

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Wednesday, 3rd August, 1955

The Lok Sabha met at Eleven of
the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-8 P.M.

PAPER LAID ON THE TABLE

RATIFICATION BY INDIA OF I. L. O.
CONVENTION No. 5

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table a copy of the statement regarding ratification by India of I. L. O. Convention No. 5 fixing the minimum age for admission of children to industrial employment. [See Appendix III, Annexure No. 42]

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-SECOND REPORT

Shri Altekar (North Star): I beg to present the Thirty-second Report of the Committee on Private Members' Bills and Resolutions.

ALLEGED ILL-TREATMENT OF A
SATYAGRAHI BY PORTUGUESE
POLICE

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Yesterday, Sir, there was a motion before you in connection with

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certain allegations about the Portuguese police and you were pleased to say that I might obtain information on the subject and place it before the House. This was in regard to Shri S. M. Nandedkar.

Shri Nandedkar entered Goa together with a number of other satyagrahis on the 16th July. Nearly all the others were pushed back the next day. Shri Nandedkar and two others were kept in Goa till midday the 27th July, when they were pushed out of Portuguese territory in an injured condition. First aid was given immediately. Shri Nandedkar was then admitted into the Sawantwadi Hospital and on the 1st August transferred to the Belgaum Civil Hospital.

The following report has been received by us about Shri Nandedkar's injuries:

"He had black eyes with hard swelling on the right eye. The eyes, according to the doctor, are safe. On both the arms there were multiple contusions. There were no signs of branding, but there were bruises on the wrists and on the head. There was also some swelling on the face.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

The Minister in the Ministry of Law (Shri Pataskar): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of Part C States Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950, and to make certain consequential amendments in the Government of part C States Act, 1951."

The motion was adopted.

Shri Pataskar: I introduce the Bill.

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REPRESENTATION OF THE PEOPLE
(SECOND AMENDMENT)
BILL

The Minister in the Ministry of Law (Shri Pataskar): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951."

The motion was adopted.

Shri Pataskar: I introduce the Bill.

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CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

Mr. Speaker: The House will now proceed with the further consideration of the motion moved by Shri Pataskar yesterday. It refers to the Code of Civil Procedure and I do not think that I should read the whole motion. Along with that motion there is the amendment of Shri Agrawal.

Shri S. V. Ramaswamy (Salem): Mr. Speaker, yesterday I was saying that the Bill was wholly welcome because it was innocuous.

[MR. DEPUTY-SPEAKER in the Chair]

If you kindly permit me to go through these clauses, there are four clauses on one subject, Clauses 8, 16 (5), 17 and 18 relate to execution proceedings.....

Mr. Deputy-Speaker: Hon. Members will kindly make it as interesting as possible. Yesterday, we had thrice to ring the bell. Otherwise, we will finish the debate early.

Shri S. V. Ramaswamy: There are very few cases pending under section 68 to 72 of the Civil Procedure Code. Therefore, there can be no objection to the clauses relating to this. Clause 12 relates only to a verbal amendment to bring it in line with Article 133. Clause 14 has become necessary in view of the decision of the Rajasthan High Court to bring that section in conformity with article 14. The other clauses 2, 4, 5, 7, 9, 10, 15 and 16 are quite unobjectionable. I would only make a comment upon clauses 2, 11 and 16 before I state my objections to clauses 6 and 13.

Clause 2, I think, is very welcome. The decision of the High Courts with regard to the payment of interest had varied. I will just give three examples. One view is that the contract rate should be allowed; the other view is that 12 per cent. is reasonable and there is a third view that even 24 per cent. is not high. The views of the courts vary from person to person and we should not allow the courts to function in such a manner that the amount decreed varies from court to court and from case to case. Six per cent. I think is reasonable and it must be accepted.

With regard to clause 11 my hon. friend, Shri A. M. Thomas objected to the raising of the level from Rs. 500 to Rs. 1,000.

Shri S. S. More (Sholapur): We are unable to hear. Something is wrong with the mike. We are very much interested in what my hon. friend says.

Mr. Deputy-Speaker: He may raise his voice.