

dulged against ourselves on some critical occasions. Our report should be the last word for authenticity and sincerity of detail.

I would now like to say a few words about our Press Information Bureau. I am glad Government has of late been paying attention to the Press Information Bureau. The Bureau has been supplying the weekly dope, to the papers down below at the district level. The moment we are able to reach the reader in the districts and *taluqs* through these small organs, we will be able to educate them in such a way that they will face the strongest currents of the world. We have inherited spiritual values of non-violence from down the ages. The dissemination of these rules are really in safe hands, in the hands of patriots who shall be able to do a good job indeed.

In the end, I want the Prime Minister to favourably consider the appointment of good, able, patriotic Press Information Officers for post of Consuls-General. It is but natural that after a period of hard work as Press Correspondents or in the Press Information Bureau, journalists could look forward for promotion as our Consuls-General abroad so that they may feel that the sweets of office are not denied to them; they may feel that though most of them work for twenty-four hours, they may feel that they have as much right to appointments abroad just in the manner of a retired General, or a retired Secretary or a superannuated officer of the Government of India, looking forward for higher promotions.

I warmly support the Demands of the Information and Broadcasting Ministry. I must frankly say that the Opposition has not been able to make one single major point. I am glad Government has taken to the policy of giving more advertisements to the Indian language papers. The day will come when the language papers will have a circulation of 25 million copies.

Mr. Chairman: In addition to the cut motions already moved, there is another cut motion No. 632 which may also now be moved.

Policy regarding selection of members for Programme Advisory Committee

Shri Boovaraghasamy (Perambalur): I beg to move:

"That the demand under the head 'Broadcasting' be reduced by Rs. 100."

Mr. Chairman: This cut motion is also before the House for discussion.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-FIFTH REPORT

Shri Kasitwal (Kotah-Jhalawar): I beg to move:

"That this House agrees with the Twenty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th March, 1955."

No amendments to this report have been received and I trust that this House will adopt it.

Mr. Chairman: The question is:

"That this House agree with the Twenty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th March, 1955."

The motion was adopted

PREVENTION OF CORRUPTION (AMENDMENT) BILL

Mr. Chairman: The House will now resume further discussion on the motion moved by Shri Uma Charan Patnaik on the 18th March, 1955 that the Bill further to amend the Prevention of Corruption Act, 1947 (Amendment of Section 5), be circulated for the purpose of eliciting opinion thereon by the end of July 1955.

[Mr. Chairman]

Out of two hours allotted for the discussion of the motion, 47 minutes were taken up on the 18th March, 1955, leaving a balance of 1 hour and 13 minutes for its further discussion.

Shri Bhagwat Jha Azad who spoke for 2 minutes on 18th March 1955 may continue his speech.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): The other day, I was speaking on the Prevention of Corruption Act, 1947 which came into force on the 11th March 1947 and said that it was intended to secure more effective prevention of bribery and corruption than were already provided for under Chapter IX of the Indian Penal Code. It was introduced to secure punishment, either conviction or fine or both because it was felt necessary that those who are caught hold of for such practices are not effectively dealt with under the existing Act. Therefore, this Act which was there was extended for another ten years.

What we find is this. Sub-section (3) of the 1947 Act says that in any trial of an offence punishable under sub-section (2) of the Act the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account for pecuniary resources of the property disproportionate to the known sources of income may be proved. I referred to this only to lay emphasis that if an officer is caught hold of such wealth and if he could not disclose or account for the disproportionate increase in his wealth, then the Court or the investigating officer is perfectly at liberty and within his rights to say that the vast mass of wealth of the officer is certainly from undue sources. Sub-section (2) of the Act of 1947 empowers the investigating authority to come to that view that because the officer would not say the source of his income, it can be presumed that he has earned this wealth from undue sources or by bribery or otherwise. Therefore, what Shri Patnaik has in-

troduced is nothing but the logical conclusion of the fact that if such a thing is found out—the fact that an officer has amassed wealth—it should be forfeited. Therefore, in this amendment, I find nothing new. It is the logical conclusion that if an officer is found to have done such things and he is convicted, it should be left open to the officer or the court to confiscate the property.

I will give an example to clarify this point. Here is Mr. A who is found out under this Act to own in three years a property of Rs. 3 or Rs. 4 lakhs disproportionate to his salary of Rs. 5,000 or Rs. 3,000. On this presumption the court may convict him and it cannot but all be challenged. But they should also be at liberty under this amendment to confiscate his property. If an officer is convicted for six months for undue amassing of wealth, he goes and spends the entire six months and comes back. His service is gone but here is a building worth Rs. 3-4 lakhs; here is the bank balance of Rs. 1-2 lakhs. The six months are spent in no time and they are forgotten. This is no punishment to the officer; it is rather an encouragement to others who do the same thing. It is very strange that an I.C.S. officer who borrows a few thousands to construct a house, is after seven years found to own a house of Rs. 3-4 lakhs at Madras or Patna or Delhi. In that case, that officer is punished with six months imprisonment but his property in the shape of buildings worth Rs. 3-4 lakhs or his bank balance either in a Swiss bank or a continental bank is not confiscated. What he suffers is six months punishment leaving untouched his entire property.

So, whatever might be the good intentions of the Government in saying that a Government officer must disclose his property—movable or immovable—in the form of land, buildings, etc. they cannot be dealt with effectively. I am told that very recently, Government has sent a circular

saying that the officers should disclose their property in the form of land or building or in other forms. But this does not include bank balances of the officer. There are persons who have gone on a certain deal to foreign countries and they deposit in Switzerland. It is the practice that the names of the officers and depositors are kept a secret. The money of these officers can be very safely deposited. Government also wants to effectively check bribery and corruption and wants to deal with such officers firmly and strongly—such officers who habitually receive illegal gratification. Such officers must disclose what their bank balance is either in India or in Switzerland or in continental banks. If that is not found out it will be difficult for the Government to curb this in spite of the best intentions.

