

ent from each other, except possibly for a negative quality which applies to oppositions, whatever group they may belong to.]

In this particular instance, I do submit that what I said was completely not only parliamentary but also justified in the sense of language. I mean. I am rather careful in the use of language. Occasionally it is possible, of course, that I may make a mistake. If that happens, you will no doubt pull any one up who makes such a mistake. But I do submit that if it is a question of language it would be worth while to make a list of the epithets that have been hurled at this Government and at this side of the House by the Opposition in the course of the last few weeks. It would be a large vocabulary and not pleasant reading. We have not come here to make statements protesting against all these epithets, although they were not pleasant to hear. In fact, most opposition has become a string of epithets. And when I venture to say at a particular moment, in a particular context, in regard to a particular interruption that it shows little intelligence, then a statement has to be made by the hon. Member.

As a matter of fact, if the hon. Member will refer back to the reports of that day, that particular remark was made by me not in regard to him, or his group, but in regard to another gentleman and another hon. Member, whose looks belie his words very greatly and who has got a habit of interrupting in season and out of season, relevantly or irrelevantly. In the course of about a minute and a half he interrupted me three times and I confess that my mind could not quite grasp the logic or reason of his interruption. Therefore, I ventured to say this in that context. Now, if any Member of the Opposition, belonging as far as I know to about twenty-five groups or thirty groups, including independents—each independent is a single group in himself—if all of them want to take this remark to heart, as I said on a particular occasion, I do not wish to deny them the satisfaction of doing so. But surely I would like,—and I am perfectly serious in this matter—this House to consider this. Much has been said in this House about lack of decorum but the way some hon. Members have encouraged and even participated in demonstrations at the door of this House to influence Members does not add to the dignity of the House or of the Members of this House.]

**Dr. S. P. Mookerjee** (Calcutta South-East): It is allowed, and recognised everywhere.

**Shri Jawaharlal Nehru:** I have not protested against it. I am merely pointing out that it does not add to the dignity of this House or of the Members of this House. [And when I comment on a behaviour which I think was not very decorous, then I am told that it affects the dignity of this House and the country. I regret to say that my understanding both of the English language and of decorous behaviour is different from that of some Members of the Opposition.]

#### ELECTION TO COMMITTEES

##### COURTS OF ALIGARH MUSLIM UNIVERSITY AND BANARAS HINDU UNIVERSITY

**Mr. Speaker:** I have to inform the House that upto the time fixed for receiving nominations for the Courts of the Aligarh Muslim University and the Banaras Hindu University, 3 nominations in the case of the first and 5 nominations in the case of the second were received. Subsequently one member in the case of the first and three members in the case of the second withdrew their candidature. As the number of the remaining candidates was thus equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:—

##### I. Court of the Aligarh Muslim University—

1. Shri Shahnawaz Khan.
2. Maulana Mohammad Saeed Masuodi.

##### II. Court of the Banaras Hindu University—

1. Shri Rohanlal Chaturvedi.
2. Prof. Diwan Chand Sharma.

#### CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL

**Mr. Speaker:** The House will now proceed with the further consideration of the Code of Criminal Procedure (Second Amendment) Bill. The consideration motion was adopted yesterday and we have to proceed with the clauses.

But before I take up the clauses, I wish to invite the attention of hon. Members, who have tabled amendments that there seems to be some misconception about the scope of amendments to this Bill. It has resulted in many of the amendments being obviously out of order. I shall

[Mr. Speaker]

deal with each of the amendments shortly as I come to the clauses. But the misconception, to my mind, appears to be that they have assumed that the present Bill is in substance a Bill to amend the substantive provisions of the Criminal Procedure Code. The Bill is very much restricted in its scope. No principal, or substantive, provision of the Criminal Procedure Code is sought to be amended by this Bill. The only thing it seeks to do is to include a certain personnel in the term "armed forces". It does not touch at all the powers of the magistrate, the circumstances in which the aid of the military can be taken or anything of the kind.

There has been a lot of discussion in the House yesterday on the general aspect, which I did not feel called upon to stop for the simple reason that, it could not be said that that discussion was entirely irrelevant to the issue of the use of navy and air force. The relevancy was to some extent there—though very remote. Therefore, the discussion was allowed then. But so far as the specific provisions in the clauses are concerned, I do not think I could allow any of the amendments which are obviously out of order or beyond the scope of the Bill. These are the general grounds on which I shall be ruling out certain of the amendments.

I will now take the Bill clause by clause and shall then deal with the amendments as they relate to each separate clause. I shall not then, when I rule out the amendments, repeat the general grounds on which the amendments are ruled out, or will be ruled out.

**Clause 2.**—(Amendment of section 128).

**Mr. Speaker:** There is an amendment by Mr. Chacko.

**Shri P. T. Chacko (Meenachil):** I am not moving it.

**Mr. Speaker:** Then I need not say it is out of order.

**Shri M. S. Gurupadaswamy (Mysore):** I have tabled an amendment to clause 2 (amendment No. 17).

**Mr. Speaker:** About this amendment I am doubtful. His amendment is:

In page 1, line 6, before "for the words and figures" insert "the words 'or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse' shall be omitted and".

I should like to know why this should be taken to be not an amendment of the substantive provisions of the law. I could not follow the distinction properly.

**Shri M. S. Gurupadaswamy.** My amendment is that in section 128 the words "or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse" may be deleted.

