

SHRI K. RAGHU RAMAIAH: I would like to move the following motion: I move:

"That Rule 338 of the Rules of Procedure and Conduct of Business in its application...."

MR. DEPUTY-SPEAKER: This does not apply at this stage. At this stage, what you should move is only for adjourning the debate on this Bill. That will come only at that stage when you come with that motion.

SHRI K. RAGHU RAMAIAH: I move:

"That the debate on this Bill be adjourned for one hour."

SHRI MADHU LIMAYE: Which Rule?

SHRI K. RAGHU RAMAIAH: Rule 109. May I quote the rule for the convenience of the House?

MR. DEPUTY-SPEAKER: May I tell you that I have, again and again, drawn your attention to that Rule?

SHRI K. RAGHU RAMAIAH: Rule 109 says:

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

I ask for your consent to move the adjournment of the debate on this Bill under this Rule.

श्री मधु लिमये : उपाध्यक्ष महोदय मेरा मन्टोड्यूट मोशन है इस पर। इससे, नोटिस वा कोई मवाज नहीं है। इनके लिए नहीं है। नौ घंटे लिए भी नहीं हैं। मैं जनता के अधिकारों के लिए लड़ना और इनकी सम्मानी चलने नहीं दूँगा।

मैं कहना चाहता हूँ कि मैं भी स्पष्टता का प्रस्ताव कर रहा हूँ लेकिन मेरे प्रस्ताव को बढ़िया यह रहेगी—ताकि सदन क्लॉक 106, 108, 109, 110, 144, 167, 341 पर पुनर्निर्धारण कर सकें।

MR. DEPUTY-SPEAKER: I think, even Mr. Limaye is also confused now. I will explain to you how you are confused.

All this will come only when we resume the discussion, not now.

Now, the question is:

"That the debate on this Bill be adjourned."

That formal motion has been moved by the Minister. I have accepted it. I put that to the House,

श्री मधु लिमये हल 109 में कोई ऐसा प्रविधान नहीं है जिसमें आप मेरे मन्टोड्यूट मोशन को खत्म कर सकें।— यह इस तरह है

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

कारण देकर भी मैं मन्टोड्यूट मोशन दे सकता हूँ इसमें बिल्कुल कोई रोक नहीं है। ब्रह्म इसलिए स्थापित करना चाहिये ताकि इस क्लॉक क्लॉक 106 108 110, 144, 167, 341 पर पुनर्निर्धारण करना चाहते हैं।

MR. DEPUTY-SPEAKER: Now I will do it this way. The Minister has moved a motion that the discussion on the Bill be adjourned, and I have accepted it; he has done it under the relevant rule—I suppose, all this has gone on record—although it was done verbally. Now, Mr. Madhu Limaye—I will take it that way—has moved a substitute motion giving the reasons. That is the only thing. The Minister has not given any grounds, but Mr. Madhu Limaye has given the grounds. (Interruptions) Mr. Madhu Limaye has given a substitute motion giving the grounds—"We want to adjourn in order to reconsider these Clauses". That is the only difference.

Now I will put these motions to the House.

SHRI SOMNATH CHATTERJEE: Sir, I move:

"That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session."

MR. DEPUTY-SPEAKER: Now there are three motions...

SHRI K. RAGHU RAMAIAH: I have moved for adjournment for an hour. (*Interruptions*)

SHRI G. VISWANATHAN: He did not say that it was for an hour. Now he cannot move an amendment to his own motion.

SHRI K. RAGHU RAMAIAH: I said it then. Even when I talked to you all and later on also, I said one hour.

SHRI DASARATHA DEB (Tripura East): The Code of Criminal Procedure Bill is sought to be passed hurriedly. Now the criminal mind of the Treasury Benches has come to light.

PROF. MADHU DANDAVATE: If you check up the record, you will find that, when the Minister read out his motion, he said only that the Bill be adjourned. (*Interruptions*)

SHRI K. RAGHU RAMAIAH: If you follow the tenor of my whole speech, it is obvious. Also in the previous conversations that I had with the leaders, I had made my intention very clear. Let us not be too technical. I made it very clear—and there is no secrecy about it—that the adjournment was for one hour. That was the pith and substance of my motion. (*Interruptions*)

MR. DEPUTY-SPEAKER: Order, please. I am really convinced that all the members including the Minister need a holiday now because they have been so much under pressure that everybody got a little confused. I do not know what is on the record; whatever Mr. Raghu Ramaiah has said or has not said, his intention has always been for adjournment for one

hour. Here I have a letter from him which he had written just before these things came up in the House in which he has said—I will read it out; it will take me a little effort because his hand-writing is as good as mine:

"Before the voting on Clauses is over, I request, the Bill may be postponed an hour..."

SHRI MADHU LIMAYE: Rule it out, Sir. What is this—may be postponed?

MR. DEPUTY-SPEAKER: "...as the Government are reconsidering the Clauses."

This is what he wrote to me.

Anyway, let us not be too hair-splitting. Let us take it that he means one hour.

Now, I have three motions here..

SHRI PILOO MODY: This sort of charity to the Minister.

MR. DEPUTY-SPEAKER: One is by Mr. Somnath Chatterjee that further discussion on this Bill be adjourned to the next session. The second one is by Mr. Madhu Limaye—he has given in writing also—that the further discussion on the Code of Criminal Procedure Bill be adjourned to enable reconsideration of the following clauses: 106, 108, 109, 110, 144, 167 and 341.

AN HON MEMBER: 420 also.

MR. DEPUTY-SPEAKER: You may be found of 420, but I am not.

These two motions are amendments to the motion of Mr. Raghu Ramaiah. Therefore, I will put these amendments first. I will put the motion of Mr. Somnath Chatterjee first. The question is:

"That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session."

The Lok Sabha divided:

Division No. 19)

AYES

Bade, Shri R. V.
 Bhagirath Bhanwar, Shri
 Bhattacharyya, Shri Dinen
 Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P
 Chatterjee, Shri Somnath
 Chaudhary, Shri Ishwar
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 Deb, Shri Dasaratha
 Dutta, Shri Biren
 Goswami, Shrimati Bibha Ghosh
 Guha, Shri Samar
 Halder, Shri Krishna Chandra
 Hazra, Shri Manoranjan
 Joarder, Shri Dinesh
 Kachwai, Shri Hukam Chand
 Krishnan, Shri E. R.
 Krishnan, Shri M. K
 Limaye, Shri Madhu
 Malik, Shri Mukhtiar Singh
 Maran, Shri Murasoli
 Mavalankar, Shri P. G
 Mehta, Shri P. M
 Mishra, Shri Shyamnanda
 Mody, Shri Piloo
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 *Murmu, Shri Yogesh Chandra
 Nayak, Shri Baksi
 Nayar, Shrimati Shakuntala
 Pandeya, Dr Laxminarain

(15.16 hrs.)

Parmar, Shri Bhaljibhai
 Pradhan, Shri Dhan Shah
 *Rajdeo Singh, Shri
 Ramkanwar, Shri
 Rao, Shri M. Satyanarayan
 Reddy, Shri B. N.
 Roy, Dr. Saradish
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Sharma, Shri R. R.
 Shastri, Shri Ramavotar
 Singh, Shri D. N.
 Solanki, Shri Somchand
 Thevar, Shri P. K. M.
 Verma, Shri Phool Chand
 Viswanathan, Shri G
 Yadav, Shri G. P.
 Yadav, Shri Shiv Shanker Prasad
 NOES
 Achal Singh, Shri
 Aga, Shri Syed Ahmed
 Ahirwar, Shri Nathu Ram
 Appalanaidu, Shri
 Austin, Dr. Henry
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Banamali Babu, Shri
 Basumatari, Shri D.
 Bhargava, Shri Bhasheshwar Nath
 Bheeshmadev, Shri M.
 Brahman, Shri Rattanlal
 Brahamanandji, Shri Swami
 Chakleshwar Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrika Prasad, Shri

*Wrongly voted for Ayes

Chawla, Shri Amar Nath	Lutfal Haque, Shri
Chhotey Lal, Shri	Mahajan, Shri Vikram
Chhutten Lal, Shri	Mahajan, Shri Y. S.
Daga, Shri M. C	Majhi, Shri Gajadhar
Das, Shri Anadi Charan	Malaviya, Shri K. D.
Daschowdhury, Shri B. K.	Mallikarjun, Shri
Deo, Shri S. N. Singh	Mandal, Shri Yamuna Prasad
Desai, Shri D. D.	Maurya, Shri B. P.
Deshmukh, Shri K. G.	Mehta, Dr. Mahipatray
Dhamankar, Shri	Mishra, Shri G. S.
Dube, Shri J. P.	Mishra, Shri Jagannath
Engti, Shri Biren	Mohan Swarup, Shri
Gautam, Shri C. D.	Mohsin, Shri F. H.
Gogoi, Shri Tarun	Muhammed Khuda Bukhsh, Shri
Gokhale, Shri H. R.	Munsi, Shri Priya Ranjan Das
Gomango, Shri Giridhar	Nahata, Shri Amrit
Goswami, Shri Dinesh Chandra	Naik, Shri B. V.
Gowda, Shri Pampan	Negi, Shri Pratap Singh
Hansda, Shri Subodh	Oraon, Shri Tuna
Hari Singh, Shri	Panuli, Shri Paripoornanand
Jadeja, Shri D. P.	Pandey, Shri Damodar
Jaffer Sharief, Shri C. K.	Pandey, Shri Krishna Chandra
Jeyalakshmi, Shrimati V.	Pandey, Shri Narsingh Narain
Jha, Shri Chiranjib	Pandey, Shri R. S.
Joshi, Shrimati Subhadra	Parashar, Prof. Narain Chand
Kadam, Shri Dattajirao	Paswan, Shri Ram Bhagat
Kadam, Shri J. G.	Patel, Shri Natwarlal
Kader, Shri S. A.	Patel, Shri Ramubhai
Kailas, Dr.	Patil, Shri Ananttrao
Kamla Kumari, Kumari	Patil, Shri E. V. Vikhe
Kasture, Shri A. S.	Pradhani, Shri K.
Kinder Lal, Shri	Raghu Ramaiah, Shri K.
Kotoki, Shri Liladhar	Ram, Shri Tulmohan
Krishnan, Shri G. Y.	Ram Swarup, Shri
Lakshminarayanan, Shri M. R.	Ramji Ram, Shri

Rao, Shrimati E. Rathiabai A.
 Rao, Shri Jagannath
 Rao, Dr. K. L.
 Rao, Shri Nageswara
 Rathia, Shri Umed Singh
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Richhariya, Dr. Govind Das
 Roy, Shri Bishwanath
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sanghi, Shri N. K.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Sathe, Shri Vasant
 Savitri Shyam, Shrimati
 Sethi, Shri Arjun
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Shri Nawal Kishore
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Raja Ram
 Shenoy, Shri P. R.
 Shetty, Shri K. K.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Stephen, Shri C. M.

Sunder Lal, Shri
 Suryanarayana, Shri K.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Unnikrishnan, Shri K. P.
 Vekaria, Shri
 Verma, Shri Sukhdeo Prasad
 Virbhadra Singh, Shri
 Yadav, Shri Karan Singh

MR. DEPUTY-SPEAKER: The Result of the Division. Ayes. 50; Noes. 127

The motion was negatived.

MR. DEPUTY SPEAKER: Now I will put the substitute motion of Shri Madhu Limaye to the vote of the House.

The question is—

“That the Debate on the Code of Criminal Procedure Bill be adjourned to enable reconsideration of the following Clauses: 106, 108, 109, 110, 144, 167 and 311”

The Lok Sabha divided:

Division No. 26) (15.21 hrs.)
 AYES

Bade, Shri R. V.
 Bhagirath Bhanwar, Shri
 Bhattacharyya, Shri Dinan
 Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P.
 Chatterjee, Shri Somnath
 Chaudhary, Shri Ishwar

*The following Members also recorded their votes for NOES:

Servashri Rohan Lal Chaturvedi. Shri Krishna Agarwal,
 D. Kamakshiah, V. Tuladram Rajdeo Singh and Yogesh Chandra
 Murmu.

Dandavate, Prof. Madhu	Roy, Dr. Saradish
Das, Shri R. P.	Saha, Shri Ajit Kuma.
Deb, Shri Dasaratha	Saha, Shri Gadadhar
Dutta, Shri Biren	Shamim, Shri S. A.
Goswami, Shrimati Bibha Ghosh	Sharma, Shri R. R.
Guha, Shri Samar	Shastri, Shri Ramavatar
Halder, Shri Madhuryya	Singh, Shri D. N.
Halder, Shri Krishna Chandra	Solanki, Shri Somchand
Hazra, Shri Manoranjan	Thevar, Shri P. K. M.
Joarder, Shri Dinesh	Verma, Shri Phool Chand
Kachwal, Shri Hukam Chand	Viswanathan, Shri G.
Krishnan, Shri E. R.	Yadav, Shri G. P.
Krishnan, Shri M. K.	Yadav, Shri Shiv Shanker Prasad
Limaye, Shri Madhu	NOES
Malik, Shri Mukhtiar Singh	Achal Singh, Shri
Maran, Shri Murali	Aga, Shri Syed Ahmed
Mavalakar, Shri P. G.	Agarwal, Shri Shrikri-hna
Mehta, Shri P. M.	Ahirwar, Shri Nathu Ram
Mishra, Shri Shyammandu	Ambesh, Shri
Mody, Shri Piloo	Appalanaidu, Shri
Mohammad Ismail, Shri	Austin, Dr. Henry
Mukherjee, Shri Samar	Azad, Shri Bhagwat Jha
Nayak, Shri Baksi	Babunath Singh, Shri
Nayar, Shrimati Shakuntala	Banamali Babu, Shri
Pandeya, Dr. Laxminarain	Basumatari, Shri D.
Parmar, Shri Bhaljibhai	Bhargava, Shri Basheshwar Nath
Patel, Shri H. M.	Bheeshmadev, Shri M.
Pradhan, Shri Dhan Shah	Brahman, Shri Rattanlal
Ramkanwar, Shri	Brahmanandji, Shri Swami
Rao, Shri M. Satyanarayan	Chakleshwar Singh, Shri
Reddy, Shri B. N.	Chandrakar, Shri Chandulal

Chandrika Prasad, Shri	Kadam, Shri J. G.
Chaturvedi, Shri Rohan Lal	Kader, Shri S. A.
Chawla, Shri Amar Nath	Kailas, Dr.
Chhotey Lal, Shri	Kamakshaiah, Shri D.
Chhatten Lal, Shri	Kamble, Shri T. D.
Daga, Shri M. C.	Kamla Kumari, Kumeri
Das, Shri Anadi Charan	Kasture, Shri A. S.
Daschowdhury, Shri B. K.	Kinder Lal, Shri
Deo, Shri S. N. Singh	Kotoki, Shri Liladhar
Desai, Shri D. D.	Krishnan, Shri G. Y.
Deshmukh, Shri K. G.	Lakshminarayanan, Shri M. R.
Dhamankar, Shri	Laskar, Shri Nihar
Dhusia, Shri Anant Prasad	Lutfal Haque, Shri
Dube, Shri J. P.	Mahajan, Shri Vikram
Engti, Shri Biren	Mahajan, Shri Y. S.
Ganga Devi, Shrimati	Mahishi, Dr. Sarojini
Gautam, Shri C. D.	Majhi, Shri Gajadhar
Gogoi, Shri Tarun	Malaviya, Shri K. D.
Gokhale, Shri H. R.	Mallikarjun, Shri
Gomango, Shri Giridhar	Mandal, Shri Yamuna Prasad
Goswami, Shri Dinesh Chandra	Maurya, Shri B. P.
Gowda, Shri Pampan	Mehta, Dr. Mahipatray
Hansda, Shri Subodh	Mishra, Shri Bibhuti
Hari Singh, Shri	Mishra, Shri G. S.
Jadeja, Shri D. P.	Mishra, Shri Jagannath
Jaffer Sharief, Shri C. K.	Mohan Swarup, Shri
Jeyalakshmi, Shrimati V.	Mohapatra, Shri Shayam Sunder
Jha, Shri Chiranjib	Mohsin, Shri F. H.
Joshi, Shrimati Subhadra	Muhammed Khuda Bukhsh, Shri
Kadam, Shri Dattajirao	Munsi, Shri Priya Ranjan Das

Murmu, Shri Yogesh Chandra	Samanta, Shri S. C.
Nahata, Shri Amrit	Sanghi, Shri N. K.
Naik, Shri B. V.	Sant Bux Singh, Shri
Oraon, Shri Tuna	Sarkar, Shri Sakti Kumar
Painuli, Shri Paripoornanand	Sathe, Shri Vasant
Pandey, Shri Damodar	Savitri Shyam, Shrimati
Pandey, Shri Krishna Chandra	Sethi, Shri Arjun
Pandey, Shri Narsingh Narain	Shailani, Shri Chandra
Pandey, Shri R. S.	Shambhu Nath, Shri
Parashar, Prof. Narain Chand	Shankaranand, Shri B.
Paswan, Shri Ram Bhagat	Sharma, Shri A. P.
Patel, Shri Natwarlal	Sharma, Shri Nawal Kisore
Patel, Shri Ramubhai	Shashi Bhushan, Shri
Patil, Shri Anantrao	Shastri, Shri Biswanarayan
Patil, Shri E. V. Vikhe	Shastri, Shri Raja Ram
Pradhani, Shri K.	Shenoy, Shri P. R.
Raghu Ramaiah, Shri K.	Shetty, Shri K. K.
Rajdeo Singh, Shri	Shivnath Singh, Shri
Ram, Shri Tulmohan	Singh, Shri Vishwanath Pratap
Ram Swarup, Shri	Sinha, Shri R. K.
Ramji Ram, Shri	Sohan Lal, Shri T.
Rao, Shrimati B. Radhabai A.	Stephen, Shri C. M.
Rao, Shri Jagannath	Sunder Lal, Shri
Rao, Dr. K. L.	Suryanarayana, Shri K.
Rao, Shri Nageswara	Tiwary, Shri D. N.
Rathia, Shri Umed Singh	Tiwary, Shri K. N.
Reddi, Shri P. Antony	Tulsiram, Shri V.
Reddy, Shri K. Ramakrishna	Unnikrishnan, Shri K. P.
Reddy, Shri M. Ram Gopal	Vekaria, Shri
Reddy, Shri P. Narasimha	Verma, Shri Sukhdeo Prasad
Richhariya, Dr. Govind Das	Virbhadra Singh, Shri
Roy, Shri Bishwanath	Yadav, Shri Karan Singh
Saini, Shri Mulki Raj	

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes—51; Noes—142.