Sub-section (3) is very wide and it shows the intention of the Government. It says that an officer can be convicted on the presumption that he has amassed huge wealth and cannot explain or disclose his sources.

The purpose of this amendment is very simple. If an officer fails to show the sources of income after sufficient notice and time he is punished on the presumption that he has looted and amassed wealth far disproportionate to his salary or and previously owned, Shri Patnaik's only point is that when under sub-section (3) he is convicted, his property should be confiscated. This amendment empowers the Government to confiscate the property of such men so that it can deal with the cases effectively. If it is not done, then it is difficult to deal with such cases effectively.

Mr. Chairman: I am afraid the hon. Member is repeating his arguments.

Shri Bhagwat Jha Azad: I am closing. Hence, I say that this amendment should be adopted only to implement this Act of 1947 effectively in the case of such persons who do so. This should also be enlarged so that not only the civil officers but other officers in the departments where most of the things are kept secret can be

dealt with. In the case of foreign service, false certificates are given. They are caught and hauled by the Public Accounts Committee and the Public Service Commission and then only things are found out. Therefore it should be widened.

With these words I wish to say that this amendment (section 3A) is nothing new but the logical conclusion of the Prevention of Corruption Act of 1947, and the purpose behind it is to effectively deal with such officers who are in the habit of getting illegal gratification and bribery.

Shri Raghbir Sahai (Etah Distt.—North-East cum Budaun Distt.—East): I have nothing but admiration for the laudable motive with which Shri Patnaik has brought forward this amending Bill. But I have got my own doubts whether the laudable objective with which he has brought forward this Bill is going to be achieved by this measure.

The Prevention of Corruption Act exists already, and he just wants that a further rider should be added to it that when a man has been convicted of corruption his property, for which he is not able to render a reasonable account, should also be confiscated. The point for hon. Members to consider is whether it is possible to secure conviction by means of an Act or by legislation in every possible case where one is convinced that a certain person has committed corruption.

When I read the last debate on this Bill I was tempted to put a few questions to the hon. Minister of Home Affairs on this subject. And only on the 31st he was pleased to reply to my query as to how many prosecutions were launched under this Act after it was modified in the year 1952 up to date. And the figures that have been given by the hon. Minister are for 1952, 1953 and 1954. Looking to these figures I find that in 1952—the figures have been given here for twelve States—17 prosecutions were launched out of which seven ended in conviction, seven in acquittals, and three were pending cases. In 1953

[Shri Raghbir Sahai]

seventy prosecutions were launched out of which twenty-three resulted in conviction and thirty-four in acquittals, and thirteen were still pending. And in 1954, fifty-seven prosecutions were launched out of which fifteen resulted in conviction and sixteen in acquittals, and twenty-six were pending cases.

These figures, if they disclose anything, they do this. In the first place, the number of the prosecutions during these three years is pretty small. The second fact that comes out very vividly is that a majority of these cases has resulted in acquittals.

I put it to the hon. Minister whether so many acquittals and so few cases of corruption that have been launched show that corruption is on the decrease. And the hon. Minister was pleased to reply that that inference on my part would not be well-founded. He was perfectly right. Corruption is not on the decrease. But if these prosecutions show anything, they show that it is very difficult to prove in a court of law as to whether a certain person has committed corruption or not. Given an opportunity, the person would avail of it from the lowest court to the Supreme Court. And fortunately or unfortunately the law as it exists today gives him full scope to find out faults in the prosecution case and to secure his acquittal.

So in my humble opinion, introducing this provision in the Prevention of Corruption Act will do no good. Although I admit, and I think most of the hon. Members of this House would admit, that there is corruption, corruption is not diminishing and it is a matter to be seriously taken up, my submission is that mere legislation or merely adding to the provisions of a certain Act, making it harder, stronger or more deterrent, will not serve the purpose. We must look to certain other remedies. And in my humble opinion, although it is very clear that both the Central Government as well as the State Governments are honestly

of the opinion that corruption should be put an end to, what I find is that there is not that sense of earnestness, awareness, seriousness on the question. If there had been more awareness, if there had been more seriousness on this question, I think the results would have been far better.

My hon. friend Shri Bhagwat Jha Azad referred to the new Rules that have been promulgated by the Central Government. I also want to deal with them. They are really very useful rules. If they are going to be acted upon, they will really prove deterrent. And I also find that they are not entirely new rules. There had been rules of this kind from before. Some changes have been made here and there and they have been put in a new garb. If we look into these new Rules we can find that Government has put certain restrictions on gifts that are to be received by government servants or by their wives or by relations of theirs. And only in cases of a trifling value permission is accorded, but where a gift is not of a trifling value it is not to be accepted, or is to be accepted only when permission is obtained from the competent authority. Similarly, with regard to acquisition of property, movable, immovable and all kinds of property, they are required to give returns. They are asked to show what kind of property they possess when they enter service, or from time to time they will be required to submit returns. So I beg to say that all those rules are very good. But I have got my own doubt whether those rules would be acted upon, and whether the rules that existed before were seriously acted upon. I am of opinion that it is not only legislation that would put an end to corruption. If really the Government wants to put an end to corruption and realise that it is the greatest bane of our administration at the present moment, the high-ups, those who are at the helm of affairs, either in the Central Government or in the State Governments, should see that corruption is put an

end to. Legislation will go to achieve that objective to a certain extent. But if they are serious, if they are watchful enough, they will put an end to this root and branch.