**The Minister of Home Affairs and States (Dr. Katju):** May I know, Sir, whether the hon. Member is speaking on the point of order or on his amendment, because I wish to say something?

**Mr. Speaker:** I want him to speak on the point of order. I wanted to know how this particular amendment is within the scope of the Bill. He need not speak on the amendment till I decide that the amendment is within the scope of the Bill. As I stated, I could not understand how these words fit in with the wording of the clause. And apart from that, it seems to be an attempt to amend the substantive provisions of the Act, whatever they may be. What does he mean by saying "before 'for the words and figures' insert"? The amendment relates to section 128 of the Act. The words "or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse" are the provisions in the main Act. So he wants an amendment of the substantive provision of the Act.

**Shri M. S. Gurupadaswamy:** My submission is that if these words are not deleted, the combined forces used against an unlawful assembly will create a sense of terror, and if the people who are assembled there are not informed before.....

**Mr. Speaker:** Order, order. I understand his object. His intention appears to be this. He fears that, if the air force and the navy are also included in the term 'armed forces', perhaps the execution of the Act sometimes might be oppressive on the people, and therefore he wants to have a safeguard. But so far as his amendment is concerned, it becomes, in effect, an amendment of the substantive provisions of the Act. The Act, as it is, allows the use of the military. He is against the extension of the definition of the word 'military' or the term 'armed forces', and he wants to restrict that meaning by having an amendment of the substantive provisions of the Act. That seems to be his line of reasoning. But that does not make the amendment in order. It is perfectly open to him to

vote against the clause in that case. He may vote against the clause which seeks to extend the meaning by a new definition of the term 'armed forces' and achieve his object. But that is entirely a different proposition from trying to amend the provisions of the Criminal Procedure Code. That is the distinction.

**An Hon. Member:** The amended form may be read, Sir.

**Mr. Speaker:** It is difficult to read it.

**Dr. S. P. Mookerjee** (Calcutta South-East): May I make a submission before you give your ruling? If a particular section is sought to be amended by a Bill by the addition of certain words which makes a substantial change in the section, and if we feel that that particular section should also be altered in some other way so as to obviate certain dangerous consequences which might follow, would you declare that amendment to be out of order? We are not going outside the scope of that particular section. But we feel we can make out a case for improvement in order to obviate the possibility of certain undesirable consequences which might follow as a result of adopting the provisions in the Bill as moved by Government. Otherwise it will lead to difficulties.

**Mr. Speaker:** The answer is contained in the hon. Member's own arguments. He has two things in mind. If a particular section is touched, then his argument is that that section is open to the House.

**Dr. S. P. Mookerjee:** That you have ruled may not be out of order.

**Mr. Speaker:** Not so generally as that. But even then, the amendment sought to be moved has to be within the scope of the particular amending Bill. It cannot be beyond the scope of the amending Bill. Therefore, merely because a particular section is touched for amendment, it does not permit hon. Members to table amendments which are outside the scope of the particular Bill, though inside the section. That distinction, I believe, has to be borne in mind—because the amendment has to be to a clause of the Bill as placed before the House.

**Dr. S. P. Mookerjee:** But without hearing the Member how can you decide?

**Mr. Speaker:** It is obvious. I am not going to decide any amendment on the question of its merits. I first decide what, according to me, appears to be the scope of the Bill here. The scope of the Bill is to widen the meaning of the term 'military' or 'armed forces'

whatever wording is used there. Objection can be taken to that and any amendment can be moved in respect of that. But because the scope of the expression 'armed forces' is going to be wider, therefore to attempt to touch the entire scheme of the Criminal Procedure Code in respect of the aid of the military to the civil power in cases of disturbances, is not permissible.

**Dr. S. P. Mookerjee:** In other words, these words would be permissible if the mover makes it applicable only with respect to the air force or naval force.

**Mr. Speaker:** Even then, I shall have to consider in what form he puts it. I do not, generally as an omnibus ruling, say anything about it. Each amendment would have to be looked into on its own merits. But, unfortunately, or fortunately it may be, he has not tabled the amendment in that form. If he had restricted it only to the air force or naval force, perhaps, matters would have stood differently. I am very clear on the amendment as it stands now.

**Dr. Katju:** May I submit one word, Sir?

**Mr. Speaker:** Is it necessary? I am very clear that the amendment, as it is, is out of order.

**Dr. Katju:** I just wanted to clear one misconception. Under section 128 the officer is not entitled to requisition the assistance of any member of the armed forces. The only amendment is in the Act as it stands now, it is said: "not being an officer, soldier, sailor or airman in the Indian Army....." You cut out those words and you put in the words "the armed forces". The amendment which is being made has nothing to do with the scope of the Bill before the House. The section as it stands today does not permit the use of armed forces at all. What we wanted was to cut out those words and put in these words: instead of eight words, three words. That is all.

**Mr. Speaker:** We need not go into what his object was.

**Shri N. Somana** (Coorg): Here, the reference is only to the use of civil force and has nothing to do with the use of military force. This has no bearing at all.

**Dr. S. P. Mookerjee:** What the Minister now says alters the situation. Here, he alters the effect not only with regard to the army and navy.....

**Mr. Speaker:** Let us not concern ourselves with what the Minister in-

[Mr. Speaker]

interprets. I am going to interpret. Accepting even his interpretation as correct, I think it is irrelevant to enter into that part of the argument now. The amendment is out of order to my mind.