The motion was negatived.

*Shri B. R. Shukla also recorded his vote for Noes.

MR. DEPUTY-SPEAKER: Now we take up Shri Raghu Ramaiiah's motion. The question is:

"That the debate on the Bill be adjourned for one hour".

The motion was adopted.

15.23 hrs.

DISCUSSION RE: FLOOD SITUATION IN THE COUNTRY

MR. DEPUTY-SPEAKER: As agreed to by the House earlier, we take up a short discussion on the flood situation in Gujarat, Rajasthan and other parts of the country.

I do not know we can really do it in one hour. I have, before me, a list which I have received. It has the names of 21 Members who have already given their names; there may be a few others who have not given their names. Even if I allow five minutes to each—even if I allow two or three minutes it does not matter—it comes to more than one hundred minutes, without the Minister. So, I really do not know. Anyhow, the House has decided for one hour. I shall give one or two minutes each. I do not know what really you will say in two to three minutes. I do not understand this. I have placed it before the House. It is now you to decide.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): So also it is understood that the Criminal Procedure Code Bill will be taken up after this.

MR. DEPUTY-SPEAKER: I think let us proceed on this basis. I will give five minutes each. Otherwise it becomes a little farcical as to what one can say in one or two minutes. I shall go according to the names in the list I have got. Shri P. M. Joshi, He is not here. Shri D. D. Desai.

SHRI D. D. DESAI (Kaira): Mr. Deputy-Speaker, Sir, Gujarat has been flooded by overflowing rivers water. Water, as such, is rather a rare commodity in India. Every drop of rain-water is required to be collected, preserved and properly used. Water management is an important job and we should have floods water damage in the country. This reflects on our in capability to manage water. As I said earlier, this is one of our scarcest commodities. Last year we had in Gujarat a very bad drought. And that drought was on account of shortage of water in rainfed as well as in other areas. There was also scarcity of power which resulted in an additional difficulty. The time that is given to us for discussion is comparatively limited. Therefore, I shall do my job of it.

The rivers of India flowing westwards are more or less converging in the plains of Gujarat. It is necessary for the country to have a proper water management system for conserving all the water that falls during the rainy season in the respective areas. The management system for conserving all the water that falls during the rainy season in the respective areas. The management of water is to be so organised that water may be utilised for irrigation, industrial and drinking purposes. Here, the biggest water source is the Narmada. This project however has been held up for several years. We know the difficulties. But the people of Gujarat are extremely generous, charitable and magnanimous. The Madhya Pradesh people are our friends; they should not think that we belong to different countries. After all, Gujarat is part of India and so is Madhya Pradesh, and the people of both States are all Indian citizens only. So, we would like to see that none of the people is hurt, but on the contrary, whatever gains come out of the Narmada project are not only shared, but, these people who suffer on account of the Narmada being fully utilised.

techno-economic grounds, become the highest beneficiaries of the Narmada and in fact, derive more benefits than others derive from the Narmada. Money is no consideration. 80,000 or 90,000 of the people who live in the Narmada basin and who may feel the threat of being submerged under 530 ft. Nandgam dam could not only be rehabilitated, but their semi-primitive living could be advanced to a level which they would never foresee today or which would not be possible if they were left to themselves. Gujarat has fully underwritten the lives of these 90,000 people, and with the co-operation of Gujarat, nearly three lakhs acres of land submergence could be made into a far better proposition and the affected people could have far better living. For this, Gujarat has agreed and Gujarat is prepared not only to give acre for acre and house for house but make their life entirely different from what they are having now.

In other words, Gujarat wants to be generous, magnanimous and charitable and wants to see that the Narmada basin is fully utilised for the notional purpose, for meeting the food and commodities scarcity which we all in India suffer from, and for the benefit of Madhya Pradesh itself because it would drain in orderly way the flood waters of Madhya Pradesh put to use instead of flooding Gujarat and going waste into the Arabian sea. Madhya Pradesh itself has suffered very badly this year due to Narmada floods. Therefore, the full utilisation of the Narmada is the most important purpose and that is the particular remedy for floods which we should look to. I can assure the people of Madhya Pradesh, and I believe the people of Gujarat are all behind me when I say this, that not only will the people who may be afraid of suffering due to 530 ft. Navagam dam will be provided with housing, but if they have kutchra houses they will be provided with cement houses; if they

have no schools, they will be provided with good schools, and they would also be provided with hospitals and other facilities which probably would never be possible if things are left in the present situation.

Therefore, once again I appeal to the House to see that the ravages of Gujarat rivers are put an end to. So, better water management is the principal task to which the Ministry has to address itself. To face the present floods, I request the Central Government to organise relief measures which could reduce the suffering of lakhs of people who have been submerged and whose houses have been swept away by these unprecedented floods.

SHRI MANORANJAN HAZRA (Arambagh): Arambagh which happens to be my constituency is a cursed place in respect of flood and devastation every year. This year also, the entire Arambagh area has been threatened with serious flood havoc. In the upper catchment area of the DVC, that is, beyond Burdwan and Birbhum incessant rains have caused a serious situation. The Ajoy, the Kuye and Hinglo are already in spate and some parts of these districts are already under water. This volume of water, in addition to the constant flow of water from the upper catchment, will devastate the entire Arambagh within a week or so. Similarly, the lower catchment of the DVC, that is, the Howrah area and parts of Midnapore and Bankura have already got submerged under water.

15.29 hrs.

[SHRI K. N. TIWARY in the Chair]

Road and other communications there have been already been disrupted. The villagers have been rendered homeless. Therefore, it is high time Government took immediate steps to save Arambagh from this serious flood threat from the upper as well as contiguous lower catchment districts which are already under water.

[Shri Manoranjan Hazra]

Here may I remind the hon Minister that there is a scheme the Lower Damodar Scheme? At the end of last session, the hon Minister wrote to me that he was going to revive this scheme I appeal to him that this is the time for reviving it. Otherwise, this flood which overtook us there will do so every year. Therefore I urge upon him to take the necessary steps at this juncture, otherwise, lots of people will be rendered homeless and their hearths and homes will be devastated by this serious flood. With these words, I again appeal to him to at least do something to save us from this calamity.

श्री बेकारिया (जूनागढ़) मभापति महादय इस साल गुजरात में बहुत सी नदियां में बहुत बड़ी मात्रा में बाढ़ आई है। गुजरात की कमनवीबी यह है कि बहा जा नदियां बहती हैं उन का मुहाना दूसरे प्रदेशों में है लेकिन बाढ़ के द्वारा विनाश के गुजरात में ही करती है। जब इस विनाश को रोकने के लिए बांध की जाती है, ता इन नदियों का बाधन के लिए जा स्टेप्स लेने चाहिए, जो डैम बनाने चाहिए उन के सम्बन्ध में कुछ न कुछ बाधा दूसरे राज्यों की धार से डाली जाती है।

पिछले पचास साल का यह अनुभव है कि एक साल तो नर्मदा में भयंकर बाढ़ आती है, जिस में लाखों एकड़ जमीन पर खड़ी कपास बर्बाद हो जाती है, बहुत से गांव नष्ट हो जाते हैं और असंख्य लोग बेघर हो जाते हैं, और दूसरे साल बड़ा सूखा पड़ना है, जिस की वजह से कोई पैदावार नहीं होती है।

इस साल नर्मदा, साबर और बनास नदियों की बाढ़ की वजह से गुजरात में सात हजार हेक्टर जमीन पर जो कपास पैदा हुई थी, वे खत्म हो गई हैं और हजारों लोग बेघर

हो गये हैं। हम लोग बहुत सालों में नर्मदा विवाद के बारे में कह रहे हैं। मिनिस्टर माह्व कहते रहते हैं कि इस विवाद का तुरन्त सालूशन ढूँढा जायगा और डैम के बारे में जल्दी निर्णय लिया जायेगा। लेकिन अभी तक इस बारे में कोई निर्णय नहीं लिया गया है।

मैं निवेदन करना चाहता हूँ कि गुजरात की हजारों एकड़ जमीन का बचाने के लिए हर साल हजारों लोगों को बेघर होने से बचाने के लिए और गुजरात की सूखी धरती को पानी देने के लिए नर्मदा के सवान का जल्दी में जल्दी हल किया जाय। मुझे से पहला माननीय मदन्य श्री रमाई न बहा है कि नर्मदा के डैम की हाइट 550 फीट रखने के बजाय इस में मध्य प्रदेश और दूसरे प्रदेशों का जो नुस्मान होगा गुजरात उन स्टैटम का उम नुस्मान का पूरा मुआवजा देगा। हमारा चीफ मिनिस्टर ने भी यही कहा है और गुजरात की गवर्नमेंट इस के लिए हमेशा तैयार है। इसलिए मैं मंत्री महोदय से यह विनती करूंगा कि नर्मदा के बारे में जल्दी में जल्दी निर्णय लिया जाय।

दूसरी मेरी विनती यह है कि जिन लोगों का इस बाढ़ से नुस्मान हुआ है, उन की मदद के लिए सरकार अधिक से अधिक और जल्दी से जल्दी धन-शक्ति देना प्रबन्ध करे।

श्री रामावतार शास्त्री (पटना) मभापति जी, हर साल हमारे देश के किसी न किसी भाग में या कई भागों में भयंकर बाढ़ आया करती है अभी हमारे देश के गुजरात प्रदेश में बहुत भयंकर बाढ़ आई है। उसी तरह में काश्मीर, पंजाब, मध्य प्रदेश, बिहार, उत्तर प्रदेश, आन्ध्र, पश्चिम बंगाल

रा स्थान, आदि भी इस की चपेट में आ गये हैं। इन बाढ़ों के चलते अखबार की जो खबरे हैं उन में ऐसा लगता है कि सैकड़ों व्यक्तियों की मृत्यु हो चुकी है और फसला की अर्धम बरबादी हुई है।

एक तो यों ही हमारे देश में अनाज की कमी है, जिस की वजह से हम कार्फा परेशान भूखमरी की स्थिति बहुत में प्रदेशों में विराजमान थी, परन्तु इस बाढ़ की स्थिति ने, बाढ़ के प्रकोप ने इस स्थिति को और भी भयंकर बना दिया है। जिस के खिलाफ लड़ने के लिये आवश्यक है कि बाढ़-निराधक कोई ऐसी योजना बगाई जाय, जिस में हम देश के ज्यादातर हिस्सों को बाढ़ के प्रकोप से बचा सके।

बिहार में तो हर साल बाढ़ आती है और इस साल तो पहले ही सूखा भयंकर रूप में खड़ा हुआ था, उस के बाद इस बाढ़ का प्रकोप 10 जिलों में हुआ। इस प्रकोप से बिहार के पटना, मुंगेर, भागलपुर, मधुबनी दरभंगा चम्पारन, पूर्णिया, मुर्शहरपुर, सहरमा, आदि जिले बाढ़ से पीड़ित हैं। वहाँ के लोगों के सामने कठिनाइयों हैं, और बातों को छोड़ दें तो भी इस मुसीबत के जमाने में राशन तक नहीं मिल रहा है। जिन्दा रहने के लिये उन्हें राशन चाहिये, अन्धेरे से बचने के लिये किरासिन तेल चाहिये, भाचिस चाहिये—लेकिन वहाँ इन चीजों की भी कमी है। जब सरकार से राशन की माग की जाती है तो सरकार कहती है कि हमारे पास पर्याप्त मात्रा में अनाज की व्यवस्था नहीं है। इस लिये लोग भयंकर पर शरोसा कर के छोड़ दिये

गये हैं। हमारे सूबे में ही नहीं, पूरे हिन्दुस्तान की यही हालत है।

अभी थोड़े दिन पहले में अपने पटना जेल में गया था। वहाँ के दो अमेरिक्ली क्षेत्र—दानापुर और मंनर के दियांग क्षेत्र में भयंकर रूप से बाढ़ आई है। वहाँ पर पहले सुखा था, मक्का की फसल पहले ही सूख चुकी थी। जो 10-15 परसेन्ट बर्चा थी वह बाढ़ में गायब हो गई। वहाँ लांगा के मामने कोई काम नहीं है, मकान भी नहीं है जितने मकान थे, सब डह गये। राशन, तेल वगैरह की माग करने हैं तो कहते हैं कि नहीं है। जब पटना शहर के अन्दर ही राशन की दुकानें बिना गन्ने के खाली पड़ी हैं तो जहाँ बाढ़ आई है, वहाँ तो स्थिति और भी गम्भीर होगी।

ऐसे इलाकों की जिम्मेदारी भारत सरकार को लेनी चाहिये—वहाँ के लोगों को खिलाने की जवाबदेही प्राप्त की है राज्य सरकारों पर इस को मत छोड़िये। डमी मनेर और दानापुर क्षेत्र में गया नहीं है उस के कटाव में वर्षों पहले दर्जनों गाव गंगा के पेट में चले गये। इस साल भी 3-4 गाव—नागा टोला, भग्म टोला, हींग टोला, आदि बिलकुल कट गये हैं। उन गावों के निवासियों के रहने के लिये अभी तक कोई व्यवस्था नहीं की गई है। वे लोग कहाँ रहेंगे? सरकार में कहा जाता है तो जवाब मिलता है कि हम जमीन एक्वायर कर रहे हैं, एक्वायर करते करते बरसों बीत जाते हैं। मैं सत्री महोदय से कहूँगा कि इस तरह की समस्या का मुकाबला करने के लिये विशेष कर उन कटाव पीड़ित किसानों की मदद के लिये, उन के पुनर्वास के लिये कोई

[श्री रामावतार शास्त्री]

यथास्था कीजिये ताकि उन को बचाया जा सके और साथ ही साथ कटाव से भी उन को बचाया जा सके और वे मनुष्य की तरह ज़िन्दा रह सकें। कम से कम प्राथमिक चीजें उन्हें दो जायें साथ ही साथ स्थायी रूप से बाढ़ रोकने के लिये कोई ऐसी योजना बनाइये जिन से हम हिन्दुस्तान की जनता को बचा सकें।

SHRI P. M. MEHTA (Bhavnagar): The other day when I raised half-an-hour discussion on the Narmada in this House, except one hon. Member Shri D. D. Desai, all the Members of the Ruling party from Gujarat remained absent. But I am happy to see them here today and take part in this debate. And they have also asked the Government to expedite a decision on the Narmada. On 20th August, 1973 the attention of the Minister was called to the flood situation by the Members in the House and it was felt that a very serious situation had been created by floods and Gujarat was also affected; actually the waters of Narmada had entered the outskirts of Broach on 20th August 1973. Thereafter the monsoon became very active in some parts of Gujarat and caused havoc in the villages by unprecedented floods. Gujarat had not seen such floods since a decade. I shall give a rough idea of the havoc that has been caused in Gujarat.