I do not want to take the time of the House. I may quote one instance. In 1924 or 23, Sir Grimwood Meyers happened to occupy the Chief Justice's place in the Allahabad High Court. He was one of the colleagues of Lord Reading during the first world war. When he came to U.P., somehow he came to know that the U.P. judiciary was not very honest. He was determined to put an end to this sort of a judiciary which was dishonest. What he did was, he found out who is who by his own personal espionage system. He got a list prepared of all those persons in the judiciary as to who were honest and who were not honest. He sent for one by one those persons whom he regarded as not honest. He called those people to his own chamber in the High Court and shut the room and with a grim voice he said; look here, I have got your record before me; there are only two alternatives; either resign voluntarily or face an enquiry; which alternative do you choose? I tell you that in 95 per cent. of these cases, they preferred voluntary retirement. I know some of these people. They are living even today, people who were made to retire voluntarily by Sir Grimwood Meyers. The fact of the matter is that the U.P. judiciary is entirely honest since then. There may be exceptional cases of dishonesty here or there. But that stigma, that blot, which was a blot against the entire judiciary, has been removed. I say that if the Government is serious, if the "high-ups" both in the Central Government and the State Governments are serious, they can do a lot. They can adopt all the tactics which Sir Grimwood Meyers adopted. By merely making laws, this corruption cannot be put an end to. I think Shri U. C. Patnaik has brought forward his Bill with the highest of motives. But, this additional rider will not serve the purpose.

Shri Bhagwat Jha Azad: What do you suggest?

Shri Raghurib Sahai: Seriousness, earnestness.

Mr. Chairman: I have called Shri Mulchand Dube. I shall call the hon. Member later.

Shri Mulchand Dube (Farrukhabad Distt.—North): The amendment proposed by Shri U. C. Patnaik has my fullest sympathy. But, I feel that it is impracticable, because in every case, the court before whom a case is brought, will have to embark upon a protracted enquiry in regard to all the properties that he possesses. The enquiry will have to be of a judicial nature, of a civil nature. The Magistrate would be entirely incompetent to enter into that. The title to each and every property that the person has will have to be gone into. The intention of the hon. Member being that only that property which has been acquired by corrupt means or by corrupt money should be confiscated, it will be very difficult for the prosecution or for anybody to connect the acquisition of a particular property with the bribe that a person has accepted. Therefore, the remedy that has been proposed by my hon. friend Shri U. C. Patnaik is impracticable and it cannot be resorted to.

Shri Bogawat (Ahmednagar South): Can he not be convicted and fined heavily to that extent?

Shri Mulchand Dube: To the extent of what?

Shri Bogawat: Property possessed beyond his means.

Shri Mulchand Dube: Beyond his means. The man may have inherited some properties. Some may be gifts; some may be acquired *benami*. There will have to be an enquiry as to which property he has acquired with the money taken as a bribe, which are the properties that were got by way of gift and which are the properties that he has acquired *benami*, or are not in his name. The criminal court will have to embark on an enquiry in respect of each item of property to find out the money

[Shri Mulchand Dube]

from which a property has been purchased. That would be an impossible thing for the criminal court to do. This is within the province of a civil court. A civil court alone can decide such things. My submission is that the Bill that my hon. friend Shri U. C. Patnaik has brought has the highest and best motive behind it. But, it is impracticable.

My submission is this. If you want to stop bribery or corruption, what we have to do is to raise the character of the people. When a person is appointed to a Government post, what is done is that two respectable persons have to certify about the character of the person. A further step taken is that the character is enquired into by the police. The character is also enquired into confidentially by two persons who are named by the applicant. After all this is done, the man is appointed and he turns out to be dishonest. The remedy appears to me to be this. The character is to be raised. In former times, the character of a person was formed in the home or in the school or in the temple. So far as formation of character in the home is concerned, it may be said without fear of contradiction that the parents do not know really how to bring up their children. The result is, character is not built in the home. So far as schools are concerned, they merely cater to the academic needs of the students. They also impart some technological education. So far as building up of character is concerned, that is nowhere. The third thing by which character was built up was religion. But our State is a secular State and our secularism prevents us from giving religious education in the schools and colleges to the students. The result is that we are drifting away from moral standards. From what I see, I find that we are in fact drifting from the principle of control of desires that is advocated by every religion....

Mr. Chairman: Are we not going far away from the scope of the Bill?

Shri Mulchand Dube: I say that character has to be built in this way.

Mr. Chairman: Please be short.

Shri Mulchand Dube: I am giving the alternative. My submission is that character has to be built in this way. We are drifting away from the control of desires to the gratification of them. The result is, moral standards are falling. So long as we do not raise the moral standards, it is not possible to check or stop corruption that is prevailing. I do not agree with my hon. friend Shri Raghuraj Sahai that Government does not want to check it. Government does want to check it. The higher officers want to check it. But, there is a vicious circle that prevents the stoppage of corruption.

Shri Raghavachari (Penukonda): I wish to support the motion for circulation. There is no need at this point of time to urge arguments in favour of effective remedies to put an end to corruption. This House, ever since it began, has endeavoured to bring the subject to the attention of the country and the Government by a number of resolutions. Mr. Hukam Singh's was one such, everyone might remember. Because the evil is so rampant, people are anxious to find some remedy to reduce this evil.