**Shri Damodara Menon (Kozhikode):** Would you allow an alteration of the amendment to make it admissible?

**Mr. Speaker:** Now it is too late. The House knows, and perhaps, Mr. Damodara Menon as an old Member knows, that no new amendments are generally permitted, unless the House is substantially agreed upon it. If he could bring a substantial agreement of the entire House on the question, I should be prepared to waive notice.

I should say also something more to the hon. Members now. Yesterday we had almost all aspects of the questions discussed and unless there is something new, which I myself cannot visualise, we must not take the time of the House now over that same discussion again. There should be no repetition of the discussion. I think the dangers involved in the use of the armed forces, particularly the air force and navy were discussed threadbare yesterday for a full period of 3½ hours or so—I cannot be exact about the time—for nearly 3 hours. There is practically nothing left now to argue on the merits. It is a question of only putting through the clauses. There are some amendments, at least one or two I think which are merely verbal amendments, an attempt to improve the language. I do not know whether it improves the language; but at any rate, I presume those who have tabled the amendments think that they improve the provisions. So, I should like the discussion to be restricted to the points without any repetition of the arguments advanced yesterday.

**Dr. Lanka Sundaram (Visakhapatnam):** I had no intention to make a long speech, Sir,.....

**Mr. Speaker:** Order, order. I may tell the hon. Member that it is not purely a question of making a long or a short speech. The more important point is absence of repetition.

**Dr. Lanka Sundaram:** I hope I will come within the four corners of your ruling. I only wanted to make a few observations on this particular clause 2.

I am not a lawyer. But, it occurs to me that it is a question of definition. May I direct your attention, Sir, to clause 7 which is identical with the wording of clause 2.—the expression

“the armed forces” etc. Yesterday, when I was listening to the debate, I felt that there was a sort of lack of direction of the debate for one reason. I hold that Government is based upon force. There is no disposition on the part of any one to withhold the power now sought through the amendment before the House. It occurs to me that difficulties have arisen as a result of certain statements made by certain Congressmen with regard to the use of aerial bombing and naval bombardment. It is a question of weapons, firing power and control of firing power. I would only direct the attention of the Minister to amendment No. 20, which I think is germane to the discussion of clause 2 which we are taking up at the moment. If there is a disposition on the part of the Government to accept this amendment, namely, to utilise the air force and naval force as ordinary soldiers of the land army with the same weapons, I do not think there would be any difficulty in accepting this clause.

**Pandit Thakur Das Bhargava (Gurgaon):** With your permission, Sir, may I submit a word with regard to clause 2? If we analyse the statement made by the hon. Member, it would mean that the armed forces will be utilisable under section 128, whereas section 128 visualises a situation in which a sailor or soldier or volunteer etc., will be out of place and only the help of the citizens is being sought. If we allow the amendment which my hon. friend wanted to move, the position will be worse. Section 128 is a negative proposition in so far as use of soldiers etc. or armed forces is concerned.

**Dr. S. P. Mookerjee:** That has not been allowed.

**Pandit Thakur Das Bhargava:** The position here is that no armed forces may be used under section 128 which is sought to be amended by amendment No. 20. Amendment if carried in respect of this clause would make the position much worse and will convey a meaning contrary to what is sought to be given. I think so far as this clause is concerned, we will be well advised in keeping it as it is or amending it as made out by clause 2 here. The amendment gives the very meaning which the whole House wants to be given to this clause.

**Shri Raghobachari (Penukonda):** I wish to point out one thing. The Speaker was not here yesterday when the Minister made a statement and then drew our attention to what he had stated in the Objects and Reasons. His

purpose was to say that he does not intend the use or expect the interpretation of the amended Criminal Procedure Code to mean the user in the particular way apprehended. That was what he wanted to impress upon us. But, as a lawyer, the hon. Speaker should know and we know that when language is used meaning the use of all forces in all ways, a mere pious declaration that I intend to do this or my object is this, would hardly be useful. For, after all, it is going to be entrusted to be interpreted by a magistrate or person on the spot. If it is possible for him to summon or requisition the forces and use the weapons, the Objects and Reasons or statements made in the House will not come in his way. Therefore, my only submission is, it is hardly fair to the House for the Home Minister to make such statements and still retain the language in the Code capable of being interpreted in the way, apprehended by the Members of the House. Therefore, I would in all fairness to the House, request the hon. Minister to make the language of the amendment, which he has introduced, such that is capable of meaning only the thing which he says he intends and not capable of being interpreted as anything else by the particular magistrate on the spot. This, I feel, is not very fair to the House. The Minister makes a statement, "I do not intend this", but the language makes it possible. That is our fear. I expect and I request the hon. Minister to so amend the language and make it mean what he thinks it must mean, so that the court may interpret it only in the way in which he wants it to be interpreted.

But, now, what he wants is: to use the word "armed forces" in place of the word "military", and the military can use all the forces and deadly weapons, as some of my friends here were saying, and the air force and the navy also can use them. Legally, there would be no objection. The Minister says if other people are not available, then we will take them (navy and air force) and they will be used only as a land army. Where is all that in the Bill? It simply gives wide powers to the armed forces to use all weapons. Instead of giving scope for the possibility of an interpretation prejudicial and not in conformity with the intentions of the Government, they must certainly, when they propose this Bill, in fairness and in truth, stick to the language which must mean only a particular thing, and not leave the thing saying "In place of the word military, I want to use the word armed forces". The armed forces have

many arms, and all the arms may well be put to use. For, as Mr. Speaker should know, when the law permits an officer to use the military or the air force or the navy, in regard to the kind of weapons to be used, of course subject to the restrictions in the Act, he may use the more dangerous weapons, and that is our fear. The Minister says I do not intend to do that; I do not wish to have it.....

