

there will be a revolutionary change in the system, as it is using this expertise along with our Indian scientific engineers. It has been stated that the telematics system has already started functioning and that the measures are being taken to ensure the development of first unit in the proposed time of thirtysix months. I would like to know about the system that has already started functioning. I would also like to know about what is called the structural system that has been put into use, its operations and functioning system. I would also like to know how far our Indian experts are being included in that and how far the new technology has been evolved. I would like to know the entire system of its functioning. In other words, I would like to know by what particular time this whole sophisticated thing will be developed and made use of in the country so that a revolutionary change in this field is brought about.

DR. M.S. SANJEEVI RAO : Mr. Speaker, Sir, I would like to bring to the notice of the august House some of the basic facts...

PROF. MADHU DANDAVATE : August House in the month of August !

DR. M.S. SANJEEVI RAO : Now, we are producing 1.4 lakh lines by the electro-mechanical system and about 1.9 lakh lines of Cross-Bar system. Both are outdated. Recently we have taken a decision to introduce the electronic switching system by going in collaboration for five lakh lines at Gonda. We also hope to have five lakh lines in Bangalore. For all these between 1980 and 1985 we will be importing nearly 11.5 lakh lines costing Rs. 340 crores.

In addition, in 1985-90 we will be still importing 20.6 lakh lines costing Rs. 600 crores. So, you can imagine what an amount of effort we have to put in even if we want to sustain the present production. With this background we have correctly taken a decision, in addition to buying the technology from France we want to develop our own indigenous technology suitable to the Indian conditions.

Regarding the question he has raised, I am very proud to inform this august House that the entire technical personnel will be Indian. No doubt we will take advantage of the highly competent Indian origin citizens in the United States like Mr. Petroda and many others, and if necessary, buy some raw technology, and I can assure this House, we have done similar excellent work. For example, the LRDE in Bangalore and the Tata Institute of Fundamental Research have recently developed automatic electronic switching for the Army which can simultaneously operate on telephones, teleprinters and data communication for thousand lines. We have the expertise and I assure the House, we will deliver the goods.

SHRI E. BALANANDAN : Sir, we are glad that we are developing the system indigenously. May I know what will be the foreign components required for the system while we are going to introduce this? What is the percentage of foreign components that would be necessary?

DR. M.S. SANJEEVI RAO : When we are developing the system, how can I tell the foreign components? But all the same the very fact of developing indigenous technology is, unlike the imported technology, to give you for example, for the CIT Alcotol technology in France for manufacture of five lakh lines we will be importing Rs. 180 crores worth of components. That is the very reason as to why we wanted to take up the indigenous technology so that we will utilise not only the indigenous components like resistance capacitors, but also the large-scale integrated circuit factory at Chandigarh.

(Interruptions)

DR. SUBRAMANIAM SWAMY : He wants to know whether it is socialist technology or communist technology !

Acquittal of Accused Due to Non-Filing of Charge-Sheets by Delhi Police

*249. SHRI P.K. KODIYAN :
SHRI BALASHEB VIKHE PATIL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether failure of Delhi Police to file charge-sheets within the statutory period of six months has led to the acquittal of a number of accused involved in road accidents including fatal ones;

(b) if so, the details of such cases and Government's reaction to this serious failure of the Delhi Police; and

(c) action taken, if any, by Government in this regard ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH) : (a) to (c) A statement is laid on the Table of the House.

Statement

(a) and (b) The Delhi High Court in its judgement dated 21st February, 1984, has held that as per Section 167(5) of the Code of Criminal Procedure, the investigation in a summons case has to be completed within a period of 6 months, unless extended period of investigation is authorised by the Court. Based on this judgement, the accused persons in 494 road accident cases have been acquitted by some of the Courts in Delhi because the investigation had not been completed within a period of six months and no permission of the Court had been obtained for continuing with the investigation. Since in these cases the charge sheets had been filed in the Court, even though late, and there is another High Court judgement which says that continuation of such cases will not be vitiated, the Delhi Administration is proposing to file a Special Leave Petition in the Supreme Court against the above noted judgement of the Delhi High Court.

(c) In the meantime, the Police authorities are being instructed to seek extension of time for investigation from the Court in all cases where for special reasons it is difficult to complete the investigation within the prescribed period.

SHRI P.K. KODIYAN : Sir, the statement says that as many as in 494 cases the accused have been acquitted by the various courts in Delhi due to the failure of the police to submit the charge-sheets within the prescribed time limit of 6 months. Now, I would like to ask the hon. Minister; What is the explanation for the failure of the police in such a large number of cases ? In the statement it is mentioned that the police authorities are being instructed to seek extension of time for investigation from the Court in all cases where for special reasons it is difficult to complete the investigation within the prescribed period. These cases may be a few, but in as large as 494 cases the police have failed to submit the charge sheets. What is the explanation for this and what action has been taken against the police for their failure ?