3 P.M.

My hon. friend has pointed out the two objects with which he has brought this Bill in the Statement of Objects and Reasons. One is that the recent amendment of the Indian Penal Code has made the prosecution more difficult by depriving the benefit of the evidence of the important witness who was so far available; because the giver also is now made an offender. It has simply made the position of the corrupt person doubly secure, because the man who gives is not available at all; further these things are generally done in secret. No doubt, the law says that some pardon, promise of no punishment

and all that can take place, but so far we have not seen one case where such protection has really been given to such a witness.

The other object he has is to deter the commission of the offence by the threat of enhanced punishment as other friends said, there is very much force in favour of this remedy to rectify the defect. The only point is: may the Bill as now put before the House be accepted without further amendments and consideration? I have given some thought and I feel that as it is now drafted it really makes the enforcement difficult. Therefore, it requires further consideration; and a circulation naturally would yield some more material and examination of the language which might certainly result in bettering and improving it.

For instance, I particularly agree with my friend who said that this will result in embarking upon a dilatory and elaborate enquiry to find out and fix the property which is really disproportionate to the means of the person concerned. In addition to the elaborate and dilatory process, it would involve great difficulties and then there is also the possibility of as the language now stands, of the punishment being used in a way that it might work out more harm. The new sub-section (3a) says:

"...the Court shall, while awarding the punishment under sub-section (2), direct that in addition thereto, the pecuniary resources or property disproportionate to the accused person's known means of income..."

This has to be read along with the other Act wherein this disproportionateness of property is to be judged not only by what the person himself owns, but by what his relations also hold. This leads to the risk of its being used in a way that it might work more harm to the public than really help it. Therefore I say that it requires careful and further consideration.

Then, this threat no doubt might possibly afford a kind of deterring effect—this attempt is being made for the last many years and so far we do not see any real results in the way of reducing the evil of corruption. We are finding cases more frequently. Possibly these were all cases which were already committed and they are now coming to light; but anyhow, so long as human nature continues, I am afraid these mere prosecutions will not really stop the commission of the offence; but that is no reason for any State to say that they will not take steps to meet the kind of offence which is easy to commit and escape. Therefore, I feel that in spite of the fact that the language in which now it is clothed is not very satisfactory and is capable of further improvement, it is essential that this Bill should be circulated so that we have the country's attention drawn to this matter that this weapon is going to be given effect to. Therefore, the Government should welcome and must naturally themselves be seriously busy contemplating all the steps they might take to bring about a reduction of this kind of evil. It is with that view that the Indian Penal Code was amended, but unfortunately as I already said, the amendment has only made the offender a little more secure than before.

So, I would request the House to support the motion for circulation, so that the matter may be considered more carefully and the country's reactions gathered and then it will be time for the House to make up its mind. In the meantime other measures have to be taken by the Government.

Shri Achuthan (Crangannur): I am very glad that Mr. Patnaik, in addition to paying his attention to defence matters, has now come to administrative matters also. He has specialised in regard to defence and was quoting from U.K. and other countries the other day and was advising us to do this thing and that thing. Now, he has come to the administrative side of the country.

[Shri Achutan]

We are now extending our activities and crores and crores of rupees are being spent by the Centre as well as the States, and so the time has come for us to see that corruption is rooted out as far as possible. The new sub-section (3a) may have a deterrent effect on the minds of the officers concerned that if they do such things, their property would be confiscated.

Shri Raghavachari was saying that it requires amendment. Quite true. But if it is circulated, nobody will say that it is bad, that it is not at all workable. The only point is how to work it and what effect it may have when put into execution. So that there is not much point in saying it should be sent for public opinion. The whole country will be at the back of it. Steps must be taken by all Governments concerned to see that corruption is rooted out root and banch. But what are the steps? I have my own doubts as to how far this new sub-clause (3a) may carry out the effect or the purpose for which it is intended, since it involves making an exhaustive enquiry into the property of a particular officer concerned and finding out how much of the property is disproportionate to his known means of income and then coming to the conclusion that so much has to be confiscated. There must be a special machinery for this, and it must be the civil judiciary. So, I think some thought over the matter of wording is necessary. It is for that purpose Government should also co-operate to see that it is worked out properly and come forward with suitable amendments which will have the desired effect. Because we are now going in for the Second Five Year Plan and crores and crores are going to be spent; there is vast scope for corruption in the Income-tax Department, Police Department, Revenue Department, Commerce and Industry Department and for that matter in all Departments.

Moreover, I do not know why, because there are difficulties as a whole,

we should not tackle it. In my State, according to me, even though we are trying our best to see that corruption is rooted out, to speak plainly, it is on the increase. That is my view. What can you do? We are trying our best to see that people are traced and sent before the court of trial, convicted and we even publicise their names. We do that monthly, stating that such and such persons have been convicted. Even then, I do not know why it is increasing. So that all steps, even though they are draconian must be resorted to with regard to the eradication of corruption. Unless we do that, the common man would not feel that this Government is functioning properly to bring about a Welfare State, or that the government servants and the public men are doing service for a public purpose and not for filling up their pockets by hook or crook.

I congratulate Shri U. C. Patnaik for having brought forward this amending Bill, and I would request Government not to reject this suggestion, but to come forward and say that all possible steps will be taken by Government to bring in amendments to the code which must be such as to threaten an officer even before he thinks of indulging in bribery or corruption.

With these words, I commend this Bill for the acceptance of the House.

Shri Nageshwar Prasad Sinha (Hazaribagh East) : I have still not been able to decide whether I have to support this Bill or oppose it. But in any case I leave it to the conclusions of the House to take it as it may, and I shall offer my humble suggestions only.