**Mr. Speaker:** I do not want to interrupt or curtail the speech of the hon. Member, but the point is, it has practically come again to the repetition of the same discussion as yesterday's. The only point that he has really made out is, and correctly to my mind, that if the hon. Minister has a particular intention, he should see that the language of the Statute can be interpreted only in the light of that interpretation and in no other way. That is his argument. It is for the hon. Minister to consider.

**Shri Raghobachari:** That is my point.

**Shri Nambiar (Mayuram):** I want to make a submission. In regard to the amendments to this clause, hon. Member Mr. Bhargava said that this is a matter for the next clause and the amendment suggested by Dr. Lanka Sundaram does not fit here because it is only the use of a civil force under Section 129. If the hon. Minister wants to amend the second clause in such a manner that it is to be used only with a limited scope, then, I submit, an expression to the same effect must be accommodated in the first clause also of Section 129. Therefore, this amendment suggested by Dr. Lanka Sundaram is necessary in order to see that the second clause which is yet to be amended stands in consonance with that. Therefore, I think that this amendment may be accepted.

**Mr. Speaker:** I do not think any further discussion on this point is necessary.

**Shri Vallatharas (Pudukkottai):** It is a matter of very great legal importance, so I must be excused even if I am a bit irrelevant, because what I understood from the statement made by the hon. Minister is this: that the air force and the navy will be used as ground forces, that is all that there is going to be. That means to say that the air force men will not bomb from the air, and the navy men in the ship will not bombard. If these two are guaranteed, and I feel that the hon. Minister's speech guarantees these two provisions, then when an interpretation is made in any court of

[Shri Vallatharas]

law, then this will be cited as the speech of the hon. Minister and the speeches of Members of this House are not secret documents.

**Several Hon. Members:** No, no.

**Mr. Speaker:** I should not try to interrupt, but as to what exactly the meaning will be or what view a Court will take, I do not think any interpretation of mine will be binding on any Court, it will not be binding even on a third class Magistrate. The position is really this. The question will really arise in practical politics always after the event, and not before the event. When the question of the legal responsibility of the officer arises, then, so far as the individual is concerned, the question might arise about the interpretation of these things. Till then, the executive order would be there. I should not therefore go further into these details, but I am sure the hon. Minister might contradict me, if I am working when I say that whatever he has said about the operation of this Bill will be part of the executive instructions.

**Dr. Katju:** Absolutely.

10 A.M.

**Dr. S. P. Mookerjee:** He definitely agreed that he would be prepared to amend the particular clause. It is not a question of executive direction.

**Dr. Katju:** This question will arise properly on Page 2 of the Bill before you where there is a definition clause, and we can discuss it under the definition clause—The expression “armed forces” means tec.—and I think upon that there are some amendments given, and there we can get it clearly as to what the expression “armed forces” in this chapter wherever it occurs, means.

**Sardar Hukam Singh (Kapurthala-Bhatinda):** Is not the hon. Minister prepared to take us into confidence as to what he is going to say then so that the other clauses might be discussed in the light of that?

**Mr. Speaker:** It is a definition clause.

**Dr. Katju:** And in that there are two amendments already given notice of. One is by Sardar Hukam Singh, and another by Mr. Deshpande, and when these amendments come. I adhere to the assurance that I gave yesterday that these naval and air forces shall not be used from the air or from aboard ship: they will be used as ground forces. The whole question is when these amendments come let us see if you are satisfied; otherwise you put it in the Bill.

**Dr. S. P. Mookerjee:** It is for him to consider whether it is to be considered under the definition clause. I would submit that we cannot suddenly change the definition of the air force and the navy, under the Criminal Procedure Code.

**Dr. Katju:** It will be a definition of the armed forces for purposes of this chapter of the Criminal Procedure Code and nothing else. We are not going into the Navy Act or the Army Act.

**Shri Nambiar:** Instead of changing the definition there.....

**Mr. Speaker:** Perhaps he does not know of law as much as the learned doctor and the hon. Home Minister. I must see what the amendment is going to be if and when it comes, and I shall also have to examine it then to see whether that kind of amendment is barred or not, because with the acceptance of this provision, it may or may not be barred, but I do not express any definite opinion on this point, just now.

The question is:

“That clause 2 stand part of the Bill”.

The motion was adopted.

Clause 2 was added to the Bill.

**Clause 3.—** (Amendment of section 129)

**Mr. Speaker:** I think I should go on up to clause 6, but let me take up the amendments and see if there is any which is in order in them. I will now take up Clause 3 which reads as under:

“Amendment of section 129, Act V of 1898.—In section 129 of the principal Act, for the words ‘military force’, the words ‘the armed forces’ shall be substituted.”

**Mr. Gopalan's amendment** is out of order for the reason I have stated. He is trying to provide a further restriction about the use—if and when there is an emergency under a proclamation.

**Shri S. S. More (Sholapur):** The original amendment seeks the additional use of the naval force and the air force. Can we not put an amendment for the purpose of restricting the use in a particular contingency?