The floods of Narmada, the Mahi, the Tapti and Sabarmati have caused havoc in Gujarat. Thousands of people have been rendered homeless. According to the reports available the swollen Narmada has isolated 11 villages in Matar Taluqa. 27 villages in Dholka Taluqa have been marooned by floods. More than one thousand villages have been affected. As many as 350 villages are marooned. Unprecedented evacuation of the villages had to be done. Nearly 10 thousand houses have collapsed. In Broach district 79 villages are affected by the Narmada floods and a population of

1.25 lakhs had been put to untold misery. The damage to crops is uncalculable. Thousand of fertile hectares are washed away. A dam viz., Dantiwada has suffered a breach of 300 metres and the water released from the Dam has washed away more than three villages in Palanpur district. All this damage, according to the primary rough estimate, comes to more than 50 crores of rupees. According to the available reports 47 human lives had been lost but the exact loss of human lives could be found out after complete receding of floods. It is feared that more human lives have been lost due to the floods. The loss of precious human lives could not be calculated in terms of money. Over and above this, Gujarat has suffered an invisible loss. The disruptions of vehicular traffic in most parts of the State, dislodgement of the trains, dislocation of Communication Service, damage to the Highways and District Roads had created a very adverse effect on the general economy of the state and floods always leave disastrous effects and untold misery and suffering to the vulnerable sections of the society who are usually the victims of floods.

Under these circumstances, I demand immediate rush of foodgrains, medical facilities edible oils, sugar and other essential commodities of life to the flood affected areas of the State. If this is not done in time, prices are likely to go up in my State. Therefore, immediate action should be taken for the supply of essential commodities and adequate measures for rehabilitation and adequate financial assistance to the State should be given.

This Government is totally unreliable. Gujarat faced severe drought conditions recently and the Government sanctioned Rs. 14 crores for the drought-prone-area programme. They released only 9.52 crores and then they stopped it. And they have said that the remaining Rs. 4½ crores will not be released in the current financial year.

This is the method of this Government. They never honour their own commitment. A number of dams have been investigated on the Narmada, but the work has not been undertaken. I request the minister to categorically state when the work on the investigated dams will be undertaken. They should undertake it immediately.

SHRI LILADHAR KOTOKI (Nowgong): Sir, having come from a State which is chronically affected by flood. I have full sympathy for the people who suffer from floods in any part of the country, whether Gujarat, Rajasthan, Bihar, UP or West Bengal. So far as Assam is concerned, I have repeatedly urged in this House that our economy has been crippled and thwarted in spite of the plans because of the devastations caused by floods in Brahmaputra and its tributaries. Only last year our loss was as high as Rs. 23 crores. This if compared to the annual growth rate of only Rs. 4 crores, will be eloquent enough to prove where our economy stands. We are in the midst of the discussion of the approach document to the fifth plan. I would urge on the Irrigation and Power Minister and through him the Planning Minister and the Government as a whole to provide adequate resources at least in the fifth plan to see that the ravages caused by floods, more especially in the chronically affected areas whose economy has suffered as my State, are prevented, so that at least from next year, we can take adequate measures.

In passing, may I draw the attention of the minister to the commitment made by the Prime Minister on the floor of the House as early as 5th December 1969 that adequate measures would be taken to control the floods in Brahmaputra? I am sorry to say that nothing concrete has been taken up even today. Although the Bill for the Centre to take over the full responsibility is in the offing, it is yet to be brought before the House, and action taken thereon. I humbly submit to the minister and

through him to the Government to expedite the enactment of this legislation so that measures could be taken for control of floods in my State.

SHRI SAMAR GUHA (Contai): Sir, while sympathising with the people in all the States where floods have destroyed human life and property, I would like to draw attention to the devastating floods that have again occurred in Midnapore, Bankura and Baharampur. This is the picture of the floods in Contai, my constituency (Picture shown of Contai area). This is known as the granary of the southern part of West Bengal. This area has had three devastating floods since 1967 and now this is the fourth one. One year there was drought. Out of the last seven years, in five years it was either flood or drought. The whole economy of Contai has been shattered. The whole economy of the people of this area is completely dependent on agriculture alone. There is no other means of livelihood for them. The result is that due to the successive floods and one year of drought the people are living in semi-starvation condition because the very base of their agricultural economy has collapsed. According to press reports, 95 per cent of the coming rabi cultivation is under water. Unless the water recedes quickly, it will affect not only that area but the whole of West Bengal because a large portion of rice the production of the State comes from that area.

As I have mentioned in this House several times, these are rather artificial flood for want of a proper drainage system in that area. Even though flood protection work in the Suvarnarekha has already been approved by the Planning Commission it is not being given effect to. I do not know why it is being delayed like this. I want to know when it is going to be taken up.

The whole agricultural economy of Contai area has completely collapsed.

[Shri Samar Guha]

The result is that year after year the agricultural loans and flood loans given to the people of that area are getting accumulated. Last year there was a big popular movement to withhold the repayment of agricultural and flood loans. Unless you are prepared to write off all outstanding agricultural and flood loans Contai area will no longer be a granary of West Bengal. You should also take quick measures for supply of ration, relief and rehabilitation of people in that area.

In conclusion, I would say that even though recently there was some paddy cultivation in that area, that rice is being taken away from this sub-division. Government should at least issue instructions immediately that no rice from the sub-division of Contai should be taken out of that area. Government should also inform the House what steps they are going to take to save this granary of West Bengal, which has been completely shattered by the successive floods of the last few years.

डा० लक्ष्मी नारायण पांडेय (मंदसौर) : सभापति महोदय, बाढ़ों ने इस समय देश में एक प्रकार से सकट की स्थिति खड़ी कर रखी है। पहले बिहार में और उत्तर प्रदेश में बाढ़ आई और उसी क्रम में गुजरात, राजस्थान तथा मध्य प्रदेश में भी निरन्तर घब चारों तरफ बाढ़ें आ रही हैं। नर्मदा की बाढ़ ने न केवल गुजरात को, अपितु मध्य प्रदेश को भी बहुत क्षणों में प्रभावित किया है। खरगोन का सारा भाग, बड़वानी, होशंगाबाद के सारे इलाके चारों तरफ से पानी में जलमग्न हैं। वहाँ 80 घंटे तक बर्खा होती रही, चारों तरफ का जन-जीवन वस्तु हूँ गया जिसमें 8-10 लोगों के मरने का समाचार है और लगभग 25 करोड़ की सम्पत्ति की हानि होने का भी समाचार

है। नर्मदा में प्रति वर्ष बाढ़ आती है, लोगों का जीवन संकट में पड़ता है, पशु मारे जाते हैं, मकान गिरते हैं और लोग अपने घरों को छोड़ कर लम्बे समय के लिए दूर रहते हैं। मैं पूछना चाहता हूँ सरकार ने इस सम्बन्ध में कौन से प्रभावी कदम उठाये हैं या उठाने जा रही हैं।

दूसरी बात यह है कि चम्बल नदी पर गांधीसागर बांध बाढ़ के पानी में बिरे तो रामपुरा और गांधीसागर बांध के आसपास के लगभग 150 गांव खाली होने की स्थिति में हैं पुलिस की तीन बटालियन मदद के लिए पहुंची हैं, जो महायता है वह अर्थात् है, गांधी सागर की मारी बिजली की यूनिट्स बन्द पड़ी हैं, सारे गेट्स खोल दिए गए लेकिन पानी फिर भी अत्यधिक आ रहा है और चारों तरफ भयावह स्थिति बनी हुई है, मैं जानना चाहूंगा वहाँ पर आप कौन सी सहायता देने जा रहे हैं। मदनौर की शिवन ने भी मंदसौर नगर व आसपास के क्षेत्र को भयंकर रूप से प्रभावित कर रखा है। बाढ़ के कारण लोगों के भूखे मरने की स्थिति है लेकिन आप मध्य प्रदेश को एक प्रकार से आख्यान के मासले में सरप्लस स्टेट बताते हैं, लेकिन वहाँ आज खाने की व्यवस्था नहीं है। पशुओं के चारे की व्यवस्था नहीं है। आप केन्द्र से तुरन्त सहायता पहुंचायें। मध्य प्रदेश की उपेक्षा नहीं करनी चाहिये। वैसे ही मंगल भी आज बाढ़ की चपेट में है। नर्मदा और बेतवा में बाढ़ आधी है, बिदिना व आसपास के क्षेत्र जलमग्न हैं। रेल और बसों का यातायात ठप्प है। मध्य प्रदेश में इस बाढ़ से करोड़ों रुपये की हानि हुई है, सैकड़ों

पहुं नारे गये और 8, 10 आदमी भी मर चुके हैं ।

इसी प्रकार से राजस्थान के अन्दर भी बाढ़ आयी है । उदयपुर में, चित्तौड़ में, कोटा में, और उम के ग्राम पाम के इलाकों में, मिरोही और जानीर में जो बाढ़ आयी है उस की बजह से रेल यातायात बन्द है, चारों तरफ से संकट है । खाद्यान्न की कोई व्यवस्था नहीं है । मैं चाहूंगा कि मंत्री जी उधर ध्यान दें और समुचित व्यवस्था कराये । मैं मंत्री महोदय से यह भी जानना चाहूंगा कि क्या वे इस प्रकार की बाढ़ों पर नियंत्रण के लिए कोई केन्द्रीय बाढ़ नियंत्रण आयोग बनाने जा रहे हैं ?

अन्त में मैं फिर कहूंगा कि मध्य प्रदेश की तरफ जहाँ चारों ओर संकट है, उज्जैन मदसौर, खारगोन, इंदौर, भोपाल के इलाके में जो संकट है उन में केन्द्र द्वारा जो महायन्त्रा की जा सकती है उस को करें और नर्मदा और चम्बल के बारे में कोई स्थायी हल ढूँढने की कोशिश करें तथा गुजरात को भी संकटापन्न स्थिति में बचाये ।

श्री राम सहाय पांडे (राजसंभवाबा) .
महापति जी, सूबा पड़ जाय तो हमारा देश "भिक्षाम देहि" की बात करता है. बाढ़ आ जाये, नदियाँ बड़ जायें तब भी "भिक्षाम देहि" की बात देश करता है। इस का कारण क्या है ? कारण यह है कि इन्द्र भगवान जो पानी बरसाता है उस पर हमारा कोई नियंत्रण नहीं है । ससार का एक बटे दम हिस्सा पानी हम को प्राप्त है, और 83

ऐसी नदियाँ हैं जो पैरोनियल हैं, सदा बहती हैं । वर्षा के समय पानी के वेग से उन में बाढ़ आती है । इस के लिए मैं प्रशासन को पूरा का पूरा उत्तरदायी ठहराता हू । फ्लड कंट्रोल कमीशन आप के पाम है, योजनायें आप बनाते हैं, और उस योजना के माध्यम से 25 वर्ष में आप ने कम से कम अग्रर देश के आधे पानी पर नियंत्रण कर लिया होता तो बहुमुख से लेकर नर्मदा, गंगा, जमना, बंतवा आदि नदियों में जो प्रवाह आता है, गांव बर्बाद होते हैं, कम से कम अग्रर आधे देश में पानी पर नियंत्रण कर लिया होता तो आज जो हमारा किमान भूखा है, घरती प्यासी है, यह संकट दूर हो गया होता ।

पानी का नियंत्रण सब में प्रथम आवश्यकता है, इनको प्राथमिकता देनी चाहिये । पानी है, लेकिन सूखा भी और बाढ़ भी है । आज आप बाढ़ की बात सुन रहे हैं, 10 रोज बाढ़ सूखे की बात होने लगेगी । इसलिए सब से बड़ी कमी हमारी योजना में यह है कि हम ने जल पर नियंत्रण किया ही नहीं । जब कि ऊपर में पानी बरसता है, 3,600 मिलियन एकड़ फीट पानी हमारे देश में गिरता है लेकिन मिर्चाई के लिए केवल 150 मिलियन एकड़ फीट पानी ही हम को मिलता है । नदियों के बारे में अन्तर्प्रदेशीय अयतें हैं । अभी हमारे भाई जो गुजरात के थे उन्होंने कहा कि वह बड़े बैरिटेबिल हैं । अरे भाई मध्य प्रदेश पर क्यों रिफ्लेक्शन आना चाहिये । आप का जो अधिकार है वह आप को मिलना चाहिये, मध्य प्रदेश का जो अधिकार है वह मध्य

[श्री राम लहाव पांडे]

प्रदेश को मिलना चाहिये। 5, 6 बांध हमारे यहां बनने, एक बांध आप के यहां बनेगा, उस पर झगड़ा कर रखा है। दोनों मुख्य मंत्रियों ने प्रधान मंत्री को निर्णय के लिये मामला सौंप दिया है कि नर्मदा के पानी के बारे में वह अपना निर्णय दे दें। आज नर्मदा का पानी सिंचाई के काम नहीं आता, मध्य प्रदेश और गुजरात के लोग इस को जानते हैं कि नर्मदा का पानी हम को प्राप्त नहीं है इसलिये भुखमरी है। इसलिये पानी पर नियंत्रण किया जाय, उस को नहरों में बहाया जाय जिस से खेतों को पानी मिल सके और देश जो भूखा है उस को भ्रष्ट मिल सके।

आप उच्चवर्षीय योजना बनाने जा रहे हैं उस में पानी के नियंत्रण को सबसे बड़ी प्राथमिकता देनी चाहिये। अगर पानी नहीं है तो हमारा देश भूखा रहेगा अगर पानी मिलेगा, खेत में बहेगा तो हरित क्रान्ति होगी और हमारी भुखमरी जायेगी तथा "भिक्षाम देहि" भी समाप्त हो जायेगी।

16 hrs.

समापति महोदय इस बहस के लिए एक ही घंटे का समय है, लिस्ट बोलने वालों की बहुत बड़ी है, पहले सब पार्टीज के एक एक सदस्य को बुला रहा हूँ।

श्री हुकम चन्द कठनय (मुरेना) .
मान्यवर, एक घंटे का समय और बढ़ाया जाय एक घंटे से काम नहीं चलेगा, कम से कम दो घंटे हीना चाहिये। मैं प्रस्ताव करता हूँ कि एक घंटा समय बढ़ाया जाय।

श्री कूलचन्द बर्मा (उज्जैन) : मान्यवर, मैं उज्जैन से आता हूँ, वहाँ 250 मकान गिर गये, तीन दिन से सड़को पर मार्बल चल रही हैं और आप मुझ को बोलने नहीं देना चाहते। आप मुझे अवश्य भ्रष्टर रहे।

समापति महोदय : आप बैठिये। पहले माननीय माबलकर जी को बोलने दीजिये।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, I speak today with considerable anguish in my heart as I rise portray before this hon House, what I have seen with my own eyes during the last three or four days in Ahmedabad and Gujarat. But when I speak about Ahmedabad and Gujarat and the havoc that the various rivers in spate have created all over the place, I do not want to restrict my remarks only to Ahmedabad and Gujarat; I am conscious of the fact that the damage done to the various parts of the country is equally distressing and equally great.

Sir, only last week, on Tuesday, we had in this House an occasion to discuss the flood situation, and the Minister of Irrigation and Power also replied to the debate. Little did we realise then that, within a week of that debate, we in this House would be compelled to take another hour or two to discuss the havoc created by the various rivers in the various parts of the country. This is not a problem to be looked at from a party angle this is not a problem to be looked at from the political angle. It is a national calamity, a colossal problem, facing the whole nation. Therefore, I am looking at it from the national angle.

Last Friday, on 31 August 1978, when I flew to Ahmedabad, my home city and constituency, I could not reach there because the rains were heavy and the planes were diverted to Bombay. We were stranded at Santa

Cruz airport, Bombay for 12 hours. Only on Friday night, on the night of 31st August, I reached Ahmedabad, and Saturday and Sunday I spent in Ahmedabad where many people suddenly found themselves in knee-deep waters. I have come back from Ahmedabad only today and straight from the Airport I am coming to Parliament. I want to tell you, Sir, that the havoc created by the various rivers, Narmada, Sabarmati, Mahisagar, Vishwamitri, Meshwo, Vatrak, Shedhi, Hathmati, Banas and Saraswathi, has been extensive. More than two-thirds of my State is in difficulties. The extensive and heavy damage caused by floods runs into crores of rupees. The official estimate is Rs 50 crores, but it is much more than that. The standing crops have been destroyed; cattle and human beings have been washed away; houses have collapsed; hut-dwellers and slum-dwellers and people on the embankment are in great hardship because, suddenly, they have been uprooted; hundreds of villages are marooned in water. The administration has not been geared adequately, though, I must say, it is doing its job well. The Government of Gujarat, the Municipal Corporation of Ahmedabad, the various voluntary agencies, the All India Radio, the newspapers, the Army and the Police—all are doing their best. But what I want to tell the House and particularly the Minister here is this. It is not only Gujarat but various other States also that are affected. We require some long-term measures, we require massive financial assistance from the Central Government. The Prime Minister gave Rs. 1 lakh from the Prime Minister's National Relief Fund. But, that is inadequate. We want much more than that. We want the Army to help us, to rescue us and to help us in the rescue operations. We want more boats to be sent to us. We want more helicopters to be sent to us. In Ahmedabad and Gujarat, I found to my dismay that helicopters and boats were not available. Houses, cottages, slums and every place have all been flooded. We want short-

term and long-term steps to be taken. People have to be housed again. We want cement for these people. I would request the Minister of Housing, Shri Bhola Paswan Shastri to give tents by way of shelter to the flood affected people, and to give more attention to Gujarat.