While welcoming the intentions of Shri U. C. Patnaik, the Mover of this amending Bill, I sympathise with him. Of course, I ditto the motives and intentions with which he has brought forward this Bill. But as I looked into the draft and considered how far the objective of the Bill could be achieved, I soon fell into difficulties, and the prob-

lem appeared to be so much complicated and full of so many complexities that I could not see whether this Bill would achieve the object it is meant for, and whether it would not remain a dead letter even if passed.

The first thing that I would like to place before this House is that in our pattern of developed scientific jurisprudence, it is difficult to get convictions easily, because we have been wedded to a modern jurisprudence, the elementary principles of which require that even ten guilty persons may be acquitted....

Shri Raghuraj Sahai: Ninety-nine.

Shri Nageshwar Prasad Sinha: I am making it ten and one rather than one innocent should be punished. So far as we are wedded to this principle,—as we are and we are bound to be—I do not think how we can have proofs before courts of law to establish that this property or that property, this money or that money belongs to the person or the officer who has been accused of having indulged in corrupt practices. When an officer or anybody else indulges in corruption, and when there are proceedings against him, it is natural to find, and it is very true, that he has not kept the property in his own name, and that he does not keep the money in his own name. He has his fathers-in-law, mothers-in-law, unmarried wives, relatives and so many others with whom the property is kept. So, while we may know fully well that the property is his and that he has been enjoying all the benefits of that property, yet he cannot be brought under law, and courts cannot convict A and also confiscate the property that is in the name of B. This is one of the practical difficulties that arose in my mind.

My second difficulty was this. The illegally earned money.....

Shri D. C. Sharma (Hoshiarpur): What does the hon. Member mean by saying 'unmarried wives'? He should explain that.

Mr. Chairman: I do not think it needs explanation. The hon. Member may proceed.

Shri Nageshwar Prasad Sinha: My learned friend has understood the meaning, and he only wants me to emphasise it.

I was submitting that the ill-gotten money may be converted into jeweleries or such other things, so that they may be kept elsewhere in different ways. For instance, there may be landed properties, and there may be *benami* properties, etc. How are we going to prove all these things and say that all these properties are the property of the man who has been accused of corrupt practices and who is facing a trial before a court of law?

These are some of the difficulties that occurred to me, and to surmount these difficulties is not very easy. Of course, we must bear in mind that the present Bill is only to be circulated for eliciting public opinion. We shall have opportunities enough in future to make certain amendments to it, and redraft it, after we receive the opinion of the country. But at the present moment I would only give a suggestion to my hon. friend Shri U. C. Patnaik to consider seriously, and that is whether or not instead of drafting the Bill in this way we can at least fix a limit on the payment of fine. Let there be a fine of not less than Rs. 10,000. But that has also got some difficulty. Suppose there is a corrupt officer who has got only Rs. 500, and indulged in corrupt practices only once in his life; if he is brought to book and convicted, we may say under this law that he will have to pay a fine of not less than Rs. 10,000 and there is a lot of hardship caused to such individuals there also.

So, I shall just say in the opposite way to what I said in the beginning. That is to say, we should see that ten innocent persons are punished instead of one guilty man going scot-free. Anyway, the question is that

[Shri Nageshwar Prasad Sinha]

there should be a limit on the payment of fines. There may be unlimited fines but not less than Rs. 10,000 in any case. If we can bring in an amending Bill to that effect, at least, it will serve the purpose, because once an officer is convicted in a court of law and sentenced to pay a heavy fine, all his relatives, and all his unmarried wives and so on will come to his rescue; they will sell the property they would be possessing and pay the fine. That itself will have a deterrent effect.

These are some of the questions that arose in my mind, and I place them before Shri U. C. Patnaik for his consideration.

Mr. Chairman: How long will the hon. Minister take for his reply?

The Deputy Minister of Home Affairs (Shri Datar): About fifteen minutes.

श्री बी० जी० ईशरामंद (गुना) : सभापति महोदय, यह जो संशोधन विधेयक हमारा सम्मानीय मित्र पटनायक जी ने यहाँ प्रस्तुत किया है इस के विरोध में जो आक्षेप उठाया गया है वह मेरी समझ में नहीं आया है। जिस उपधारा २ का संशोधन किया जा रहा है, वह इस प्रकार है :

5 (3) In any trial of an offence punishable under sub-section (2) the fact that the accused person or any other person on his behalf is in possession, for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income may be proved, and on such proof the Court shall presume, unless the contrary is proved, that the accused person is guilty of criminal misconduct in the discharge of his official duty and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption.