SHRI P. VENKATASUBBAIAH : Sir, this is a mandatory provision so far as Section 167 of the Criminal Procedure Code is concerned. This investigation and filing has to be completed within six months and if there is any delay, they can apply to the court to give sanction for further extension of time. But the Delhi High Court has said that since they have violated the provisions of this Section they have struck down all the cases filed by the police. But there is also another High Court judgement, a judgment of the Madras High Court stating that in such cases where challans have been filed and the cases are in progress, this is not violative of this particular Section. My hon. friend asked as to what are the reasons for having taken such a long time, beyond six months. There are certain administrative difficulties and we have to overcome them.

AN HON. MEMBER : What are they ?

(Interruptions)

SHRI P. VENKATASUBBAIAH : I am reading. Why are you impatient. Let me complete. I am enumerating those difficulties. Please give me some time.

One is, reports from various agencies have to be collected and scrutinised before the case can be challaned. These include technical examination of the vehicle and receipt of medico-legal reports. In some cases these reports have been referred again to the doctors for a second opinion. The second is non-availability of witnesses and reluctance of the witnesses to give evidence in road accident cases. In most of the cases the witnesses are not going to be victims. There is a general reluctance on the part of the witnesses to associate with investigation and trial in road accident cases.

There is also another point—delay in arranging identification parades with a view to establish the identity of the accused. These are the reasons. Even then, I agree that the police should have applied to the Magistrate for extension of time. That matter is being looked into. If anybody is found wanting, then we will examine the case and necessary action will be taken.

SHRI P.K. KODIYAN : Sir, I am not satisfied at all with the hon. Minister's reply. He has enumerated a number of administrative reasons for the delay. These administrative reasons are well known to the Minister, to the Delhi Administration and the Police. Knowing all these administrative reasons that might be coming in the way of completing the investigation and submitting the charge-sheets, why the Government as well as the Delhi Administration and the Minister also, has failed to see that these reasons are eliminated as far as possible and the charge sheets are submitted as early as possible ?

SHRI P. VENKATASUBBAIAH : Sir, there is also a saving clause in this. In such cases where they could not complete the prosecution within a period of six months, the investigating authorities have to take the specific approval of the Magistrate for getting further extension, which in this case they have not done.

SHRI A. NEELALOHITHADASAN NADAR : Why they have not done it ?

(Interruptions)

Why ? What action you have taken against them ?

SHRI P. VENKATASUBBAIAH : I am telling you. In these cases you have put a question mark 'Why ?'; that is why, I am also looking into that 'why'.

(Interruptions)

I may tell you, the Madras High Court also has given a different interpretation so far as this Section is concerned. But now, the Delhi Administration have applied for special leave so that quoting the Madras High Court judgment we want special leave and we are applying to the Supreme Court so that special leave may be granted and all these cases are revived.

SHRI A. NEELALOHITHADASAN NADAR : That is another thing.

(Interruptions)

He is trying to shield the officers.

SHRI P.K. KODIYAN : Sir, he is evading the question. The question was : What action has been taken for the failure of the police ?

MR. SPEAKER : Please sit down. Mrs. Dandavate will ask.

श्रीमती प्रमिला दंडवते : अध्यक्ष महोदय, जो अनुभव एक्सीडेंट केसेज के बारे में है, वैसे ही पहले भी इस सदन में डाउरी केसेज के बारे में यह कहा गया था कि पुलिस का काआपरेशन जैसा होना चाहिए वह नहीं है और एक्यूज्ड के साथ उनकी सिम्पैथी बन जाती है। मेरा कहना यह है कि एक टाइम लिमिट बना दीजिए एफ० आई० आई० लाज करने के लिए। हम देखा है कि चार्ज शीट में समय ज्यादा लग जाता है और कुछ लूपहोल्स जानबूझ कर छोड़ दिए जाते हैं, जिससे कोर्ट में केस जाने पर सफलता नहीं मिलती है और एक्वीटल हो जाता है। अभी

तक आप के पास कोई कानून नहीं है, कोई कोड आफ कन्डक्ट नहीं है और कोई नियम नहीं है। मैं जानना चाहती हूँ कि क्या आप इस प्रकार के नियम बनाएंगे, जिससे पुलिस ठीक प्रकार से काम कर सके और लोगों की सहायता कर सके।

SHRI P. VENKATASUBBAIAH : Sir, I have already submitted to this House that two different opinions were expressed in two different courts, one in Delhi High Court and the other in Madras High Court in which the court—I am quoting Madras High Court's opinion in this matter.

(Interruptions)

SHRI VASANT KUMAR PANDIT : You have to answer her question.

SHRI P. VENKATASUBBAIAH : I am coming to that question, my dear friend.

(Interruptions)

MR. SPEAKER : Why don't you allow him to reply? I don't allow you to intervene, Sir.

SHRI P. VENKATASUBBAIAH : They go on interrupting me like this, they have no patience to hear.