Finally, I want to stress that the Prime Minister must give her award on Narmada without delay. If she has any heart, if she has any understanding and if she has any national interests, I want her to give her award as early as possible because it is disgraceful, disgusting and distressing to see that so many people, crores of people are suffering because it has been brought into the political arena. Therefore, I would appeal that when I saw my people not only in Gujarat but all over the country how bravely they are meeting this challenge, I was distressed why the Government and the leadership are not coming to their rescue.

Therefore, I want to conclude by saying not only that the Narmada award should come quick and soon but the Government must give massive assistance. Dr. Rao, a very esteemed Minister, and a very intelligent and expert man, unfortunately said last week in the House that we must learn to live with the floods. But people here are dying. While they are still existing, please do something quick, spend more money and have priorities on this and do things nationally and not politically.

MR. CHAIRMAN: I want to know from the Government their reaction. The time allotted for this discussion is only one hour. But there is a demand from the House that the time be extended. What is the Minister's opinion?

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): The position is that on a motion that I moved earlier which

Shri K Raghu Ramaiah

the House also adopted, the discussion on the Criminal Procedure Code (Amendment) Bill was postponed by an hour. From the time of adoption of that motion this debate is to go on for an hour, i.e., till 4.24 or 4.25. That is the present position and I am in the hands of the House. If the House wants to discuss the flood situation for another hour, then, subject to the further consideration of the Criminal Procedure Code (Amendment) Bill being taken up after that, if the Chair wants, I have no objection. I will not stand in the way.

MR. CHAIRMAN: I am also in the hands of the House. If the House wants that the time should be extended, I have no objection.

SOME HON. MEMBERS: Yes, Yes

MR. CHAIRMAN: How much time? One hour?

श्री मधु लिमये (बाका) इन्होंने जान-बूझ कर श्री सोमनाथ चटर्जी के प्रस्ताव के विपक्ष में वोट डलवाया। व्हिप इशू कराया। नतीजा यह है कि एक घंटे के लिए केवल चर्चा स्वगित की गई है। एक घंटे के बाद बिना फॉर्मल मोशन के उस चर्चा को लेना होगा। मैं तब इस चर्चा को चलाने नहीं पूंशा क्योंकि यह नियमों के विपरीत है। अगर आप वाक्यांश मोशन बर्गरह न देते हुए ज्यादा समय बाढ़ पर चर्चा करते तो बात अलग थी। स्पीकर के अधिकार से बहुत दफा यह हुआ है। लेकिन आपका यह आग्रह रहा है कि आज ही हम इस बिल को पास करेंगे। यह जिद क्यों? अगर यह जिद है तो मेरी भी जिद है कि एक घंटे के बाद उस चर्चा को आप ले और नहीं लेना चाहते हैं तो दूसरा प्रस्ताव लाए। (इंटरप्राइज) समझौते से काम करना है

तो मैं तैयार हूँ। मैं भी चाहता हूँ कि बाढ़ के ऊपर बहस हो और वह पूरा दिन चले। मेरी बात को आप समझने की कोशिश करें। छ. बजे तक बाढ़ के ऊपर बहस हो वसंतों कि एक वाक्यांश प्रस्ताव करके सी आर पी सी की बहस को भंगने सत्र तक के लिए मुलतबी रखा दिया जाए। जल्दबाजी क्यों आप करते हैं? अगर आप इसको नहीं मानते तो एक घंटे के बाद विधेयक को आप ले।

MR. CHAIRMAN: What has the Minister got to say?

SHRI K. RAGHU RAMAIAH: I am entirely in your hands. It is true that I have asked for one hour adjournment so that this Criminal Procedure Code Bill discussion can be taken up after that. Meanwhile this discussion has come up. There are two ways of doing it. Either you may extend the time, or, you may take up the Criminal Procedure Code Bill discussion. These are the two ways.

श्री मधु लिमये से वाक्यांश प्रस्ताव करता हूँ कि सी आर पी सी की जै बहस है इसको और स्वगित रखा जाए और छ: बजे तक इस पर बहस हो और छ: बजे के बाद हाउस को एडजर्न करे सी आर पी सी को आज न लिया जाए। चेना है तो अभी ले नहीं तो कल ले।

श्री हुकूम चन्द कच्छबाप: मैं इसका समर्थन करता हूँ।

MR. CHAIRMAN: The motion of Mr. Madhu Limaye is this:

"That this discussion should continue up to six and the Criminal Procedure Code Bill discussion should be taken up tomorrow."

SHRI D N TIWARY (Gopalganj) :
I move a substitute motion, or amendment. I move

"That this discussion should continue up to 5-15 pm and after that we shall take up the Criminal Procedure Code Bill for discussion"

MR CHAIRMAN I am putting it to the House The amendment of Shri D N Tiwary is to be put to the vote first The question is

"That this discussion should continue up to 5-15 PM and after that we shall taken up the Criminal Procedure Code Bill for discussion"

The motion was adopted

सभापति महोदय यह बहस 5 बजकर पंद्रह मिनट तक चलेगी ।

When would the hon Minister like to speak ? We have to conclude this discussion at 5-15

THE MINISTER OF IRRIGATION AND POWER (DR K I RAO) : I will start at 5 O clock Fifteen minutes will be all right

श्री कूल चन्द वर्मा मुझे आप मौका देने ?

सभापति महोदय आप बैठिये । श्री तिवारी ।

श्री कूल चन्द वर्मा मुझे मौका मिलना या नहीं ?

सभापति महोदय हाउस को आप चलने दे । मैंने श्री तिवारी को बुलाया है । (व्यवधान) आप बैठ जाए । आप डिस्टर्ब कर रहे हैं हाउस को । आप बैठ जाइये ।

श्री बी० एन० तिवारी (गोपालगंज)

सभापति महोदय, ममयाभाव के कारण मैं बाढ़ के कारणों और उसकी रोकथाम के उपायों में नहीं जाना चाहता हूँ । इस बारे में मदन में कई बार बहस हो चुकी है और मिनिस्टर साहब भी उस का जवाब दे चुके हैं ।

मैं आप का ध्यान बिहार की ओर दिलाना चाहता हूँ । बिहार में अभी लोग भयानक सूख से उबर भी नहीं पाये थे और उन को कुछ गहन भी नहीं मिल पाई थी कि भयंकर, बाढ़ आ गई । वहाँ केवल एक जिले में नहीं बीमियो जिले में बाढ़ आई है । कहीं शहर में पानी घुस गया है और कहीं खेत नष्ट हो गए हैं । ड्राउट्स में जो कुछ भी बचा-खुचा था उस को बाढ़ न समाप्त कर दिया है । नागों की समस्या में नहीं आता है कि वे कैसे रहेंगे क्या खाएँगे और कैसे अपनी जमीन को फिर से आबाद करेंगे ।

मैं निवेदन करना चाहता हूँ कि बिहार पहले से ही एक बहुत डेफिजिट स्टेट है । वहाँ पावर और इरिगेशन की कमी है । जो प्रोजेक्ट वहाँ हाथ में लिये गये हैं, उन का कम्प्लीशन भी नहीं हुआ है और न ही उन से कोई घब्रिक पानी ही मिल सकता है । मंत्री महोदय से मेरा आग्रह है कि वहाँ जो बांध बने हुए हैं, चूँकि उन के स्लूस गेट काफी न होने के कारण नदियों का पानी निकलने में रुकावट हो रही है, इस लिए वह शीघ्र से शीघ्र जो तीम कदम उठाये ।

जहाँ पानी घटका हुआ है, जमा हुआ है, वहाँ बांध को काट कर पानी को

[श्री डी० एन० तिवारी]

निकलवाया जाये, जिस से लोगों को राहत मिल सके और खेतीहर मजदूर जमीन पर काम कर सकें। जहाँ जमीन सूखी है, वहाँ हार्ड मैन्युअल लेबर स्कीम को जल्दी से जल्दी चालू किया जाये। ऐसान हो कि ड्राउट से भूखे लोग बाढ़ में भी भूखे मरे और उनको कोई काम न मिले। वहाँ भ्रष्ट की कमी शायद उत्तनी नहीं होगी, जितनी परचेजिंग पावर की कमी है। अगर लोगों के पास परचेजिंग पावर होगी, तो वे महंगा भनाज भी खरीद कर खा सकते हैं। लेकिन आज उन के पास परचेजिंग पावर नहीं है। वे ड्राउट के सतये हुये है और अब बाढ़ से मारे जा रहे हैं। मेरे जिले में शहर में पानी आ गया है, गावों और देहानों की बान क्या कहे। मूललाधार बारिश हुई है और नदियों में भयकर बाढ़ आ गई है। छपरा जिले में आधे शहर में पानी आ गया है। देहात में 40, 45 परसेंट जमीन पर फ़सल नष्ट हो गई है। मुजफ़्फ़रपुर और दरभंगा आदि अन्य जिलों में भी बाढ़ का ऐसा ही प्रकोप है। वहाँ पर जल्द से जल्द पानी निकाला जाये और जमीन को साफ़ किया जाये।

इसके बाद घग्ने रवी सीजन में बोनो का प्रबन्ध भी किया जाये। और लोगों को समय पर सीड दिया जाये। होता यह है कि सीड नब मिलना है, जब बुवाई का समय खत्म हो जाता है। घग्ने रवी सीजन की बुवाई के लिए ऐसा प्रबन्ध किया जाना चाहिए कि कोई जमीन खाली न रह जाये और लोगों को बोनो का मौका मिले।

इस बीच में सरकार वहाँ जितना गल्ला दे सकती है, जितने साधन पहुँचा सकती है, उन लोगों के हाथ में जितनी परचेजिंग पावर दे सकती है, उसका प्रबन्ध उसको चरकर करना चाहिए।

SHRI H. M. PATEL (Dhandhuka) :
I shall not take much time to speak about the distress in various States and the financial and other assistance that the Central Government may give to the State Governments for work that they may have to undertake in order to relieve distress. What I would like to refer to is the fact that each time we have floods, we find that they are much worse than the floods on the previous occasion. The intensity of the floods is increasing every year. The only reason for this is that we have not been able to undertake that kind of activity which ought to have been undertaken for conservation. The work of afforestation in the catchment areas in an intensive manner may not have been neglected altogether but it is certainly proceeding at a snail's pace. These areas were very badly deforested during the Second World War, and since then, the task of reforestation has not been taken up with the degree of urgency that it ought to have been undertaken. At any rate, I hope that in the light of these disasters that have to face year after year, reforestation would be given the highest priority.

I cannot understand how the hon. Minister says that we must learn to live with the floods. Of course, we must learn to live with all manner of catastrophes that befall us, but surely the hon. Minister ought not to say that. The hon. Minister ought to say that we ought to see that catastrophes which we could prevent will be prevented by action of a kind which our intelligence, our resources and our techniques would enable us to do. The forces of nature cannot just be ignored. If

you only invite disaster, but you can meet them, and you can do so intelligently and you can meet them in such a way that you prevent those forces from being very disturbing. Are we doing that? I think the various speakers who have spoken before me have referred to this. I have already referred to the question of conservation which ought to have been undertaken.

Secondly, there is the question of drainage. We construct highways, we construct canals and so on, and we do not allow natural drainage; natural drainage is interfered with by these particular construction works. Natural drainage has to be provided for. Further, in the case of rivers of this magnitude, we could control those waters and see that irrigation and power supply is provided out of them. Why are these works delayed? So many river projects have been delayed, projects which ought to have been completed within a matter of three or four or five years. Of course, the construction of hydel power stations and dams etc. may take eight to ten years sometimes, but they are taking infinitely longer time. Sometimes, as in the case of the Narmada, no decision even is being taken.

Does the hon. Minister not realise that these matters must be decided? It is no use running away from them. There are matters in which I think that it is time for all of us to decide that they should be decided on their merits, economic merits, technical merits and not on a political basis at all. Unless we do this year after year we shall have to face these damages, disasters and heavy losses. Every State assesses its damage in terms of crores of rupees, some say Rs. 50 crores, others Rs. 100 crores and so on. If you add them up, you will find that the total loss is enormous and some losses are incalculable. But in my opinion, these are under-estimates. There are losses which are intangible and incalculable where human beings are uprooted

from their homes; it is not a question of merely rehabilitating them or constructing houses for them. The actual loss suffered by them is something that cannot be calculated in terms of money. I would therefore urge the hon. Minister to consider this, that it is not merely a question of the losses that we suffer or the country suffers in terms of damage to property, damage to crops, loss of lives and so on in terms of money, but to tackle the underlying causes, what is there at the back, for, the country is losing so very much of the progress that we may have achieved.

Reference was made to the flood ravages in Assam by the Brahmaputra. The problem of the Brahmaputra has been there before us ever since Independence. It was stated almost immediately after Independence that the highest priority would be given to it to see that it did not ravage the country as it has been doing almost every year. Yet, what has been done about it?

He may say that commissions have been appointed and commissions have made progress. But what is there to show in terms of actual achievement. In actual reduction in terms of floods that take place?

In conclusion, I wish merely to say that right now is the time when we should think in terms of overcoming these floods of meeting the problems of floods in an intelligent and planned way. We should not be chary about providing the maximum possible funds that may be required year after year because what we suffer in terms of losses far exceeds whatever provisions may be needed for whatever work we can achieve during a year.

श्री नरेन्द्र कुमार साषी (जालौर):

सभापति जी, भारे देश में एक विषम समस्या बाढ़ की वजह से पदा हो गई है। पिछले 12 महीनों के अन्दर सारे देश में सूखे

[श्री नरेन्द्र कुमार साक्षी]

की परिस्थिति थी, जिस से महगाई बढ़नी गई। जब बारिश आई तो लोगो ने सोचा कि अब पानी मिलेगा और उन की कठिनाइया दूर होगी, लेकिन सारे देश के एक बड़े हिस्से के अन्दर बाढ़ का ऐसा भयकर प्रकोप हुआ कि राजस्थान के अन्दर तो जहाँ पिछले 30 वर्षों में बाढ़ नहीं आई थी, हर दूसरे माल सूखा पड़ता था, वहाँ एक भयानक स्थिति पैदा हो गई है। पिछले तीन चार दिना में राजस्थान में जो हालत पैदा हुई है—मन्त्री महोदय को उस की जानकारी होगी। जालौर बामवाड़ा डूंगरपुर मिरोही, बाड़मेर, सिवाना आदि स्थानों की पिछले 3-4 दिना में जो हालत हुई है वह किसी भी छिः नहीं है। जहाँ जवाई बाघ का पानी आज तक कभी पूरा नहीं भरा वहाँ यह स्थिति पैदा हो गई है कि आप को उस के गेटम को खोलना पड़ा और उस के बाद जा मूमाधार बर्बा हुई, सारा क्षेत्र पानी में डूब गया। जालौर स्टेशन पिछले शनिवार को 4 फुट पानी में डूबा हुआ था। विशनगढ़ गोल पहले ही लो-वाइंग एरिया था वहाँ पर 8 फुट पानी बह रहा है। वहाँ के लोगो का जो हालत है, मेरे क्याल से सोचना भी दुश्वार है।

मरी वहाँ बात हुई थी उन्होंने मुझे बताया कि हैलीकॉप्टर भेजा था लेकिन हैलीकॉप्टर के उतरने के लिये भा जगह नहीं है। उन्होंने वहाँ पर बहते हुए इन्मानो को देखा—बड़ी भयकर परिस्थिति है। आज की जानकारी मुझे नहीं मिली है मैं क्राशिंग की, लेकिन सारे मीन्ड-आफ

कम्प्यूनिकेशन खत्म हो चुके हैं। जितना भी मुझे जोधपुर से मालूम हुआ है, उन के अनुसार राजस्थान के पश्चिमी क्षेत्र में बहुत भयकर परिस्थिति है। गांधी के अन्दर 8 फुट पानी बह रहा है, जहाँ पक्के मकान नहीं होते हैं, वहाँ के लोगो कैसे जिन्दगी बसर कर पायेंगे—आप ही अनुमान लगा सकते हैं।

आज की गम्भीर परिस्थिति को देखते हुए मैं जानना चाहता हूँ कि इस के लिए आप ने कौन सा योजना बनाई है कौन सा कार्य हो रहा है ताकि वहाँ के लोगो का बाढ़ की परिस्थितिया में दूबन से बचाया जा सके। हवाई जहाज या हैलीकॉप्टर के दस्त बहुत थोड़े हैं जा है वे वहाँ पहुँच नहीं पा रहे हैं। क्रिश्चिया वहाँ जा नहीं पा रही है। मैं जानना चाहता हूँ कि आप ने कौन सी एम-जन्मी एक्शनज लिये हैं जिन में उन को बचाया जा सके। एयर-फोर्स और आर्मी क दम्न क्या कर रहे हैं, उन्होंने आप का क्या कहा है? क्या उन्होंने कहा है कि उन के दम्न वहाँ पर काम नहीं कर सकते?