जब किसी व्यक्ति को सजा दी जाती है तो उसकी अपनी या उसके रिश्तेदारों की या

मित्रों के नाम पर जो सम्पत्ति है और कुर्त भागों से दामाई हुई है तो उस प्रिजम्पशन पर सरकार एक हजार की जायदाद अपने कब्जे में लेती है। इस धारा का संशोधन करने के उद्देश्य से हमारा सम्मानीय मित्र ने संशोधन विधेयक उपस्थित किया है। जिस प्रकार संवे इसका संशोधन करना चाहते हैं उस पर, मेरे विचार से किसी को भी कोई आपत्ति नहीं होनी चाहिए। मैं यह इस लिए कह रहा हूँ मेरे मित्र ने अभी कहा कि १०,००० का फाइन या जुर्माना आप लगाएँ लेकिन मेरे सामने ऐसे कैंसिस हैं कि जिन में २० लाख, ४० लाख और ४० लाख की प्राप्ति की एक फहरिबस्त हम नें मंत्रालय को दी थी लेकिन कुछ भी नहीं किया गया। इस प्रकार का विभागीय भ्रष्टाचार रोकने के लिए केंद्रीय सरकार से एक शिक्षायात करने के लिए मैं आज इस सदन के सम्मुख खड़ा हुआ हूँ। हमारा मंत्रालय भ्रष्टाचार को बाहर लाने के लिए केवल भ्रष्ट ही नहीं करते परन्तु मंस ता उन पर आक्षेप यह है कि मंत्रालय दूसरे विभागों के काम में रोड़े भी अटकाते हैं। रेलवे के बारे में मैं यह बात चुनौती के साथ कह सकता हूँ कि मुझे कई अफसरों ने और अधिकारियों ने बताया है कि हम प्रोसीक्यूशन तब तक नहीं कर सकते जब तक मंत्रालय की तरफ से हम को आज्ञा नहीं मिलती। पहले तो उनकी कठिनाई यह थी कि द्यौतिक प्राप्ति उनके नाम में है इसलिए उन पर अभियोग नहीं चल सकता था। अब भ्रष्टाचार के कानून में यह धारा रखी गयी है कि अगर किसी के पास प्राप्ति हो और वह उसका एक्सप्लेनशन न दे सके तो उस पर अभियोग चल सकता है। इस प्रिजम्पशन पर इस करप्शन एक्ट के अनुसार उसे सजा दी जा सकती है। आजकल हमारे देश में ऐसे बड़े बड़े कर्मचारी हैं जिनके पास दस दस लाख, बीस बीस लाख और तीस तीस लाख रुपया है। कहीं लड़की के नाम में २० हजार है तो कहीं भतीजी के नाम ५० हजार है। इनकमटैक्स वाले पकते हैं कि यह प्राप्ति कहाँ से आयी तो वे बता नहीं सकते। यह सब होते हुए भी हम ईख रहे हैं कि भ्रष्टाचार देश में

बढ़ रहा है। इस कानून के अनुसार इनवैस्टीगेशन हो रहे हैं फिर भी समाज में सर्वत्र हम दखतें हैं कि भ्रष्टाचार रुक नहीं रहा है। अगर किसी को सजा भी हां जाती है तो इससे उसको कोई अधिक हानि नहीं होती। उसको साल ६ महीने के लिए सजा हां जाती है पर वह और उसके रिश्तेदार पीढ़ियों के लिए मालदा हां जातें हैं। कर्नाक्शन हांन के बाद भी वह अपनी जायदाद अपने पास रख सकता है। इसलिए जो विधेयक पटनायक साहब नं रखा है में उसका समर्थन करता हूँ।

Shri Datar: The object underlying the present Bill, as sponsored by the hon. Member, Shri U. C. Patnaik, is perfectly understandable, and for that reason, Government are not opposing circulation of this Bill for eliciting public opinion. I may, however, point out certain difficulties, as also the various steps that Government have taken in rooting out corruption.

The object of the hon. Mover is that corruption should be rooted out and the last act that should be done is that the unaccounted property in the hands of such a corrupt officer should be taken over by Government, because he should not be allowed to take advantage of his wrong or to use the property which he has got by means other than fair or legitimate. That is the reason why I said that the object of the hon. Mover is perfectly understandable. The question is whether the Bill, as framed, would purport or would effectively remove the particular grievances or the evils that he has in view. In the course of the debate today, as also on the last occasion, a number of hon. Members on both sides of the House very fairly pointed out that there were certain inherent difficulties in accepting the Bill, as it has been presented to us. I may also point out to this House that already there are certain provisions. Now, in such cases, in addition to inflicting punishment by way of imprisonment, it is also open to the courts—to the trying Magistrate or the Sessions Judge—

to inflict fine. I would point out to the hon. Member that the amounts of fine are gradually rising in proportion to the magnitude of the crime. We might also take into account one more factor which has, incidentally, been referred to by the hon. Mover. We have got here on the statute-book an Ordinance known as the Criminal Law (Amendment) Ordinance, No. VI of 1946. I may point out to the House that we are advised that this Ordinance is actually in force—this is with a view to leave no scope for any doubt whatsoever. Government are at present considering as to the particular way in which this provision, which I am going to read from this Ordinance, could be incorporated in an amending Bill so far as the prevention of corruption is concerned, because the provision there is salutary in certain respects. I would read what has been stated there so far as this particular matter is concerned:

“In any trial of or inquiry by a court into an offence specified in the Schedule, the fact that an accused person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that he has, at or about the same time of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account may be proved and may be taken into account....”

So far as this provision is concerned, it has already been accepted. Government appointed a Committee, popularly known as the Tek Chand Committee. It went into the whole question as to whether the legislative measures available to Government are sufficiently effective or whether some more provisions by way of amendments were necessary. The Tek Chand Committee was composed of Members of Parliament; they considered the matter in all its bearings and made a number of suggestions. All those suggestions have been accepted by Government. I may point out to

[Shri Datar]

the House that amendments have been effected in the Indian Penal Code, the Prevention of Corruption Act and in the Criminal Law (Amendment) Act, and certain new departures from the accepted principles of jurisprudence have, for the first time, been made so far as India is concerned; because whenever it is found that certain officers are in possession of certain property and when they cannot account for that property, then it has been stated very clearly that a presumption can be raised that that property was acquired by means other than fair or legitimate, and the burden shifts to the accused to point out to the court and satisfy the Court that that property was acquired by him by his own *bona fide* or legitimate means. Therefore, you will find that one very important departure has already been effected. Then in the Criminal Law (Amendment) Ordinance, it has been further stated that in addition to ordinary fine, whenever an accused has been convicted, amongst others, on the basis of such a presumption, which I read out to you just now, then it is open to the court to inflict punishment which will bear naturally on the extent of the property which he has acquired by means other than legal or fair. Now, this is a provision which is very salutary and this provision is exactly the object which the hon. Mover has in view. It has been used on a number of occasions, and to leave no scope for doubt, as I pointed out, we are going to consider the question of incorporating such a provision in the Criminal Law (Amendment) Act itself.