**Mr. Speaker:** As I said, in view of what Dr. Mookerjee said, let that amendment come, and I will consider about it.

**Shri S. S. More:** I am referring to Mr. Gopalan's amendment.

**Mr. Speaker:** He says: "only so long as there is in force a declaration of emergency by the President under Article 352(1) of the Constitution". It is a different thing altogether.

**Shri A. K. Gopalan (Cannanore):** I want your permission to make it clear that it is only so far as the air force and navy are concerned.

**Mr. Speaker:** That will amount to an amendment of the substantive provisions. I am very clear on this point. Most of the amendments are out of order in so far as they try to amend the substantive provisions. I am referring to Mr. Gopalan's amendment now in particular.

**Shri M. S. Gurupadaswamy rose—**

**Mr. Speaker:** The hon. Member can speak only if there is any amendment to this clause. So far as I can see there is no amendment to clause 3 of the Bill. If I am mistaken, please invite my attention.

**Shri M. S. Gurupadaswamy:** I have given notice of an amendment so far as clause 3 is concerned, List No. 4, Amendment No. 18.

**Mr. Speaker:** Yes, yes. Mr. Gurupadaswamy has given notice of an amendment which seeks to substitute the words 'Magistrate of first class' for the words 'Magistrate of the highest rank.' This amendment also comes within the orbit of the ruling I have given earlier. I do not know whether the hon. Member himself would like the amendment, if he knows the implications thereof. If I mistake not, the original clause refers to a magistrate of the highest rank. The hon. Member is here referring to a magistrate of first class; so this amendment will have the effect of nullifying the provisions of the original Code in places where there are no first class magistrates. As the hon. Member himself knows, there are places in the country where we have not got in the administration any first class magistrates. That is how, this amendment affects the original Code on the one hand.

On the other hand, so far as Presidency towns are concerned, there are only presidency magistrates. In that case also, a difficulty will arise. I do not think, therefore, that this amendment is really either good on merits or is in order, in so far as it touches the substantive provisions of the Code.

That is my ruling on this amendment.

**Shri M. S. Gurupadaswamy:** When the Bill contemplates to give more power to a magistrate to use all the

three branches of the armed forces, then, I feel it is necessary that a more responsible person.....

**Mr. Speaker:** Order, order. I am not speaking about the merits of the hon. Member's amendment. My main point is that this is an amendment to the substantive provisions of the Criminal Procedure Code, which is not permissible on this amending Bill. That is the simple ground, on which this amendment is out of order. The hon. Member need not therefore go into the merits of the amendment as to whether discretion will be exercised more carefully by a district magistrate or a magistrate of the first class and so on. I hope the hon. Member will take into consideration the reason on which my ruling is based.

**Shri M. S. Gurupadaswamy:** In certain parts of the country, the first class magistrates may not be there. But my submission is that the district magistrates are there in every part of the country, and the district magistrates are acting as first class magistrates...

**Mr. Speaker:** I do not think he need take up the time of the House, in trying to meet a casual remark made by me, when I suggested to him that even on merits, if he considers carefully, he will find it difficult to put through his amendment. It may be that he may still like the amendment on merits. But I have no quarrel with that point. I only made a casual remark when I said that, and that has no bearing on this ruling. If the hon. Member wants to say anything about the admissibility of the amendment, then I do not think he has got anything to say further. I have already heard him once.

**Shri M. S. Gurupadaswamy:** I want to move my amendment because it refers to the use of armed forces. I feel that they should be used only by a person who is holding the rank of a first class magistrate, because if an ordinary magistrate is allowed to use these forces, then I fear that he may be reckless in their use.

**Mr. Speaker:** The hon. Member is again talking on the merits of the amendment. I am not concerned with the merits. I have no quarrels with the merits or otherwise of the amendment. The only point which I mentioned was that the amendment seeks to make an alteration.....

**Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes):** Would you not allow even the hon. Member to talk on the merits of the amendment?

**Mr. Speaker:** What is out of order is absolutely absent from the possession of the House. So, the hon. Member cannot speak on his amendment. There is also another aspect to this matter. Hon. Member took 38 minutes and more yesterday for speaking on all possible aspects. So, the hon. Member need not go into the further aspects of the same now.

I now come to Mr. Gopalan's amendment which reads thus:

In page 1, line 11, after the word "substituted", add:

"and the following shall be added at the end, namely:—

'Only so long as there is in force a declaration of emergency by the President under Article 352 (1) of the Constitution in relation to the territory in which the Magistrate has got jurisdiction.'

With regard to this amendment also, the ruling I have given earlier applies. This is also on the same lines as the previous one, if I mistake not.

**Shri A. K. Gopalan:** My amendment is that as far as the use of the air force and the navy is concerned, there should be a declaration of emergency before their use is resorted to...

**Shri Nambiar:** This amendment relates to extension of powers; there must be a necessity also for the use of the navy and the air force. That necessity should be an emergency declared by the President. Otherwise.....

**Mr. Speaker:** Order, order. Again, the hon. Member is talking on the merits of the amendment. As Chairman here, I have no quarrel with the Members' opinions about the merits of the case. The only short point with which I am concerned is this—whether this amendment is permissible, i.e., whether it is permissible to allow amendments making an alteration in the substantive provisions of the original Code and beyond the scope of the amending Bill. As far as this point is concerned, my ruling is that this amendment is not admissible.