उन परिस्थितियों के बारे में आप की गूडी टीम क्या वहाँ जा कर जानकारी हासिल करेगी, जहाँ कगाड़ा कृषो का नुकसान हुआ है, सारी फसल तबाह हो गई है, मकान गिर गये, लाखो लोग बेघर-बार हो गये। आप की सैन्ट्रल स्टडी टीम क्या वहाँ जायेगी, क्या आप को अहसास होगा कि वहाँ पर हमें क्या करना है।

भाहोर जिले के 25 गांव, जालौर के 15 गांव, साबीर के 61 गांव पानी में डूबे हुए हैं। 20 हजार मकान भीमवान तहसील में गिर गये हैं। 10 हजार मकान जालौर में और 5 हजार साबीर में गिर गये हैं। सारी महलहानी हुई फसल खत्म हो गई है। इस लिये वहां जा कर आप की टीम कब काम करेगी, आप का राहत का कार्य कब शुरू होगा। एम्बर-फॉर्म के दस्तों जो बहा काम कर रहे हैं, उन्होंने आप को क्या हकीकत भेजी है—बह हम जानना चाहते हैं। बहा के लंगों के लिए खाना मुहैया करने, मेडिकल-रूड भेजने तथा ग्रन्थ साधन पहुंचाने के लिये आप ने क्या किया है। इस की लैटैस्ट रिपोर्ट क्या क्या है ?

पश्चिमी राजस्थान की हालत बहुत खराब है—बाग जान बचाने के लिए परेशान है। न बहा रेलगाड़ी है, न रुड़क है, न कोई दूसरे रास्ते हैं—सिवाय हैलीकाप्टर के कोई दूसरा साधन नहीं है। इसलिए हमें जानकारी दे कि घाज की हकीकत क्या है और आपने कौन सा कार्य बहा पर किया है।

SHRI E. R. KRISHNAN (Salem): Mr. Chairman, Sir, I am thankful to you for giving me an opportunity to participate in the discussion on the recent floods and the consequent havoc in Madhya Pradesh, Gujarat and Rajasthan States and express my views on behalf of my party, the Dravida Munnetra Kazhagam.

You will recall, Sir, that there was a discussion in this House last week on the floods in these States and also

in so many other parts of the country, in reply to which the hon. Minister of Irrigation and Power, Dr. K. L. Rao, sermonised that the people of the country should learn to live with the floods since no amount of governmental programmes and activities would completely eradicate the problems of floods in the country. I was appalled to hear such a statement from a senior Minister like Dr. K. L. Rao. I would be obliged to know from him today as to how and in what manner the people of the country should live with the recurring floods in the country.

Sir, in Central India rivers region the important rivers are the Tapti, Narmada and the Mahi flowing westward and the Mahanadi, Brahmini, Baitarni and Subarnarekha flowing eastward. It is common knowledge that every year these rivers are flooded and they cause a very heavy toll. The Central Water and Power Commission, which is functioning under the guidance of the hon. Minister, has presented a Perspective Plan for Flood Control for the decade ending March, 1981 in which it is suggested that flood moderation dams on these rivers are an imminent necessity for effectively dealing with the flood problem. This plan envisages a capital outlay of Rs. 540 crores. Instead of stating that the Government would implement this plan with vigour and verve, it is really deplorable that the hon. Minister of Irrigation and Power should have stated that the people of the country should learn to live with the floods. We are constrained to conclude on hearing such a statement that the Government are not serious to implement schemes which will put an end to human misery in our country. I would like to know from the hon. Minister whether this scheme is being considered earnestly or it is just adorning the book-shelf of the hon. Minister's office.

*The original speech was delivered in Tamil.

[Shri E. R. Krishnan]

Before I conclude, I would refer to one very important point. If the Central Government want to take determined steps to control the annual feature of floods and the consequent heavy toll in North India, then the Government must take energetic and immediate steps to implement the scheme of linking Ganges with Cauvery. I may say that that is the one and only constructive remedy for the recurring problem of floods in North India. By implementing this scheme, it is not only that the Government will be able to substantially augment the agricultural production, but also solve the problem of floods in North India once and for all.

I appeal to the hon. Minister of Irrigation and Power that he should bestow his personal attention in expeditiously implementing the Ganges-Cauvery link-up scheme.

With these words, I conclude.

श्री नटवरलाल वटेल (मेहसाना): सभा-पति जी, गुजरात में बाढ़ की जो परिस्थिति है, उस को देखने के लिये मैं अहमदाबाद गया था और आज ही अहमदाबाद से आ रहा हूँ। मैं जो कुछ कह रहा हूँ, वह मैंने अखबारों में नहीं पढ़ा है, रेडियो से नहीं सुना है, आँखों देखी बात बतला रहा हूँ। अहमदाबाद, भड़ौच और दूमरे गांव में जो परिस्थिति पैदा हुई है, उस के वर्णन के लिये मेरे पास शब्द नहीं हैं। कल सारा दिन मैं अहमदाबाद में घूमा हूँ—अहमदाबाद में बहुत सी मोबायटियां आज भी पानी के नीचे हैं। इन से आज अन्दाजा लगा सकते हैं कि सोसायटियों में रहने वाले लोगों की क्या हालत होगी। वहाँ पर 12 घण्टे के अन्दर जो परिस्थिति पैदा हुई है—उस का वर्णन करना मुश्किल हो गया है।

मुझे यह कहते हुए खुशी होती है कि बाढ़ की इस भयंकर परिस्थिति का मुकाबला करने के लिये गुजरात सरकार के चीफ मिनिस्टर और उन के साथियों ने काफी कदम उठाये हैं, कित से वहाँ की परिस्थिति को कुछ रिलीफ मिला है। मुझे मालूम हुआ है कि गुजरात की सरकार ने परिस्थिति का मुकाबला करने के लिये सैन्ट्रल गवर्नमेंट से हेलीकाप्टर्स की मांग की थी, लेकिन सैन्ट्रल गवर्नमेंट ने उस में कोई दिलचस्पी नहीं दिखाई। अगर वहाँ हेलीकाप्टर्स जल्दी से भेजे गये होते तो फूड पैकेट्स पहुंचाने के लिये हेलीकाप्टर्स का उपयोग आसानी से हो सकता था। मुझे यह कहते हुए दुख होता है कि जब देश पर ऐसी कोई कैबिनेटि आती है तो उस के लिये हम पहले तैयारी कर के नहीं रखते हैं, जिस से काफी नुकसान होता है।

बाढ़ की जो परिस्थिति हर साल पैदा होती है—आज उस का हल खोजने की जरूरत है। जहाँ तक गुजरात का सम्बन्ध है, मध्यप्रदेश का सम्बन्ध है, आप भी जाते हैं, मैं भी जानता हूँ और सारा हिन्दुस्तान जानता है कि उस का एक उपाय है—नर्बंदा प्रोजेक्ट। अगर यह प्रोजेक्ट एक्सीक्यूट हो जाय तो मैं समझता हूँ कि हजारों-लाखों जानों की हानि बच सकती है। जो गरीब लोग घर में बेचर हो जाते हैं, उन को बचाया जा सकता है। मेरे क्वाल से ट्रिब्यूनल में जाने से इस मामले में डिने हो जायेगी यह एवार्ड प्राइम मिनिस्टर को देना चाहिए, प्राइम मिनिस्टर पर हमें पूरा विश्वास है। मैं उम्मीद करता हूँ अमता ने हित में—क्योंकि वहाँ की जनता ने कभी अपना सवाल नहीं सोचा,

वह सारे राष्ट्र की दृष्टि में इस सवाल का सीखती है—इसलिए राष्ट्र के हित में यह एवार्ड जल्द धरा जाये ऐसी में माननीय मन्त्री जी और प्रधान मन्त्री जी में विनती करता हूँ।

श्री हुकूमत ब कछ बाप (मुदेना) मभा-
पति जी, बाढ़ के बारे में हम प्रति बर्ष यहाँ चर्चा करते हैं। किमी न किमी क्षेत्र में हर साल बाढ़ आती है जिसमें अन्न और फसल की हानि होती है। मन्त्री जी ने अनेकों बार जवाब देने समय यहाँ पर कहा है कि इसका स्थायी हल निकालना जा रहा है लेकिन अभी तक कोई हल नहीं निकला जिसकी वजह से प्रति वर्ष अन्न की हानि उठानी पड़ रही है। इसके अतिरिक्त हर साल काफी लोग बेघर-बार होते हैं, काफी मीने होती हैं, काफी जानवर मरते हैं इसलिए इसका कोई स्थायी हल निकालना चाहिए।

नदिया में निरन्तर बाढ़ आने का एक कारण यह है कि उनमें काफी मिट्टी इकट्ठी हो जाती है। नर्मदा, चम्बल, बेतवा, सिन्धु, खान, कालीसिन्धु इत्यादि नदियों में जो बाढ़ आई है उसका एक कारण यह है। इसलिए नदियों से मिट्टी निकाल कर किनारों पर डाली जाये जिससे नदियाँ ज्यादा गहरी हो जाये और उनका पानी धीरे धीरे न फँसे। मध्य प्रदेश में बाढ़ से जो हानि हुई है उसके लिए मध्य प्रदेश की सरकार ने कोई सहायता नहीं की है और केन्द्र से भी कोई सहायता नहीं मिली है। वहाँ पर बहुत बड़ी तादाद में अन्न बर्बाद हो रहा है। आप कहते हैं यह सरप्लस स्टैट है लेकिन वहाँ पर लोगों के पास खाने की नहीं है तो उसके लिए आपने कौन सा हल निकाला है? कितने ही लोगों की वहाँ

पर जाने गई हैं, कितने ही अन्न बर्बाद हो चुके हैं लेकिन केन्द्र ने मध्य प्रदेश, गुजरात, राजस्थान को किसी प्रकार की मदद नहीं दी है। मेरा कहना है जिन क्षेत्रों में बाढ़ से हानि होती है वहाँ विलम्ब न करते हुए तत्काल सहायता दें। मैं समझता हूँ जो हानि हुई है और मुख्य मन्त्री ने जिसके लिए लिखा है उस पर आपने कोई कार्य नहीं किया। साबरमती में बाढ़ में 40 आदमी मरे हैं, इस बार टोटल गुजरात, मध्य प्रदेश, राजस्थान में एक अन्न बर्बाद की हानि हुई है। बार बार इस प्रकार में हानि होती है हर साल इसलिए इसका कोई स्थायी हल निकाला जाये जिससे अन्न के लिए यह हानि रुक सके।

SHRI SHYAM SUNDER MOHA-
PATRA (Balasore) : I want to draw the attention of the hon Minister to the fact that every year we have a problem like this, Unfortunately the Indian rivers are monsoon-fed and bring devastation year after year. My contention is that between 1962 and 1971 there has been a loss of more than Rs 2,400 crores due to floods in our country. The annual loss has been a little more than Rs. 126 crores. The average loss between 1953 and 1961 has been more than Rs 55 crores and between 1962 and 1971 it has been much more of the order of Rs. 176 crores per year. The annual crop damage due to floods between 1953 and 1961 has been of the order of Rs 43 crores and between 1962 and 1971 it is more than Rs 122 crores per annum. These figures are almost staggering.

We have to consider what the Government of India could do in this matter. We must make a target year by which there should be some medium projects for flood control in our rivers. Unfortunately this year due to economic crisis there has been a proposal to slash more than Rs. 400 crores from our expenditure on Plan

[Shri Shyam Sunder Mohapatra] implementation. In this context, I have to bring to the notice of the hon. Minister that they must think immediately as to how a medium sized projects could be set up during the course of another three years so that floods in some parts of our country could be controlled. Orissa is in the coastal belt and is almost under the impact of cyclone. When there is a little fear of cyclone, people become panicky. Mr. Ferguson who came from Holland last year has had some discussions with our planners and given some detailed proposals to combat cyclones and floods. I want to know how far there has been progress in that matter and what the Minister has done to rescue the people from the clutches of floods, cyclones and saline inundation.

श्रीश्री सहोदरणाई राय (सागर) :
चेयरमैन साहब, मैं मध्य प्रदेश से आती हूँ जहाँ पर सागर, दमोह, जबलपुर जिन में मोनार वमावन और भीपरा नदियों की बाढ़ से बहुत से गांव बह गए हैं। नबी के किनारे किनारे पर बहुत अधिक नुकसान हुआ है। वहाँ पर ज्यादा तर हरिजन और आदिवासियों के टापर बने थे जोकि बह गए। बच्चे और महिलायें तक बह गई हैं। नाना प्रकार से वहाँ पर लोगों को तकलीफ पहुँची है। नर्मदा की जो बाढ़ आई है उससे होशंगाबाद में नबी के किनारे किनारे के गांव सब बह गए हैं तथा बाल बच्चे व महिलायें, गाय, भैंस इत्यादि सब बह गए। इस प्रकार वहाँ पर भारी क्षति पहुँची है। हमारे मुख्य मन्त्री, सेठी साहब काफी मदद कर रहे हैं लेकिन सेंटर से वहाँ पर कोई मदद नहीं पहुँची है। हमारी मिनिस्टर साहब से मांग है कि मध्य प्रदेश में हेलीकाप्टर भेजकर, वहाँ पर जो लोग अभी भी पानी में बिरे हुए हैं उनके लिए गल्ला पहुँचाया जाये ताकि उनको कुछ

राहत मिल सके। और जो नर्मदा में हर साल बाढ़ आती है उसका कारण यह है कि उसमें नहरे बगैरह नहीं निकली है। इसलिए नहरों का प्रबन्ध होना चाहिए जिससे सिंचाई का साधन भी हो सके और किसानों को राहत भी मिले। पहाड़ के कारण वहाँ पर नहरें बगैरह बिल्कुल नहीं हैं इसलिए मेरा सुझाव है कि जबलपुर से खम्बाज की खाड़ी तक नहरों का प्रबन्ध किया जाये। इसके अलावा जैसे ही बाढ़ का पानी निकने बसे किसानों को राहत पहुँचाने के लिए बैल, बीज और तकावी देने का प्रबन्ध किया जाये ताकि एकदम से बं लोग काश्तकारी कर सके। जल्द से जल्द मदद पहुँचाने का प्रबन्ध किया जाये क्योंकि वहाँ के लोग बड़ी तकलीफ में हैं। इसके अलावा नदियों के किनारे बृक्षारोपण किया जाये तथा बाघ बाघे जाये ताकि बाढ़ के ऊपर कानू पाया जा सके।

SHRI D. P. JADEJA (Jamnagar):
Sir, I would not like to speak as a party member at present because we all know from the papers what is happening not only in Gujarat but in the adjacent States and in fact in the whole country. A lot of members have mentioned about the Narmada issue. They have said it should be implemented immediately. I definitely support their views, but certain members have put the fault on certain individuals in office or in Government. I would like to remind them that there was a time when Gujarat had many more strong representatives in the Central Ministry but even at that time the issue was not settled. It only shows how complicated the issue is. It is something that cannot be settled overnight. But we have confidence in the Government and we hope that this issue will be settled immediately in the interests of the country. A few days ago, I asked whether the

Rajasthan Canal is going to be useful to Gujarat or not. I was not given an answer. In the adjacent areas there are floods. If only those canals are brought into Gujarat, these flood waters, instead of going into the sea, could be saved and given to the chronically drought-affected areas of north Gujarat.

Flood in Gujarat is a continuous affair. It happens every year. The schemes on Narmada alone will not solve the flood control in the whole State. Even those works in the river Narmada may take another 20 to 25 years to come into effect. What are we going to do to save our valuable soil in the meanwhile when it is being ravaged by floods? I am sorry to say that even the reclamation schemes are not being properly implemented. The State says that it is the responsibility of the Centre while the Centre says that it is the responsibility of the State. In the entire coast of Saurashtra and Kutch every year the sea water is encroaching a few miles inside the land and making the water of that area brackish with the result that nothing will grow there. I want the Minister to say specifically how he is going to solve those problems of my State.