Then, it was stated by some hon. Members that Government were not very keen on rooting out corruption. I may point out to this House that Government have been extremely keen.....

Shri V. G. Deshpande: That is not our experience.

Shri Datar: In fact, there are a number of cases—I would read them to the House—where Government

have taken action from long ago. Government have established a Special Police Establishment, and in all cases where senior officers or gazetted officers etc. are concerned, immediately investigations are carried on....

Shri V. G. Deshpande: But not without the permission of the Ministers concerned. My information is that Ministers put obstructions in the way of investigations.

Shri Datar: That is an entirely untrue statement. The other day also another hon. Member on the other side made that unwarranted statement against Ministers in the States. I would repudiate here absolutely that the Ministries either at the Centre or in the States are not absolutely keen on rooting out corruption.

Babu Ramnarayan Singh (Hazari-bagh West): What are the proofs?

Shri Datar: So, I was pointing out to this House that Government are trying their best to root out corruption to the fullest extent possible. I have got here figures in respect of not small fries (*Interruption*) but of big fish. I have got certain figures for the last 5 or 6 years, from the year 1947 to the year 1954. I would like to point out to you the number of cases in which prosecutions were ordered, in which there have been convictions and acquittals and the results also show that Government are very keen so far as this aspect of the matter is concerned. The total number of prosecutions launched against government servants is 1169, the number of convictions 675, the number of acquittals 668, the number of cases otherwise disposed of by courts and the prosecutions failed 21, the number of cases against governments pending trial at the end of 1954 being 255.

Then, a reference was made to the very large number of acquittals.

Shri Dabhi (Kaira North): Were they gazetted officers?

Shri Datar: Most of them were gazetted officers. And, as I told the House just now, the S. P. deals with cases against senior officers and not against class IV officers against whom the ordinary machinery is always put into operation. Therefore, these figures have a particular relevancy and I would ask the House to make a very clear note that here, in this particular case, the Governments are extremely anxious that corruption is put an end to as early as possible.

One more point may be taken into account so far as the present Bill is concerned. The Prevention of Corruption Act can be used not only in respect of government officers at the Centre but also in respect of officers in various States and Government have not been able to know the reactions of the various governments so far as Shri Patnaik's Bill is concerned, and, therefore, Government would desire to have before them also the views so far as this particular aspect is concerned.

As it is pointed out by certain Members, he has used certain expressions which would show that it might even be absolutely unjust to certain classes of persons. We have to be very careful so far as the rooting out of corruption is concerned. It would not do good, as some of my hon. friends have sometimes been doing, to use highly unrestrained expressions and damning the whole class of officers. So far as government officers are concerned, there might be a small percentage of officers who are corrupt. But, it would be entirely wrong to say that all the officers are corrupt or that the majority of the officers are corrupt or that a very large number of officers are corrupt. It might be noted that they are carrying on their work as efficiently, and as honestly as they can and, therefore, I would request the hon. Members either on this side or on that side to understand the effect of the general allegations or assertions that they make, that is likely to affect the morale of our own people. We are aware that we want

to establish a Welfare State and for the establishment of a Welfare State, amongst others we require the willing co-operation—not forced co-operation—of all our officers. We shall take care to see that good officers are appointed; we shall also take care to see that if an officer falls a prey to temptations, we have got rules under which we can proceed against him departmentally. In more serious cases we can have prosecutions also. That is what S.P.E. are doing. In all cases, whenever we have suspicions, we start investigations and if it is found on investigation that the case is very strong, prosecution is immediately launched. So far as prosecutions are concerned, there are naturally certain inherent difficulties. Sometimes the accused get off on technical grounds. Therefore, I would like to point out to the House that one of the objectives that the Government have in sponsoring the new Criminal Procedure Code Amendment Bill is also to see that in proper cases those who are guilty are convicted. There are certain inherent difficulties, technical difficulties and others and they have to be got over. And, for that purpose, we are trying to amend the Code of Criminal Procedure also. As I said, we have amended certain provisions. Ultimately, as some hon. Members have stated, after all, this is a game to which there are at least two parties, not only one. The public are also there, the bribe-giver and the bribe-taker. These are the two parties who have to be considered. Therefore, if we raise the general morale of the people, then, I am quite confident that the morale of the officers will also rise. I am not going to rely solely on this general principle, but inasmuch as they have certain obligations to the people, we are making very stiff rules. Some rules have already been placed before the House so far as the All India Services are concerned. So far as the Central services are concerned, it is open to Government to proceed against a man in respect of his wealth whether it is in his name or in the name of

[Shri Datar]

any other person, his wife or any other person, especially where Government have *prima facie* some material. No property of such a man can escape from the attention of Government. Let there be no doubt on that point.

Before I finish, I should like to assure this House that I am not going to oppose the circulation. Still, we should consider very dispassionately whether the object that the hon. Mover has in view can be achieved by the way in which he has drafted this Bill. It requires certain consideration and let the public also consider it. In our anxiety to root out corruption, let us not try to do injustice to those officers who do not deserve anything like this. We shall not have anything by way of what can be called inquisitorial proceedings. We have to be extremely careful and therefore it will be open to the public as it will be open to the hon. Members of this House to consider the whole question coolly and then to make suggestions which Government will consider as sympathetically as possible. In the meanwhile, I may point out to the House that Government are also examining the underlying purpose that the hon. Member has as to the way in which it can be brought about otherwise than by accepting or dealing with the Bill as it is.