**Shri Nambiar:** When extension of power is granted.....

**Mr. Speaker:** The hon. Member does not seem to make a distinction, it appears to me, between the procedural part of the business of the House, and the substantive merits of a Bill or an amendment before the House. I cannot override the procedural part of the business of the House, namely the Rules of Procedure. I must keep to them, and one of the rules is that there can

be no amendment beyond or outside the scope of a Bill. Once this is clear, if the hon. Member desires that there should be some kind of amendment on merits, he may either take such steps as are open to him, by way of bringing in a Bill—there is an opportunity for bringing in private Bills—or by making a representation to the Government, to secure his object in view. I am sure, if the reasons given by the hon. Member appeal to the Government, they will bring in an amending Bill tomorrow. Nothing prevents them from bringing another amending Bill to this Bill, merely because certain amendments to this Bill have been over-ruled as being outside the scope of it. This ruling holding the present amendment to be out of order does not stop Government from bringing in another Bill if necessary.

**Shri H. N. Mukerjee** (Calcutta North-East): In the Statement of Objects and Reasons, it is stated that it is proposed to amend the Code of Criminal Procedure so as to enable the civil authorities to requisition the help of the Army or the Navy or the Air Force in case of necessity. If by way of an amendment we are trying to define the scope of the necessity, by suggesting as Mr. Gopalan has tried to do, that this provision might be brought into operation only in case of an emergency, would you not permit the same to be moved?

**Mr. Speaker:** Order, order. The hon. Member himself knows that the necessity is there as defined by the Criminal Procedure Code, as part of the substantive provisions of the Code. Merely because the Statement of Objects and Reasons brings in the word 'necessity',—after all, that too is brought in incidentally only and not as the main purpose of the Bill—this amendment will not become in order.

Now, Mr. Chatterjee and Mr. Hukam Singh jointly have tabled an amendment and there too.....

**Sardar Hukam Singh:** Sir, you need not take the trouble of overruling it. If the Minister accepts it and brings it under the definition clause, that would not be necessary. I think if the functions are to be performed even by the naval forces and by the air forces just as if they are personnel of the army, then I need not touch that. That is what I want to say.

**Mr. Speaker:** As I have been saying—very often repeating—I am not concerned with that. If the hon. Minister agrees and he is going to move an amendment, I need not come in his



way. But I want to dispose this of either by the hon. Member saying that he is not going to move it or by the Chair overruling it, so that I do not want any scope for argument later on that "Had I known that the Minister was not going to move this kind of thing, I would have ....."

**Dr. S. P. Mookerjee:** Are you ruling it out of order, Sir?

**Sardar Hukam Singh:** Sir, may I say a few words?

**Mr. Speaker:** Not in support of it.

**Sardar Hukam Singh:** The conditions that you have laid down...

**Mr. Speaker:** The point is this. The proviso is: "Provided that only a District Magistrate or a First Class Magistrate specially empowered in that behalf can make or authorise the making of the requisition as aforesaid in respect of any officer, belonging to the Navy or Air Force". Now this is what section 129 says: "If any such assembly cannot be otherwise dispersed and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force". That is the section. Here of course I quite see that the words are "Provided that only a District Magistrate or a First Class Magistrate specially empowered in that behalf can make or authorise the making of the requisition as aforesaid in respect of any officer belonging to the Navy or Air Force"; I think it will not be so obviously out of order. My first impression was, when I said that it would be out of order, because it tried to change the structure of the Magistracy generally, but it refers only to the Navy and Air Force. But how that will affect his definition, I do not know. If the definition is going to come at the end, then perhaps there might be a conflict, but it is for him and the hon. Minister to decide.

**Sardar Hukam Singh:** It was for that I requested the hon. Minister to take the House into confidence so that it could be made clear and we could proceed with the other provisions accordingly. But because that was not done, I have to move it, Sir.

**Dr. Katju:** I have said three times that the naval forces and the air forces when used to disperse an unlawful assembly shall be used as ground forces and it shall be made clear and if it is the general sense of the House that it should be put into the statute, it will be put into the statute. What is the point in arguing? I do not understand this 'taking into confidence'. Yesterday I took you into confidence.

**Mr. Speaker:** I think it will be better if the hon. Minister is inclined to agree with his view, that he specifically mentions it in the clause in the form of an amendment.

**Dr. Katju:** If you will allow me, Sir, I will make a statement at once.

I have considered and taken legal advice and the opinion that I have received and I have myself formed is that as the structure of the whole thing stands, no Magistrate can use these forces—naval and air forces—but as ground personnel. It is the dispersal of an unlawful assembly before him—the men are assembled before him and he has to deal with them—and it will be impossible for him to ask for a squadron of fighters and all that. Therefore it cannot be done. But if it is the general sense of the House that the matter should be put quite clearly, there are two amendments of which notice has been given. One has been given by my hon. friend, Mr. Deshpande, which says "In page 2, line 6, after 'air forces' insert 'operating as land forces'". Now that will make it quite clear—that neither the naval forces nor the air forces can be used from the sea or from the air, but must be used and must be operating as land forces. Then there is another amendment, notice of which was given, to the same sense, by Sardar Hukam Singh, which says that they should be employed as if they were in the personnel of the army. Now, I am advised that that will add difficulties. We are only dealing with the provision for this particular purpose in this particular chapter, and according to me, the amendment which has been suggested by Mr. Deshpande will cover the purpose, i.e. "operating as land forces".