श्री फूलचन्द वर्मा (उज्जैन) महाराष्ट्र महोदय, प्रतिवर्ष देश के अन्दर बाढ़ आती है और अरबों रु० का नुकसान होता है। फसल, पशुओं के साथ जनहानि भी होती है। मंत्री जी ने पिछले वर्ष सदन में आश्वासन दिया था कि बाढ़ को रोकने के लिये कुछ ठोस कदम उठाये जायेंगे। इस सम्बन्ध में मेरा निवेदन है कि केन्द्रीय बाढ़ नियंत्रण आयोग का गठन किया जाय और वह इस प्रकार किया जाय जिन में उसमें ऐसे लोग जायें जो बाढ़ को रोकने के लिये ठोस सुझाव दे सकें जिस से प्रतिवर्ष होने वाली हानि को रोका जा सके।

इस वर्ष मध्य प्रदेश, राजस्थान और गुजरात में बाढ़ का प्रकोप रहा है। पश्चिमी मध्य प्रदेश के इलाके में नर्मदा नदी, गन्धीर, शिप्रा, बेतवा और पारवती में बाढ़ आया तथा भोपाल, उज्जैन, इन्दौर, विदिशा और होशंगाबाद का सम्बन्ध देश में टूट गया। 50 करोड़ रु० का नुकसान हुआ और जनहानि भी हुई है। मेरे निवेदन क्षेत्र उज्जैन में शिप्रा नदी है उसमें बाढ़ के कारण 250 मकान टूट गये और तीन दिन तक नागरिक जीवन अस्तव्यस्त रहा। लेकिन कर्नाटक जिला प्रशासन ने कोई विशेष सहायता नहीं दी। आज लोगों का स्कूलों में अर्धशाला में टहराया गया है।

अन्त में एक बात और कहना चाहता हूँ। मध्य प्रदेश के अन्दर मलपाट का एक पुल है जो बहुत नीचा है। यह पुल बम्बई और मध्य प्रदेश को जोड़ता है। लेकिन इस पुल पर 37 फीट उचा पानी अभी भी बह रहा है जिसके परिणामस्वरूप हजारों टुक दानों और हके पड़े हैं। इस पुल को ऊचा करने के लिये एक करोड़ 10 लाख रु० के टेन्डर प्राये जिस की मंजूरि केन्द्र में दी जा चुकी है लेकिन अभी मध्य प्रदेश सरकार को उस की सूचना नहीं दी गई है। माननीय मंत्री जी ने कहा था कि स्वीकृति शीघ्र दे दी जाएगी। यदि वह पुल शीघ्र बन जाना है और उसकी ऊचाई बढ़ जाती है तो बम्बई और मध्य प्रदेश का सम्बन्ध ही जायेगा और लाखों की जो हानि बरसात में प्रतिदिन होती है वह भी एक जायेगी। इस लिए उन पुल का बनाना आवश्यक है। अन्त में मैं पुनः कहना कि मंत्री जी केन्द्रीय बाढ़ नियंत्रण आयोग का पुनर्गठन करें।

*SHRI AJIT KUMAR SAHA (Vishnupur): Mr. Chairman, Sir, I want to speak about the devastating floods that have visited many districts of West Bengal like Bankura, Midnapore and Birbhum. I will speak with particular reference to Bankura district which is my constituency. Sir, there can be no reason for floods in that area due to heavy rainfall or over flow of water etc. I will quote here from a report appearing in the "Jugantar" paper dated the 1st September, 1973. From this you will be able to judge how floods have occurred in that area due to the indiscriminate release of water from the D.V.C. and the Kansabati projects. The report reads, "Sonamukhi and Patrasayar in the Bankura district are submerged in water. All the displaced persons who were living on the dried up stretches of the river Damodar have been surrounded by the swollen waters. In Sonamukhi flood waters have entered many houses. It has been alleged by various quarters that the situation has deteriorated due to heavy rainfall and the discharge of large quantity of water from the D.V.C. The Raipur area has also suffered due to the indiscriminate release of water from the Kansabati project. The affected people have been provided shelter in school buildings."

Sir, I want to say that the reservoirs that were to be built on the D.V.C. and Kansabati dams have not been constructed so far. I know that only one reservoir is under construction on the Kansabati canal, although two reservoirs were scheduled to be constructed there. I will urge upon the Minister to expedite the construction of these reservoirs so that the danger of floods may be minimised. I will also request that the relief arrangements for the flood victims may be provided speedily by the Centre. The displaced and affected people need building materials, food-stuffs etc. badly. These may be sup-

plied to them at the earliest and in adequate quantity.

Sir, we have all along seen that the members of the Opposition parties are not included in the relief committees which are constituted for the purpose of providing relief to the flood affected people. Only members of the ruling party are taken on the relief committees. This is not proper. Those people distribute the relief material according to their whims and with political motivations. I request the Minister to take the members of the opposition parties also on the relief committee in future so that the really needy people may get proper and prompt relief. With that Sir, I conclude my speech.

श्री मूक बन्द डंगल (पाली) : सभापति जी, राजस्वान के लोगों में पानी तो है, लेकिन आज वहाँ की घरती पानी पानी हो गई। हमारे में तो मुसीबत झेलने की हिम्मत है, लेकिन मैं मंत्री जी से निबंदन करूँगा कि वह हैलीकॉप्टर में बैठकर, अपने साथ योजना और खाद्य मंत्री को भी ले जावें, देखें कि क्या हालत है।

दूसरी बात मैं यह जानना चाहता हूँ कि क्या आप ने स्टडी टीम भेजी है कि नहीं। आप ने राजस्वान को कितनी फ़ाइनान्सियल असिस्टेंस दी आज तक? खाद्य मंत्री जी ने कितना अनाज आज तक भेजा है? सवाल है बाढ़ पीड़ितों को सहायता पहुँचाने का, आज लोगों के पास साधन नहीं है, लोग भूखे हैं, उन के पशु मारे गये, सबकें गायब हो गयी, यातायात ठप्प है। पाली और जवाईबाग में आन्डरफ्लो हो रहा है। इस लिए तुरन्त आर्थिक सहायता दी जाये, श्री सिंघाई मंत्री जी यीके पर जा कर देखें कि क्या हालत है। गृह निर्माण विभाग का सारा पैसा गरीबों को मिलना चाहिये ताकि वे अपने मकान फिर से बना सकें। अंतमें

शरीर लोप होते हैं वही बाढ़ की चोट में आते हैं और उन के ही मकान नदी के किनारे बनाये जाते हैं। इसलिये मेरी पुनः माग है कि स्टडो टोम को भेजा जाय, काइनेगियन अविस्टेम दी जाये, अनाज की व्यवस्था की जाये तथा लोगों को जन्दी से जल्दी राहत दी जाय।

SHRI SOMCHAND SOLANKI (Gandhinagar): Mr. Chairman, Sir, in this country, the flood havoc is a natural calamity. It cannot be controlled by human-beings. But still the Government can control this flood havoc in the country. What is the situation today in Gujarat? I will read out 3-4 lines in Gujarati from a Gujarati newspaper and other Gujarati Samachar also. (Spoke in Gujarati).

If you will understand this language, you can understand the real picture of Gujarat. The whole city of Ahmedabad, a city of textile industry, is under water and the people are not able to move from one place to another.

I want to mention one thing. The Government will spend lakhs and crores of rupees on relief works. The damage caused by the floods is to the tune of crores of rupees. Supposing the Government is efficient and economical and saves money every year, supposing they can construct the Narmada dam, the Government will save crores of rupees in this way. I do not understand why the Government is neglecting this problem when the whole country and the State is in need of the implementation of the Narmada project. They are delaying this. Government can implement it and solve this problem scientifically and technically. This is my point. The Narmada Project is essential....

MR. CHAIRMAN: Please conclude.

SHRI SOMCHAND SOLANKI: I do not want to waste my time. I just want to mention that, in the history of Gujarat, we have not seen, in the last 25 years, such type of flood havoc in Ahmedabad. In North Gujarat also Government have not spent a single pie for the implementation of any industrial project. North Gujarat has suffered loss to the extent of crores of rupees by way of damage to foodgrains and also damage to houses. . .

MR CHAIRMAN: Please conclude.

SHRI SOMCHAND SOLANKI: I request the Government to take necessary steps to control the floods in all the rivers and particularly in Narmada and Tapti. Then only the problem can be solved.

श्री चंद्रिका प्रहारा (बलिया) : राजादी के 25-26 बरस के बाद भी हम बाढ़ों की ममस्या को मुलमा नहीं पाए हैं। पहले देश सूखे से कगल रहा था और उसके कारण हमारी आर्थिक स्थिति कमजोर हो गई। अब बाढ़ों ने सारे देश में जोर पकड़ा है और बिनाश नीला हमारे सामने ला कर खड़ी कर दी है। मैं उम क्षेत्र में आता हूँ जहाँ पर हिमालय से जिननी नदिया निकलती है। वे हमारे यहाँ हो कर बहती हैं। नेपाल की तरफ से भी जितनी नदिया डबर आती हैं वे हमारे क्षेत्र में से होकर बहती है। मैं ममसना हूँ कि मैं ही एक बाढ़ ग्रस्त क्षेत्र का निशामी हूँ लेकिन राजस्वाप, मुजगत आदि सब को इसके बिनाश का शिकार होना पड़ा है। घाघरा रापती तथा दूसरी नदिया यहाँ बहती हैं। बागमती, सोन आदि नदियां नेपाल से निकलती है।

हमारे—क्षेत्र में सायघाट में मज्जा तक करीब हजार मील तक गंगा काट रही है। घाघरा चक्कीबाद देरा के बोस घरों को गिरा

[श्री अश्विका प्रसाद]

चुकी है और 25 घंटों के ऊपर भी उसका प्रभाव पड़ सकता है और अगर ये घर बंद गए तो इसका बूझना करना बंद जाएगा जोकि हमारे क्षेत्र को काट देगा। सोन नदी जो बिहार की तरफ से आती है वह भी हमारे इलाके में बरबादी लाती है। बिड़ला बांध के न बनने में करोड़ों काउट हजार कीच में खोई गईं मकई का फल समाप्त हो गई है। उत्तर प्रदेश में राष्ट्रपति शासन है। जब वहां लोकप्रिय सरकार थी तब कुछ सहायता हो भी जाती थी लेकिन राष्ट्रपति शासन में कोई सहायता हमें नहीं मिल पा रही है। पहले हम सूखे के कारण तबाह हुए और अब बाढ़ों से तबाह हो रहे हैं। हमारे यहां गरीब लोगों के मकान गिर गए हैं, सैकड़ों मवेशी बह गए हैं, चितने ही आदमी मर गए हैं। लोगों के पास न खाने का यत्न है और न पीने का पानी। वे बहुत परेशानी में हैं। मैं आपका ध्यान उठाऊँ इस दयनीय स्थिति को और आकर्षित करना है और अगर से प्रायश्चात करना है कि राष्ट्रपति शासन में हमारी जीत में जीत और अधिक में अधिक सहायता की जाए। हालत बहा बहुत खराब है। जो हमारे यहां विनाश हो रहा है, उसको रोकने की व्यवस्था आपकी तरफ से की जानी चाहिये।

THE MINISTER OF IRRIGATION AND POWER (Dr. K. L. Rao): I am thankful to the hon. members who have participated in this discussion and made their suggestions.

As I was discussing, on the 28th of last month, a deep depression was formed in Orissa and it went along the Subarnarekha region. On the 29th it caused a very heavy rainfall in Jabalpur and later in Ratlam, Ujjain; it went on to Mt. Abu and Ahmedabad..... (Interruptions) and

caused rainfall 2-1/2 to 3 times of the normal rainfall. Because of the impact of this heavy depression and the heavy rainfall, naturally one could expect the floods and that was what happened—floods in Narmada and many other rivers that flow in Gujarat. Hon. members from Gujarat complain that no flood protection work has been done. I want to remind the hon. members from Gujarat that, across every river in Gujarat, measures have been taken. We must only wait patiently. For example, take the river Mahi. There are two dams which are going to come up—Kadana and Bajajgsagar. Both the dams are under construction. The Kadana dam will be completed in 1976 and the Bajajgsagar dam will be completed in 1978. You have to allow some time. We cannot just start and do everything immediately. For example, the hon. members from Gujarat must agree that Surat has not suffered this year. It was because of the Ukai project on river Tapi; by regulation of the gate we have been able to control the river flow. Therefore,.... (Interruptions) I have only 15 minutes. So, please do not interrupt. On every river in Gujarat—there is no other State in the whole of India which has got that advantage—many works have been sanctioned. In Gujarat on every major river, one project or more have been sanctioned and the works are in progress. For example, Banas river. The dam there has breached at a certain point. Otherwise, there would have been no damage.

17 hrs.

Regarding Sabarmati, hon. Members are complaining that no attention has been given to it and if only the Dharvi dam now under construction is completed in 1976, naturally the water flow will be reduced. I would submit that whatever steps we are taking, it will take time. Not only we have taken action and I am glad we have taken action on everyone of these rivers.

Similarly, regarding Narmada, I do not think there is any substance in Gujarat's complaint that no action has been taken.

SHRI P. G. MAVALANKAR:
Prompt action has not been taken.

DR. K. L. RAO: I am surprised that hon. Member Mr. Patel and another member from Tamil Nadu have said that I said that we must live with the floods. What I meant by that was—I will be falsifying myself and the engineering profession if I said that all the floods in India could be controlled. It is impossible. As long as you have got floods and as long as you have got a vast country like India and vast resources of water, what I said was that we are trying to control the floods. We are now constructing as many dams as possible. 50 million acres of land are subject to floods, or flood-prone area. Out of that we have controlled so far one-third and our object is that we should extend it.

17.02 hrs.

Mr. DEPUTY SPEAKER in the Chair

We have targets. It is a question of time and money and in the next ten years we are going to increase the area and see that protection is given to 25 million acres and by the end of the century we will be able to save at least 70 per cent. I do not think that more than 70 per cent is possible. Because, take for instance, Banas river. It is a very small river, a tiny river. But it has huge floods. There are bound to be some floods. We cannot say that every river can be controlled. So, in that sense what I said was that we should learn, we should arrange and we should plan out the protective measures and various other relief measures and various steps that are necessary. For example, the hon. Member was correct in pointing out that helipads should be built. We should build helipads in areas where landing is

not feasible. That is what I meant by saying that we must learn to live with the floods. We must plan on the basis that floods will occur. Not on the big rivers. Big rivers we have taken care of. Take for instance the Shipra river. It is a very small river. It is a very tiny river. But it has caused a large amount of damage. That is what the hon. Member said that a large number of houses have collapsed, cattle have perished and people have died. We should plan out in a constructive way. We must identify the areas which are flood-prone and take all adequate measures to save the lives and we should see that the cattle are saved and we should see that medical relief and other relief measures are rushed there promptly. That is what I meant I have never meant anything else than that. That is what is done everywhere in every country.

The main debate was on Gujarat. Naturally, that is the only event which has recently occurred. The hon. Members from Rajasthan were asking about the team. The team will be sent on 5th September to Rajasthan. On the western side of Rajasthan, unfortunately, there was heavy rainfall. Rain in Rajasthan is quite welcome and good, but, unfortunately, it is falling at wrong places. I was expecting that the rainfall will occur in the Rihand catchment area. Unfortunately, it is bypassing the catchment areas. Some rainfall occurred in the Betwa river and the Sone river catchment areas. The hon. Member said about the damages caused in Betwa basin; it is quite true, we have now taken up Rajghat dam. All these have been sanctioned; they are under way; naturally they will take some years to come up, may be, 5 years or so. I quite appreciate the impatience of the hon. Members because there is suffering in those areas. I would like to submit that we are doing a large amount of work. We have spent Rs. 350 crores so far. We are spending another Rs. 300 crores in

[Dr. K. L. Rao] the next five years. We have got a large amount of work to do. There is sea erosion on the one side. There is the question of drainage which the hon. Member Shri Samar Guha mentioned. This is regarding the Midnapore district, Bankura and other areas. They are dry areas. There is no adequate drainage system; the water must go out from those areas. Therefore, what I am submitting is, quite a large number of schemes are there. Quite a large number of programmes are there. We have put in whatever resources we have, since 1954 when we started the national programme. So, it cannot be said that we have not done anything.

SHRI SAMAR GUHA (Contai): In seven years there has been four devastating floods. That is, in the same area.

DR. K. L. RAO: That means, Subarnarekha is a river that actually overflows Midnapore district and the Balasore area. The only trouble is, we are not able to control that yet, because we have got to construct some sort of storage.

SHRI B. V. NAIK (Kanara): Ecologists have agreed that these floods are due to lack of forests and deforestation. Has that been studied by the Ministry of Irrigation and Power?

