

**Sardar A. S. Saigai** (Bilaspur): For your information, I may say that Madhya Pradesh has been successful in this respect.

5 P.M.

**Shri Datar:** I am extremely happy to hear this. I would point out to this House that there are two factors in the administration of criminal justice which would bring the people in direct association with the administration of criminal justice. One would be by the system of jurors and the other by entrusting qualified public men of repute with the task of administering justice. Now, you will find that so far as this provision was concerned, a further safeguard has been laid down by the Joint Select Committee. They suggested that the Honorary Magistrates should be appointed in consultation with the High Courts and therefore, there cannot be any case of the alleged abuse of this Bill by the executive.....

**Shri S. S. More:** May I correct, Sir? The provision is that such qualifications should be prescribed by the State Governments in consultation with the High Courts. The appointment is not in consultation with the High Court; the qualifications are to be prescribed in consultation with the High Courts.

**Shri Datar:** Therefore, if this safeguard has been introduced, then it is the State Governments to appoint Honorary Magistrates and if they find that the experiment will fail or has failed it is open to them not to appoint. After all, unless you have faith in our people, you cannot have a full form of democracy.

Lastly, so far as section 30 Magistrates are concerned, first class Magistrates with ten years' has been laid down. These Magistrates should be considered as equally competent, if not more, than the newly appointed Assistant Judge. I want to point out to this House that all First Class Magistrates cannot be appointed as Assistant Judges. Therefore, what hon. Shri Chatterjee said was not quite correct. Ten years experience is more than a sufficient guarantee for the purpose of having the best men and section 30 has been working very well. I would point out to my hon. friend that there are certain Part A States where this experiment has proved successful. In Orissa, I am told, this experiment is quite successful and in Punjab also, it is so. I submit that there is nothing wrong if you maintain section 30 Magistrates. Thereby, there would be greater disposal of cases as early as possible by equally competent and experienced Magistrates.

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#### BUSINESS OF THE HOUSE

**Mr. Chairman:** Before, we disperse, I want to make one announcement. Tomorrow, the House will take up the resolution regarding Andhra from 12 NOON to 4 P.M., and at 4 P.M. Private Members' business will be taken up. This has been agreed to by all the parties in the House.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 19th November, 1954.*