पंडित ए० आर० गारुडी (ज़िला आजम-  
गढ पूर्व व जिला बलिया पश्चिम) : अध्यक्ष  
महोदय, ऐसी अवस्था में जैसा कि माननीय  
मंत्री ने कहा है कि देशपाण्डे साहब का  
संशोधन स्थिति को साफ कर देता है तो  
इस एमेन्डिंग बिल की आवश्यकता ही क्या  
है ? लैंड आर्मी की कमी तो है नहीं ।

मि० रूपीकर : इस की आवश्यकता  
ज़रूर है। जब एअर फोर्स और नैवल  
फोर्स को लैंड फोर्स में दाखिल कर रहे हैं  
तो इस बिल की आवश्यकता ज़रूर है ।

Do I take it that the hon. Minister will move that amendment?

**Dr. Katju:** Yes, when the time comes. Or Mr. Deshpande can move it.

**Mr. Speaker:** That solves the problem. Then I think we shall make speedy progress with this Bill now, with this sweet compromise.

Now, I will put clause by clause. The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

**Clause 5.**— (Amendment of section 131)

**Mr. Speaker:** Now we come to Clause 5. Mr. Gopalan's amendment is there. There too, the same argument applies. Now, Mr. Chacko.

**Shri P. T. Chacko:** I am not moving the amendment, Sir.

**Mr. Speaker:** The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

**Clause 7.** (Insertion of new section 132A)

**Mr. Speaker:** Mr. Deshpande.

**Shri V. G. Deshpande (Guna):** I beg to move:

In page 2, line 6,

after "air forces" insert "operating as land forces".

**Mr. Speaker:** Amendment moved:

In page 2, line 6,

after "air forces" insert "operating as 'and forces'".

**Dr. Katju:** I accept the amendment. I said so yesterday.

**Sardar Hukam Singh:** In relation to the armed forces "the expression 'armed forces' means the military, naval and air forces, operating as land forces..." This is the amendment. What would happen? Does it include any other armed forces of the Union?

Those forces also, if they are employed operate as land forces. That should cover all. Therefore, it should come at the end, not here.

**Mr. Speaker:** That will create difficulty.

**Shri K. K. Basu (Diamond Harbour):** Why leave it to the judiciary?

**Mr. Speaker:** That is not leaving it to the judiciary. If the clause is read as a whole, the meaning is perfectly clear. (Interruption). Order, order. It

is no use, to my mind, hairsplitting about these things.

**Dr. P. S. Deshmukh (Amravati East):** When once the words suggested by the amendment of Shri Deshpande are put in, it would mean that wherever armed forces are used, naval and air forces would be used; the meaning is clear.

**Mr. Speaker:** Hon. Members will see that the other armed forces do not use aeroplanes or undertake naval operations.

**Shri H. N. Mukerjee:** May I point out that the Government has already announced its intention of getting through Parliament the Reserve and Auxiliary Air Forces Bill, in accordance with which the auxiliary air forces are to be used for the same purpose. If we accept the amendment and allow the use of "Any other armed force", they might be used for all sorts of aerial operations.

**Mr. Speaker:** If the auxiliary air force is there, it will be an "Air Force", whatever it may be. And one thing is very clear from the wording—they will operate as land forces. I do not think there is any doubt. Still, if any Judge holds to the contrary, there is Parliament sitting here to amend it.

**Shri Raghobachari (Penukonda):** Sir, may I request the Hon. Minister to add the word "only" after "operating"—operating only as land forces? It would make the meaning very clear.

**Mr. Speaker:** I do not think that is necessary. Anyway, the argument against it would be that the hon. Member is too late in moving the amendment.

The question is:

In page 2, line 6, after "air forces" insert "operating as land forces".

The motion was adopted.

**Pandit Thakur Das Bhargava:** Now that the hon. the Home Minister has been pleased to accept the amendment, I have nothing more to say, but I very humbly submit that my point about aerial bombing has not been met. Even under section 128, when the assistance of a citizen is required, if the citizen has got an aeroplane and if he gets into the air and uses a tear bomb, he can do so. It is perfectly legal even today. Even after the acceptance of this amendment the fear is there that a citizen. . .

**Shri B. S. Murthy (Eluru):** On a point of order. Is the hon. Member entitled to speak now, when the amendment has been carried?

**Mr. Speaker:** Yes. I am putting the clause as amended.

**Pandit Thakur Das Bhargava:** I am speaking on the clause.

**Mr. Speaker:** I would ask the hon. Member whether there is any special necessity for raising further points which may prolong discussion?

**Pandit Thakur Das Bhargava:** Yes, Sir. I am submitting why it is necessary to raise this point. You were not here yesterday when some of us took part in the debate, and I was of the view that so far as the State is concerned the State is perfectly entitled to use all kinds of force if it becomes necessary. I do visualise that perhaps in the lifetime of any of us such a situation will not arise when in certain areas aerial bombing will become necessary. But at the same time it is perfectly logical for any State to arm itself with the powers which are sought under this Bill. Now, I find that in deference to the wishes of the Opposition the hon. Minister is staging a show down.

**Dr. Katju:** Not at all. That was the intention from the very start.

**Pandit Thakur Das Bhargava:** If that was the intention from the very start, we are very sorry that one day was wasted. Why was it not made very clear in the Bill itself. Can it be seriously concluded that the Bill was not susceptible of the interpretation which I made. When I supported the Bill yesterday, I said the State was perfectly and logically justified in arming itself with the power which the Bill ostensibly seeks to give it. There is nothing wrong about it. At the same time we are at one with the Opposition in submitting that we do not want that any more force than is necessary should be used in any circumstances, and that is ensured by section 130. Therefore, as the provision stood, there was nothing wrong in passing the original Bill. But since the hon. Minister has been pleased to accept the amendment, I can only submit that we will be mistaken in thinking that even now there can be no aerial bombing with tear bombs.