DR. K. L. RAO: We have done that. No expert knowledge is needed for saying that. It is true whenever there is a forest, it retards the amount of flow coming in. Flood naturally will be less and if there is good forestation it is an obvious thing. (Interruption) About Bihar we have already discussed. I am now talking about Madhya Pradesh, Rajasthan and Gujarat. These are the areas recently affected by floods. That particular depression which I mentioned earlier, went along the way, causing rainfall of four inches to eight inches in a day and this has been causing waves of cloud-bursts

and rains. Midnapore is a fringe area.

SHRI D. N. TIWARY: What are you going to do to mitigate the suffering caused to the people by the floods?

DR. K. L. RAO: As I said, we have to plan out very carefully and I have been repeatedly by stating that we have to plan out very carefully and I State Governments to do that. We have to plan out medicines, relief measures etc. very carefully. We need not wait for these things to come; they are bound to come, in some portion of the country or the other. Especially in Bihar, some river or the other is bound to get flood. We must be prepared. This year Buri Gantak gave trouble and near the place Khagaria there was a breach which caused suffering to the people. We should now plan out what relief measures are necessary and take necessary steps. That is what I meant when I said, we have to live with flood, not that we should be idle when floods occur.

AN HON. MEMBER: Gandhisagar Dam is under danger.

DR. K. L. RAO: It is not under danger. In fact we are very happy that the Gandhisagar Dam is filled up to the full capacity. I have been watching it very carefully. In fact I am more anxious than the hon. Member. They asked me about instructions whether they should take the risk or not, whether we should allow the water to flow down. I said, don't allow the water to flow down; catch it. So much has been done and yet something happened as if nature wanted to test us. It was a big flood which brought 10 lakhs of cusecs with it.

Fortunately, the Nature, on its own, has saved the situation; the water inflow has gone down in a few hours. As a result of this, Gandhi Sagar dam has been completely saved. I am

very happy to say that a large quantity of power can be generated from the stored waters. Similarly, with regard to the other dams the position is better. In the Rihand Reservoir, the water level is going down. From 812 feet now it has come down to 811 feet. We are watching this situation very carefully. The most interesting thing is that the catchment area is of the order of 5,000 sq. miles area and still no appreciable rain is falling in this area. All the rivers on either side are having floods. As I said, we are watching this very carefully.

As regards U.P., I am very sorry that to-day it is very heavily in shortage of power. Flood water has further damaged many parts of U.P. I must, however, submit that the maximum rain water in the catchment area of the river Ganges is passing through Patna and in a few days or, rather, in another day or two it will reach the Farakka Dam and there may be some more damages done. I have been continuously discussing with my officers; they have told me that during the next flood season we may not be able to have any more floods. Everywhere, this year, we are hearing news of floods. And in a few pockets, the rain water has done considerable damage. We are doing our best to see that damage caused by the floods is avoided. In some places, it is quite true that the effect of the floods is not much.

Take for example Orissa where the rivers Baitarani, Brahmani and Swarnareka during floods are causing damages to a very wide area. Storage dams have to be constructed as to see that the damages are not caused by the flood waters in the rivers. First of all, dams have got to be constructed before we reduce the effect of the floods. I am sure if the dams are constructed, the fury of the rivers on account of goods can be avoided. Construction of a reservoir has been sanctioned for the Brahmani river. If this is done then only this river can

be controlled completely. More construction of dams is not enough. Shri Guha, for example, mentioned to me about the damage that is being caused by the rivers in West Bengal.

Shri Guha was very angry with me as to why we should not go in for construction of embankments. I have tried construction of a similar embankment elsewhere. This alone will not solve the problems of the village being saved greatly on account of floods. By constructing a dam, first of all, we have to control the river.

SHRI N. K. SANGHI: Have you got any latest information about Jalore where the people are marooned? This is a very serious situation that we are faced with to-day. I would like the Minister to tell me as to what he has done about this.

SHRI SHYAM SUNDER MOHAPATRA: What about the expert committee report with regard to Swarnareka river?

SHRI K. L. RAO: As regards Jalore, we have tried to find out the information. I do not have the information at the present moment. For example we heard about the breaches and information about that was received only yesterday. For example we were told that Banas dam in Rajasthan had been breached on the 1st of this month and it is very difficult to get the detailed information about the effect of the breach so soon.

SHRI N. K. SANGHI: I rise on a point of order. To-day we are facing a very serious situation. I mentioned that the people in the district of Jalore have been marooned. But, the hon. Minister says that he has no information. I would like to know what is the exact situation with regard to this district and what is the latest information that he has got about this?

DR. K. L. RAO: As I said, in that area there has been heavy rainfall and there has been some marooning of the people. It is true that some people have been marooned. I have also got that information. But beyond that I do not have any further information. I tried to contact Jaipur, but I could not get the line. As soon as I get the information, I shall pass it on to the hon. Member. The State Government is there to take the necessary relief measures. Naturally, they are there and they will try to take the necessary steps.

श्री नतां सहोदराबाई राव .
उपाध्यक्ष महोदय, मध्य प्रदेश का होशंगा-
बाद पानी से घिरा हुआ है . . .

DR. K. L. RAO: In regard to Madhya Pradesh, especially in the Narmada basin, Hoshangabad has suffered very badly. The highest amount of damage has been there at Hoshangabad this year. I am very sorry that the work which I had suggested earlier for the protection of Hoshangabad had not been done. I hope that that project will start very soon.

SHRI M. C. DAGA: What are the arrangements for the flood-affected people of Rajasthan? What assistance is being given to them by the Centre?

DR. K. L. RAO: I think that a team is going there on the 5th of this month.

SHRI NATWARLAL PATEL: The hon. Minister has given so many valuable schemes to the Gujarat people, and we are very grateful to him for this, and our people will remember him as long as the sun and moon are there. But we would like to ask him what the position is regarding the Narmada project. The hon. Minister is a technical person, and he knows the importance of the Narmada project better than anybody else in the country. I think that he is not giv-

ing any reply in regard to this intentionally. That is why he has avoided this matter completely. I think that it is not a good thing. He is expected to answer this. He knows the importance of the Narmada project and therefore he should answer this question.

DR. K. L. RAO: The information that I have with regard to the Narmada is that if the Bagri and the Navgaon project are taken up, they will naturally give some relief. If only the Bagri project had been constructed, the Hoshangabad area would not have got as much devastation as it had this year. Unfortunately, Hoshangabad has been very badly affected by floods this year, and this will not be there if only the Bagri project would have been taken up. Similarly, the Navgaon project will reduce the impact of flood on the Broach town. There is no question about it. But these things have got to wait.

SOME HON. MEMBERS: For how long?

SHRI BHAGWAT JHA AZAD (Bhagalpur): As long as is necessary.

DR. K. L. RAO: I thank you very much for the opportunity you have given me to explain the position. (Interruptions)

SHRI P. G. MAVALANKAR: How long have we to wait? Five years or ten years or twenty years?

SHRI MANORANJAN HAZRA: He has not replied to any of the points that I had raised in regard to the lower Damodar and the DVC. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. Would hon. Members listen to me? Within this very short discussion, I do not know what hon. Members expect of the hon. Minister. Obviously, he cannot satisfy everybody. The only appeal that I have

to make is thus. We have enough flood outside, and let us not add to it the flood of words in this House. Now, let us go on with the business before us. (Interruptions)

SHRI MANORANJAN HAZRA: He stood upto reply. I had asked about the Lower Damodar Project He wrote me a letter saying that he wanted to revive it. Is he going to do it or not?

श्री हुकुम चन्द्र कछवाय : प्रतिवर्ष बाढ़ आता है लाखों रुपया का हानि होनी है लाखों लोग घर में बेघर होते हैं—इस का कोई स्थायी हल ढूँढने के लिये क्या सरकार बाढ़ नियन्त्रण कमाशन बनाने का तैयार है ?

MR. DEPUTY-SPEAKER Would you kindly listen to me? If all of you want to speak at the same time, how can it be followed? Please listen carefully for only half a minute. In the first place it is difficult for the Minister to satisfy all the members within this short discussion. That is number one.

PROF MADHU DANDAVATE Let them take-over floods.

MR. DEPUTY-SPEAKER If all of you, five, six, seven, ten, get up at the same time he must be a super-human Minister to be able to follow everything that is said. That is number two. Number three is this if members are so excited about it let us regulate the deliberations. I will allow one question to each, to all of you, but not five of you at the same time. One member, one question at one time.

The questions have to be short. The Minister will listen to them and will reply as far as he can. I am sure he will not be able to satisfy all of you even so. But let us come to a limit and agree to end it at this stage. If you agree, I will allow each one of you a question.

श्री हुकुम चन्द्र कछवाय : उपाध्यक्ष महोदय, इस समय देश के अन्दर प्रतिवर्ष बाढ़ आती है और उस में अर्बों रुपये की हानि होनी है। लाखों लोग बेघर होत हैं, हजारों जूते जूता है—क्या सरकार इन बाढ़ों को रोकने के लिये बाढ़ नियन्त्रण कमाशन बनाने जा रही है जिन में स्थायी हल निकल सके जिस में विशेषज्ञ लोग हों और वे निश्चय कर सकें कि बाढ़ों को कैसे नियंत्रित किया जाये। क्या ऐसा कोई कमाशन बनाने का आग्रह या विचार है ?

DR K L RAO There is no necessity for a Commission. We have had a number of Commissions. We have got complete information as to what has to be done. Everybody knows what has got to be done. We are formulating proposals accordingly in a phased manner.

17 24 hrs

MR. SPEAKER in the Chair

श्री रामावतार शास्त्री (स्टा)
इलाखत स्फूर्तन हमारा कन्टी में बढा है। नदियां वा जगह जगह इंगोजन हो रहा है, कई दर्जन गांव बह जाते हैं। मे जानना चाहता ह कि इन के बारे में आप की जानकारी क्या है और आप क्या करना चाहते हैं ?

DR. K L RAO Our policy is to take the areas which are valuable ones. Some of the areas are very valuable ones, to protect all the areas is also very costly. That is why protection against erosion is always confined to areas which are very valuable areas, and we want to protect them from erosion and other types of damage.

SHRI MANORANJAN HAZRA: I mentioned about the DVC and the Lower Damodar schemes. Out of eight dams, four dams have been constructed.

MR. SPEAKER: I allowed only a debate on Gujarat floods, but in my absence it has been given so much scope.

SHRI MANORANJAN HAZRA: I want to ask whether the Government is going to implement or construct the four other dams or whether it is going to revise this scheme.

MR. SPEAKER: May I tell you—

DR. K. L. RAO: The present idea is to get—we would like to acquire some—some near Maithon and Panchel reservoir area so as to allow more water and also to proceed with the lower Damodar scheme in both phases—Phase I and Phase II.

MR. SPEAKER: Only this morning the Members met me and I said they can make a reference to Gujarat floods. Some Members from Rajasthan also met me, and I said it is all right, and I put this item on the agenda with the idea that Members should make brief submissions regarding the floods in Gujarat and Rajasthan and that thereafter the Minister should reply. Now, in my short absence—perhaps the Chairman or the Deputy-Speaker did not know the original background—I find that you have extended the discussion on flood which you already had in this House. This was only regarding the floods during the last three days in Gujarat, and now I see that the Minister is going on and some Members from other States are going on, on a subject, on which we had a discussion the other day. There should be some limit to it. *(Interruptions)*

SHRI P. G. MAVALANKAR: Mr. Speaker, Sir, the Minister's reply was inadequate and therefore the Deputy-Speaker told us, "I will allow some of you to put one question each," because the Minister's reply was inadequate. I want to know whether the Minister, Dr. Rao—

MR. SPEAKER: The Minister told you to put one question each?

SHRI P. G. MAVALANKAR: No, no. The Deputy-Speaker permitted us to ask one question each.

MR. SPEAKER: Why should I come in? I have no function to perform; why should I come?

SHRI P. G. MAVALANKAR: The Minister is willing to answer

MR. SPEAKER: The Minister is very obliging, very noble and very kind. He is always ready for anything. But I have also to regulate the business. At 5.15 the other Minister had to make a statement and then we have to resume the discussion on the Criminal Procedure Code Bill. I gave one hour for the discussion on the floods. When I come back after two and a half hours, it is still going on!

SHRI P. G. MAVALANKAR: That shows the gravity of the problem. My question is—*(interruptions)*—could the Minister tell us as to how long should we wait, for example, for these urgent projects like the Narmada. We want him to tell us in brief. For instance, does he want us to wait until the waters of the Ganga are united with the waters of the Krishna and the Godavari? *(Interruptions)*.

MR. SPEAKER Order, please.

SHR P. G. MAVALANKAR Let us have a very clear-cut answer as to how long he wants us to wait. Does he not realise that this problem requires a certain priority? Please give us the priority for this project.

DR. K. L. RAO: The hon. Member from Gujarat knows that it is not the Narmada project only that is now under discussion. We are discussing today the flood damage in Gujarat and the floods have been caused by rivers other than Narmada. The Narmada dam problem is of course there. So far as I know, there is a rise, over and above that in the Narmada, in the other river systems. Therefore, really the question is this. My hon. friend from Gujarat, Shri. Mavalankar, always wants to find out the date, when the project was sanctioned, what is the date, etc. I have given all the available information in my reply the other day. The point is, the three Chief Ministers are going on discussing, and we shall take it up at the earliest moment. But every morning, every day, in questions and answers, the hon. Member, Mr. Mavalankar raises Narmada, Narmada. (Interruptions).

SHRI P. G. MAVALANKAR: I have come from Ahmedabad today. (Interruptions)

MR. SPEAKER: Order, order. Why should you talk so loud, Mr. Mavalankar, at the top of your voice and why should you go on like that all the day? Just at the flag-end of the day, at least, bring down your tone

17.30 hrs.

STATEMENT RE. TAKEOVER OF
WHOLESALE TRADE IN RICE

MR. SPEAKER: The hon. Minister for Agriculture will now make a statement. (Interruptions) No more questions. I am passing on to the next item.

SHRI SAMAR GUHA (Contai): Prime Minister and other Ministers as also the opposition leaders have had a discussion on this matter. It was decided that we shall meet again on the 6th. The different parties were asked to give their memoranda.

MR. SPEAKER: Why are you saying all these things without first listening to him? I have allowed him to make a statement.

SHRI DINEN BHATTACHARYYA: (Serampore): We want to know whether the Minister is going to make a commitment that within a certain definite time-limit the wholesale trade will be taken over.

MR. SPEAKER: I do not know. Let us hear him. The hon. Minister. (Interruptions).

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED): The successful implementation of a policy of take-over of wholesale trade in rice requires not only careful consideration of the operational details but also full involvement and co-operation of the State Governments and political parties. Discussions are therefore being held with the State Chief Ministers. Consultations are also going on with the leaders of the Opposition Parties and the next meeting is scheduled to be held later this week.

It will, therefore, be advisable to await the outcome of these consultations.

17.32 hrs.

CODE OF CRIMINAL PROCEDURE
BILL—Contd.

MR. SPEAKER: We shall now resume the debate on the Code of Criminal Procedure Bill. We have already fixed the time.

SHRI RAM NIWAS MIRDHA: I beg to move

“That the debate on the Code of Criminal Procedure Bill, 1972, which was adjourned earlier today, 5th September, 1973, be resumed now.”

MR SPEAKER: The question is: .. (Interruptions) Order, Order. First you do not allow me to listen to the Members and then when I get up you do not allow Members to listen to me. You see what a difficult situation it is. We may continue still, but a day will come when it cannot be continued like this. So it is much better you do not do like this. The first motion says that the debate be resumed. Of course we had fixed the time when it was to be resumed. So, there is no need for any motion for that. It has already been resumed. The second motion is that Rule 338 of the Rules of Procedure be suspended in its application to the motion for the recession of the decision of the House adopting clause 125 with certain amendment. Then the third motion is that the decision of the House adopting with certain amendments clause 125 be rescinded.