(Interruptions)

I am not taking cover. In the same instance, one Magistrate has allowed even in Delhi.

Sir, one of the Metropolitan Magistracies is continuing with the trial of the accused in spite of the judgement of the Delhi High Court. This is the matter. Of course, they should have taken care to apply for further extension. But in this case, that has not been done. So, we are taking proper care to appeal to the Supreme Court. If there is any laxity deliberately on the part of any prosecution authorities, then this matter will be gone into.

MR. SPEAKER : He has asked that specific time-limit is to be put. That is all.

SHRI P. VENKATASUBBAIAH : Sir, time-limit of six months is mandatory. According to section 167 (1) of the Criminal Procedure Code, it is mandatory. Nobody can exceed six months time limit. But in some extraordinary cases, as I have said, where we will not be able to complete the prosecution and file the challan, there is also a provision that we seek the court for further extension.

SHRI A. NEELALOHITHADASAN : NADAR : In this case, officials have not asked for that leave also.

SHRI P. VENKATASUBBAIAH : All those procedures have not been complied with and they have not gone into the reason why it has not been done. Whatever the loopholes which the hon. lady Member has pointed out, we will go into it. It is not our desire at all, as a matter of fact. I do not know why these people are making much out of nothing.

SHRI BHIKU RAM JAIN : Sir, the hon. Minister has mentioned about the two contradictory judgements of the two High Courts. I would only respectfully submit one thing, Section 167 (5) of the Criminal Procedure Code, in its wisdom, tries to see that there is no harassment caused to the accused and that the challans are filed within six months. It is not necessarily in the case of type of cases that have been rejected by the courts. And if these cases are not put to the court within six months, it evidently means that the law is flouted. It evidently means that the police is not doing its duty rightly.

I only want to know from the Minister not only in the case of accidents but even otherwise too, this Section 167 (5) is enforceable. There are cases which go on lingering with the police for months together and sometimes for years and this is the protection given to the accused that no such case which has

crossed six months can be proceeded in the court. So, what steps will be Government take to see that the general public is not harassed by putting their cases after six months in the court so that these people are not unnecessarily getting had treatment in the hands of police and courts?

SHRI P. VENKATASUBBAIAH : With this experience gained, we will up the administration. Whatever loopholes are there, we are sincerely going into them.

SHRI BHIKU RAM JAIN : I am only talking about the mandatory provisions of the law. There is no loop-hole.

SHRI P. VENKATASUBBAIAH : It is a loophole, in the sense in administering the law by the police and by the Department.

What I meant is that, so far as those things are concerned, if there is any deficiency, we will certainly re-up the administration. With this experience, we will certainly go into the matter and whatever is possible, certainly we will do.

SHRI N.K. SHEJWALKAR : Mr. Speaker, Sir, I am rather surprised to see or rather hear that the hon. Minister taking shelter in the Madras High Court judgement. Actually, he knows the law very well that the judgement of the Delhi High Court is binding upon all the lower courts, whatsoever. I do not know how he is trying to justify the attitude of one metropolitan magistrate which is different and absolutely wrong. As long as the judgement is not reversed, it is binding.

Apart from that, my point is, is it not nature that the grounds which are given like witnesses, medical evidence report etc., are formalities which are to be completed in every case and actually that was the purpose of amending Section 167 that unnecessary false case should not be filed and the common man should not be unnecessarily harassed?

That is why six months' time has been put in. This is the law. I am afraid, these are the cases in which deliberately either false implication is there or something has happened in each and every case and then find out what actually is the position. Please don't try to defend it unnecessarily otherwise. That is my request to him.

SHRI P. VENKATASUBBAIAH : That is why I said that we are seeking special leave from the supreme court. If the hon. Member points out specific cases, we will certainly go into them and take necessary action.

हवाई अड्डों पर जाली पारपत्रों की जांच

*250 श्री जगपाल सिंह :

श्री राम किकर : क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या हवाई-अड्डों पर पारपत्रों की जांच करने की कोई व्यवस्था है; और

(ख) यदि हां, तो बड़ी संख्या में भारतीयों द्वारा विदेशों में जाने के लिए जाली पारपत्रों के उपयोग को रोकने के लिए क्या उपाय किए गये हैं ?

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI P. VENKATASUBBAIAH) :
(a) and (b) The passports of all persons going abroad are checked and stamped by Immigration officials at the airports. There is no reason to believe that fake Indian passports are being made on a large scale.

श्री जगपाल सिंह : अध्यक्ष जी, मेरा जो आरिजिनल सवाल था उसमें मैंने मंत्री जी से यह जानना चाहा था कि हिन्दुस्तान के नौजवान लड़के और लड़कियां रोजगार की तलाश में खास तौर से अरेबियन कन्ट्रीज में जो जा रहे हैं उनको बहुत दिक्कतों का सामना करना पड़ रहा है, और मैंने उस कन्ट्री का नाम लेकर भी पूछा था कि देश से कुछ लोग