Shri U. C. Patnaik (Ghumsur): Sir, I am thankful to the hon. Minister that he has agreed for the circulation of the Bill and normally I should make no further speech. But, I will take two or three minutes to point out that the whole House has accepted the Bill as it ought to do. All the hon. Members who have spoken on the Bill have pointed out its advantages and the desirability of enforcing certain laws in order to ensure purity in our administrative set up. Of course, it has been pointed out by the hon. Minister that in 1946, there was an Ordinance, Ordinance VI of 1946, wherein certain provisions like the ones that I am now proposing were incorporated.

But, I would point out, in the first place, that Ordinance VI of 1946 has been allowed to expire, at any rate, after the Constitution of India came into force, because under article 133 the President can promulgate Ordinances but they shall be laid before the Houses of Parliament and shall cease to operate at the expiration of 6 weeks from the re-assembly of Parliament etc. So, the Ordinance has expired long ago and therefore the necessity for Government to bring in something similar to that Ordinance, but a little stronger than that.

Another thing I would also submit is that in cases like the one from Madras relating to an I.C.S. officer, it is true that he has been convicted for some minor offence of corruption. The most important thing that ought to have been taken into consideration in his case was proof being let in about his possession of small properties which he tried to acquire in 1940 with money borrowed from certain co-operative society, whereas by the time the case started he had extensive house properties and other properties worth some lakhs and this fact has to be taken into consideration. There was also another fact that had to be taken into consideration. This officer and some others are said to have deposited huge sums in a Swiss Bank. We should see whether we could not pursue such deposits through some legislative measure. Hon. Members have also pointed out cases where some of our best services are trying to have undue advantages financially by corrupt means and it has been pointed out that it is desirable that in trying to get every officer, however high his rank might be, to disclose his properties, movable as well as immovable, including bank balances in his name as well as in the names of his dependents, it would have a very salutary effect and the submission of the property statement should be insisted upon as early as possible. Therefore, I again thank the hon. Minister and I would submit that the Bill be

sent for circulation. The views received from different sources will, I am sure, improve my Bill and strengthen the hands of Government in checking corruption.

Mr. Chairman: The question is:

“That the Bill further to amend the Prevention of Corruption Act, 1947 be circulated for the purpose of eliciting opinion thereon by the end of July, 1955.”

The motion was adopted.

INDIAN CATTLE PRESERVATION BILL

Mr. Chairman: The next item before the House is Seth Govind Das's motion. I will say a few words in this connection in the beginning.

The Bill was introduced on 16th July, 1952. The consideration motion was moved on 27th November, 1953. Further discussion on the consideration motion was resumed on 11th December, 1953, 26th February, 1954, and 12th March, 1954. On the 12th March, 1954, further consideration of the Bill was postponed.

In accordance with the desire of the House to hear the Attorney-General regarding the competence of the House to pass such a legislation, the Attorney-General made a statement in the House on the 1st May, 1954, to the effect that the subject matter of the Bill was in the exclusive sphere of the State Legislature.

Subsequently on the 21st May, 1954, a statement on the Bill was also laid on the Table of the House by the Minister of Agriculture.

As the House is aware, in regard to questions relating to legislative competence, the Chair has always left the decision to the House. According to

the desire of the House, the Attorney-General is present here today.

Out of the 4 hours allotted to this Bill, 2 hours and 54 minutes have already been taken up and a balance of 1 hour and 6 minutes is now available for further consideration of the Bill.

Seth Govind Das may now move his motion for the resumption of the adjourned debate on the Bill.

सेठ गोविन्द दास (मंडला—जबलपुर—दीवण): सभापति जी, मैं प्रस्ताव करता हूँ कि देश के दुधारू और वाहक ढोरों की रक्षा करने वाले बिल पर विचार किया जावे।

Shri S. S. More (Sholapur): Has he not already moved the motion, Sir?

Mr. Chairman: It was postponed and therefore he has to move the resumption motion.

सेठ गोविन्द दास : मैं ने वही तो कहा कि इस पर फिर से विचार किया जाय यह मैं आप के सामने प्रस्ताव करता हूँ।

आप ने अभी यह बतलाया कि यह विधेयक यहां पर कब उपस्थित हुआ था और अब तक इस पर क्या क्या हुआ। मैं आप को यह बताना चाहता हूँ कि यद्यपि यह विधेयक यहां पर सन् १९५२ में ही उपस्थित हुआ परन्तु यद्यार्थ में केंद्रीय धारा सभा में यह विषय सन् १९२६ से उपस्थित हैं। मैं ने उस समय, यानी आज से २९ वर्ष पहले, इस विषय को कॉंग्रेस आफ स्टेट में उपस्थित किया था और तब से किसी न किसी रूप में यह बराबर आता रहा हैं। आप ने अभी यह बताया कि इस पर हमारा एंटांनी जेनरल का वक्तव्य हो चुका हैं, श्री पंजाब राव देशमुख का वक्तव्य हो चुका हैं और श्री पंजाब राव देशमुख के उस वक्तव्य के अनुसार उसी दिन श्री पी० एन० नन्दा के सभापतित्व में इस विषय पर विचार करने के लिये एक कमेटी नियुक्त हुई थी। उस कमेटी के टर्मस आफ रिफरन्स पर, उस कमेटी पर, मैं आप का