श्री मधु लिमये : क्या आप पेश करने की उन को इजाजत दे रहे हैं ? अगर रद्द हैं तो मेरा मसौदा है ।

श्री अटल बिहारी वाजपेयी (ग्वालियर) : आप हम को भी मुनिये ।

श्री मधु लिमये : आप माननीय दंडवने जी को पहले मुन ले क्यों कि वह वाइंट आफ़ ऑर्डर पर बोल रहे हैं । जहाँ तक मेरे बोलने का सवाल है मैं तो मंत्री द्वारा प्रस्ताव पेश होने के बाद ही बोल सकता हूँ ।

PROF MADHU DANDAVATE: On a point of order, Sir. The Minister had moved a motion that the discussion on this Bill should be adjourned for one hour. Prior to that, Shri Madhu Limaye had moved an amendment which sought adjournment of the discussion for a reconsideration of clauses 125, 108, 109, 110 and 144. This amendment was rejected, which means that this House does not want a reconsideration of these clauses including 125. So, that has defeated the

very purpose for which the Minister was seeking adjournment. You should take note of this.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, मेरा व्यवस्था का पत्र है । मंत्री महोदय ने एक नियम को स्थगित करने की इजाजत मांगी है । मुझे पता नहीं कि आप इजाजत देने जा रहे हैं कि नहीं ।

अध्यक्ष महोदय : इजाजत तो आप को देनी है, मैं तो दे नहीं रहा हूँ ।

श्री अटल बिहारी वाजपेयी : अगर एक बार जो चीज सदन द्वारा स्वीकृत कर ली गई है उस पर पुनर्विचार के लिये आप नियम को ताक पर रखने की इजाजत देंगे तो मामला केवल मन्त्रा तक सीमित नहीं रहेगा, आप को इस सुविधा को सभी मेम्बरों को और विशेषकर विरोधी दलों के मेम्बरों को भी प्रदान करना होगा । आप एक वाइ वा दरवाजा खोल देंगे, और फिर आप हमें उस प्रकार का मोशन लाने से बर्चित नहीं कर सकते ।

अध्यक्ष महोदय, आप जानते हैं कि यह विधेयक मेलबट कमिटी से हो कर आया है, वहाँ उस पर विचार हुआ । उस पर राज्य सभा विचार कर चुकी है । जिस धारा में मसौदा के लिये मंत्री महोदय को ताक पर रखना चाहते हैं वह धारा वहाँ पास हो चुकी है । अब बटं रीडिंग की स्टैज पर बिन पहुँच गया है, और फिर मंत्री महोदय द्वारा 125 में वापस ले जाना चाहते हैं । रूल 338 में माफ़ लिखा हुआ है ।

"A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session."

यह इस सेशन में नहीं ला सकते। कोई आसमान तो टूटने वाला नहीं है। एक बार आप इस तरह की परम्परा कायम कर देंगे तो इस का कहीं अन्त नहीं है। प्रति दिन इस तरह के मोशन आयेंगे और आप पर आरोप लगेगा कि आप सरकार की बात मान कर नियम स्थगित कर देते हैं और विरोधी दलों की बात नहीं मानते।

अध्यक्ष महोदय : हाउस को करना है, मुझे थोड़े ही करना है।

This is not something concerning the Chair. A motion is brought and the decision has to be given by the House. The Chair does not come in.

SHRI S. A. SHAMIM (Srinagar): May I make a submission on what Shri Vajpayee has said?

MR. SPEAKER: He has not said anything else.

SHRI S. A. SHAMIM: He said that the reconsideration of clause 125 would be a great catastrophe and would create a very bad precedent. I would remind Shri Vajpayee that this Parliament is in the process of passing a particular Bill. Even a court which passes a death sentence after finding an accused guilty, if new facts are brought before the court on the basis of which the court feels justice has not been done to the accused, the court does not hesitate to release him. So, even the courts are allowed to use their inherent power to resile from an earlier order. In this case, while Parliament is in the process of passing a measure, some doubts have been expressed with regard to clause 125 that it should not be adopted as it is but should be reconsidered. I do not see any harm in that.

SHRI G. VISWANATHAN: I object to the Minister's move to have reconsideration of a clause which has already been adopted. My first objection is

that we have already passed through the clause by clause consideration and reached the third reading. Under the rules the Minister cannot move a substantial amendment at this stage.

Secondly, as pointed out by Prof. Dandavate, Shri Madhu Limaye's motion wanted postponement or adjournment of the consideration of the Bill to reconsider certain clauses, including clause 125, and that was voted down by the House. So, that was the decision of the ruling party and of the House. So, procedurally clause 125 cannot be reconsidered. Of course, I have no objection to its reconsideration but how are you going to overcome the procedural difficulty? Under the rules you cannot do it.

SHRI JAGANATHA RAO (Chattrapur): Shri Raghu Ramaiah's motion has been carried.

SHRI DINESH JOARDER: If the Rules of Procedure permit, we have no objection to the reconsideration of clause 125. In that case, as mentioned in the motion moved by Shri Madhu Limaye, all the other clauses, to which objection has been taken, should also be reconsidered.

SHRI B. V. NAIK (Kanara): The submission made by Shri Vajpayee is very attractive. Rule 388, which deals with the suspension of rules, says:

"Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

This is the last but one rule in the Rules of Procedure. It was not the intention of Parliament that rule 388 was ever to remain a dead rule. In that case, they would not have framed such a rule. This rule is meant to meet contingencies like the present one, where six crores of people are going to be affected by a provision. In the circumstances, the use of rule 388 is perfectly valid.

SHRI B. R. SHUKLA: Rule 338 does not apply to the consideration and withdrawal of a Bill. So far as the provisions relating to Bills are concerned, there is a separate chapter for that. The Bill remains for consideration upto the last stage, that is, up to the third reading of the Bill. Therefore, the House has not decided any question regarding any provision of the Criminal Procedure Code finally. When the House is still seized of the Bill, it has every right to reconsider the matter till the matter is finally closed. Therefore, rule 338 is wholly irrelevant and inapplicable so far as the consideration of provisions of the Bill are concerned.

SHRI D. N. TIWARY: Three motions were placed before the House, one by Shri Limaye, one by other Member and one by the Government. Two motions were negatived and the third was adopted. Therefore, the consideration of other motions does not arise. The motion of Shri Limaye was negatived by this House. The motion moved by the Government was carried.

MR. SPEAKER: It is not regarding negatived or adopted. It is about rescinding the decision.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): I feel, this Bill has not been finally passed and it is in the process of being passed. When the Government feels that some fundamental mistake has been committed previously and they have come forward to rectify it and they want the permission of the House, the House should be generous enough to give its permission. Moreover, if there is some such fundamental defect, we must not just go according to the procedure. As pointed out by Mr. Naik, the procedure does not stand in the way of re-opening certain clauses. I would submit that in case permission can not be given for re-opening clause 125 alone we have no objection to giving permission for re-opening of other clauses also as demanded by Shri Limaye.

Therefore, there should be re-consideration of clause 125 and other clauses also, as demanded by Shri Limaye.

MR. SPEAKER: I have received this amendment to the main motion by Shri Limaye...

SHRI RAM NIWAS MIRDHA: The main idea in putting this motion or any other motion, in making a request to you to do so, was to see that we could pass the Bill in this session. But it seems it is not possible to pass the Bill in this session. It gives an impression that we are trying to hustle the whole thing. We have no idea to hustle the whole thing. We on our side would not mind if it is postponed to the next session.

SHRI MADHU LIMAYE rose—

MR. SPEAKER: Mr. Limaye, kindly sit down. I have to ask him a question.

You want to postpone it in the form as it is or in some other form? You are not pressing for this. Are you withdrawing it?

SHRI RAM NIWAS MIRDHA: We want to postpone it to the next session.

श्री मधु लिमये अध्यक्ष महोदय, पहले आपने इनको अनुमति दी कि वे प्रस्ताव रखे जिम के तहत कुछ नियमों को निलम्बित करने की बात मंत्री महोदय कह रहे है और उनका उद्देश्य यह है कि 125 पर पुनर्विचार किया जा सके। अब एक नया प्रस्ताव ले कर ये आगे हैं। कुछ तो प्रक्रिया चलनी चाहिये। पहले कहा कि इस प्रस्ताव को जिम को उन्होंने पेश किया वापिस ले रहे है। मैं यह हमलिया कह रहा हूं कि उन प्रस्ताव के साथ उनका आपके सामने कमिटेमेंट हुआ है कि अगली बार जब इसके ऊपर विचार किया जाएगा, आज फरें फल करें, अगले सेशन

में करें तो 125 के साथ साथ 106, 108, 109, 110 और 144 उन पर भी विचार किया जाएगा (इंटरप्शन) जो तय हुआ है वही बता रहा हूँ। अड़ता नहीं आ रहा हूँ। रिफाई होना चाहिये कि इसके बारे में एग्जीमेट हो गया है।

श्री अटल बिहारी वाजपेयी : विल पर चर्चा स्थगित हो रही है। इसका अर्थ यह नहीं है कि आप मंत्री महोदय को इस बात की इजाजत दे रहे हैं कि 125 धारा जो पाम हो चुकी है उसको अगले सेशन में फिर से पुनर्विचार के लिए पेश करें। तब आप अनुमति देंगे और सदन इजाजत देगा तब यह मामला उठ सकता है।

SHRI SOMNATH CHATTERJEE: I had moved a motion today "that the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till 'the next Session' and that was negatived by the House. Now an identical motion is being moved by the hon. Minister. Therefore, rule 338 will stand in the way. Rule 338 should be suspended in respect of this motion (Interruptions).

SHRI MADHU LIMAYE He should apologise to Mr Somnath Chatterjee and the House.

MR SPEAKER: It is a very interesting position. Mr Somnath Chatterjee, you can move the motion for suspension of rule 338

SHRI SOMNATH CHATTERJEE: Sir, I beg to move.

"That the operation of rule 338 be suspended for the purpose of consideration of the motion 'That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session'."

MR. SPEAKER: His motion is that rule 338 be suspended in relation to his earlier motion for adjournment of the debate till the next Session

Let me be sure as to where we stand. Now, you will bring this Bill in the next session. From which point?

SHRI DINEN BHATTACHARYYA. You must make the announcement first that the Rule has been suspended. Then he will move.

MR. SPEAKER: I wanted to be sure if this Bill will be carried over to the next session. The same Bill from the same stage .. (Interruptions) That is all right.

SHRI K. RAGHU RAMAIAH: I would like to say before the motion for adjourning this Bill to the next session is moved, that the agreement which was arrived at before you, is in relation to to-day's motion and what will happen in the next session is open to the House....(Interruptions) I want to make it very clear that it is in relation to to-day's motion

श्री कृ. रे. No, no. अध्यक्ष महोदय, यह विटरेयल है। उन्होंने जो बचन दिया है, वह उन में रिगल घाउट नहीं कर सकते हैं। उन का पुनर्विचार का धारा 106 आदि के बारे में वा जो प्रस्ताव है, वह कार्यान्वित होना चाहिए।

SHRI K. RAGHU RAMAIAH The Speaker is also there. It is in relation to to-day's motion that I said that I have no objection in accepting the amendment of Mr Madhu Limaye. To-day's motion will not be moved. Therefore, there is no agreement about it. That is all what I want to say. Next session we will see. We will consider it on merits

SHRI MADHU LIMAYE: Not 'We will see'.

SHRI K. RAGHU RAMAIAH: I cannot bind myself.

MR. SPEAKER: Please do not take it lightly. He is not pressing his first motion. Only this Bill will be adjourned to the next session. As to what will be the position at that time, will be seen at that time. (Interruptions) Order, please. The further debate and discussion on this Bill at the stage we are leaving it to-day will be taken up in the next session. As to what follows and what procedure you follow at that time will be seen then. I hope you approve of this?.. (Interruptions) Adjournment to the next session.

SHRI SOMNATH CHATTERJEE: Until the decision on my motion for adjournment which was rejected, is rescinded first, this motion cannot come.

MR. SPEAKER: This motion by Mr. Somnath Chatterjee, I will put. The question is:

"That the operation of rule 138 be suspended for the purpose of consideration of the motion 'That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session.'"

The motion was adopted.

MR. SPEAKER: I am putting after the decision is rescinded another thing to carry over the business to the next session ...

श्री प्रमल बिहारी बाजपेयी : अध्यक्ष महोदय, क्या आप श्री सोमनथ चट्टर्जी के प्रस्ताव को मंजूर करने के लिए तैयार हैं ? माननीय सदस्य ने रूल के सस्पेंशन के बारे में प्रस्ताव किया है। उस के बाद उन के प्रॉपोजिट पर जो क्रमनाम हुआ था, उस को रद्द करना पड़ेगा। और तीसरी स्टेज बहू होगी, जब हम तय करेंगे कि इस बिना पर डिस्कशन करने मेंशन के लिए एडजर्न किया जाये।

SHRI G. G. SWELL (Autonomous Districts): The first motion is to suspend the rule. That has been clearly moved by Mr. Somnath Chatterjee.

There should be a second motion to be moved by somebody to rescind the earlier decision and the third motion to be moved by somebody that the discussion on this Bill be adjourned to the next session. It is clear that there should be three distinct motions to be moved by members individually.

18 hrs.

SHRI SOMNATH CHATTERJEE: Sir, I beg to move:

"That the decision of the House taken earlier today rejecting my motion for the adjournment of the further discussion on the Code of Criminal Procedure Bill, 1972, be rescinded."

MR. SPEAKER: Of course, you have given your decision on the suspension of the rules. Now, this is about rescinding of the earlier decision.

I will now put Shri Somnath Chatterjee's motion to the vote of the House.

The question is:

"That the decision of the House taken earlier today rejecting Shri Somnath Chatterjee's motion for the adjournment of the further discussion on the Code of Criminal Procedure Bill, 1972, be rescinded."

The motion was adopted.

SHRI SOMNATH CHATTERJEE: Sir, I beg to move

"That the debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next Session".

MR. SPEAKER: Of course, all of you will agree to it. I will put it. The question is:

"That the Debate on the Code of Criminal Procedure Bill, 1972, be adjourned till the next session".

The motion was adopted.

MR SPEAKER: This motion is adopted. This is carried to the next session. Shri T.A. Pai.

18.02 hrs

COKING AND NON-COKING COAL MINES (NATIONALISATION) AMENDMENT BILL

THE MINISTER OF HEAVY INDUSTRY AND STEEL AND MINES (SHRI T. A. PAI): Mr. Speaker, Sir, I beg to move:

"That the Bill to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973, as passed by Rajya Sabha, be taken into consideration."

Sir, since the Coking Coal Mines (Nationalisation) Act, 1972, received the President's assent, it has come to notice that in certain cases there are minor discrepancies in the description of the various coking coal mines listed, in the Schedule to the Act. It is thought desirable to remove these discrepancies, and such other discrepancies as may be brought to notice hereafter, by issue of suitable notifications if the power in this regard is vested in the Government ...

MR. SPEAKER: How much is this? How many minutes you would need?

SHRI T. A. PAI: A short one. I will make it short.

Sir, in the course of the administration of the coking coal mines, we also found that considerable arrears were due to the employees by way of wages and statutory liabilities and we wanted to see that before the secured and unsecured debts were cleared these were deducted also in performance to both secured and unsecured debts. And, for this purpose, since it may not be possible for a large body of workmen or their dependants to make claims, we wanted to confer this power on the Coal Mines Provident Fund Commissioner.

With these objects, I have brought forward these Amendments, to bring it in conformity with the Recent Coal Mines Nationalisation Act which this House has passed. Thank you.

MR. SPEAKER: Now, the question is:

"That the Bill to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act, 1973; as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

18.04 hrs.

RE: SHORT NOTICE QUESTIONS

MR SPEAKER: Now, a Member has given notice of a Short Notice Question and the Minister has accepted it—some other Minister. Should we allow it? Because, the earlier decision was, we will not accept anything other than a straight discussion on the Plan.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Unless we know the nature of the question....

MR SPEAKER: Nature of the question may be urgent. But because it is a Short Notice Question, it has been addressed to the Minister and he has accepted it. I think I should not come in his way.

If there was any other question, I would not have allowed it. But, he has accepted the Short Notice Question. I think that I should not deprive the Member of his opportunity.

SHRI ATAL BIHARI VAJPAYEE: You accept the Short Notice Question at your convenience.

MR. SPEAKER: What do you like me to do? If the Member gets the chance let him get it. Why should we come in the way? Otherwise, if it were with me, I would not have accepted the ordinary Question.

One will come up tomorrow and the other the day after.

SHRI ATAL BIHARI VAJPAYEE: If there are many more Short Notice Questions, please do accept them.

MR. SPEAKER: I do not accept it. Probably, you do not know that the Speaker does not come into the picture Members send it and the Minister accepts it. Normally they do not do it. But, once it is accepted, I think the Member should not be deprived of his chance. It is very rare that they accept it and that rare chance should not be denied to the Member.

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय, किसी मामले में आप भी मिनिस्टर्स को कह सकते हैं कि वे शार्ट नोटिस क्वेश्चन

को मान लें, क्योंकि बाब-कल स्टार्ड क्वेश्चन और कालिय एटेन्शन नोटिस नहीं लिये जा रहे हैं।

MR. SPEAKER: If the Ministers tell me 'No', then of course it does not come. We have to follow the procedure.

We now adjourn to meet again tomorrow at 11 A.M.

18.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, September 4, 1973/Bhadra 13, 1895 (Saka).