**Mr. Speaker:** The question is:

"That Clause 7 as amended—stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

**Mr. Speaker:** There is an amendment by Shri S. S. More to add a new clause 8. Of course it goes, as the hon. Member knows.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

**Dr. Katju:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Speaker:** Motion moved:

"That the Bill, as amended, be passed."

**Shri S. S. More (Sholapur):** I want to make a few remarks at this stage. I had suggested an amendment which would have amended the Procedure Code by introducing two sub-sections, and my object was this. There are frequent occasions when firing is resorted to, and the occasions will be repeated many times and firing will be resorted to. My submission is that whenever firing or such other forceful methods are used by the Government for the purpose of dispersing an unlawful assembly and deaths result, then an inquiry committee ought to be appointed by the State Government concerned. I want.....

**Mr. Speaker:** Order, order. It is not competent for the hon. Member again to repeat his arguments at this stage. He spoke at length—I have got the time—and the discussion now, at the third reading stage, is limited only to the amendments made, and nothing else.

**Shri S. S. More:** Can I make a suggestion?

**Mr. Speaker:** No, not at this stage. The third reading stage is the stage of complete rejection or acceptance of the Bill. But here too, it is a short statement which is called for—the three or four or five grounds, whatever they may be. But this cannot be again an opportunity for a further debate on what has been discussed by the House at length. That is the scope of discussion at this stage.

**Shri M. S. Gurupadaswamy rose—**

**Mr. Speaker:** Has the hon. Member understood the scope?

**Shri M. S. Gurupadaswamy:** Yes. I will only make a small submission to the hon. the Home Minister. The Bill that has been amended just now contemplates the use of all the three branches of the armed forces, and the cumulative effect of such a use of all the three branches of the armed forces would be terrible if proper caution and thought is not exercised by the officer who makes such use. So there is a feeling in the minds of many of the Opposition Members that in case all the three branches of the armed forces are called out, it might lead to repression. So, Sir, only in exceptional cases,

[Shri M. S. Gurupadaswamy]

in extraordinary circumstances, should all the armed forces be called up. In ordinary circumstances, so far as are possible only one branch of the armed forces, that is, the military, may be used. That will in a way diminish the effect upon the persons against whom the force is used. So my humble submission is that the combined effect of the use of all these branches should not be far-reaching upon the persons who assemble in a particular area for a meeting. So, as far as possible, the hon. Minister should instruct the State Governments to see that only minimum forces will be used and not the maximum forces. Of course the Bill contemplates the use of the maximum of the force. And in the detailed instructions the hon. Minister should also say that certain lethal weapons like sharp weapons and hand-grenades and machine guns should not be used for that purpose. Only *lathis* and such other minor weapons may be used so that the effect produced will be far less. That is my humble submission, Sir.

**Sardar Hukam Singh:** Certainly I congratulate the hon. the Home Minister if he had from the very start that intention that it was never in his mind to have recourse to the air force or the naval force and we are glad that the intention has been made clear. Pandit Thakurdas Bhargava has that fear still or I should call it a hope because he thought that such methods could be adopted and could be used.

**Pandit Thakur Das Bhargava:** May I just know from the hon. Member if he knows that the military also have got their own aeroplanes and they can use them?

**Sardar Hukam Singh:** I am sure that as the intention of the hon. the Home Minister has been made clear, the section read as a whole only confines itself to the use of civil force. Therefore under that section he should not fear that recourse would be had to the aerial or naval forces.

I again congratulate the hon. Minister for having clarified his intentions, and the public and the House will be satisfied in view of his clarification of the position.

**Shri H. N. Mukerjee:** I wish that after the hon. Minister had conceded certain points to the Opposition.....

**Dr. Katju:** No.

**Shri H. N. Mukerjee:** I wish I could congratulate him. He tells us that he

had it originally in his mind to make those concessions but it took us a debate to get him out of his shell as it were and get those concessions from him. I wish, I could congratulate him but I fear I cannot because this Bill...

**Dr. Katju:** I shall wait for your congratulations on another Act.

**Shri H. N. Mukerjee:** This Bill as it has now been amended is to have an additional engine of oppression which we fear is going to be applied against the interests of the people. I say so, because when the hon. Minister made his first speech, he said that he was afraid of possible civil disturbances because he had certain very unsavoury memories particularly in the course of his stay in Calcutta from 1948 to 1950. Now, Sir, I happen to represent one of the Calcutta constituencies where I got double the Congress vote. Calcutta happens to be a constituency where three out of the four Congress candidates were thrown out by the electorate. But that is no reason for the Home Minister to come forward and say that in Calcutta life was impossible in the years 1948-1950. I can remind the hon. Home Minister that not a hair on his head was touched by the Calcutta crowds with whom he used to hobnob in a very friendly fashion—he would go to all sorts of puja etc. during that period.....

**Mr. Speaker:** Order, order. The hon. Member is exceeding the limits of a third reading speech. He is going again into the old incidents, however important they may be.

**Shri H. N. Mukerjee:** The Home Minister says that the Calcutta incidents were a proof positive that our people in certain parts of the country were behaving in a very undesirable way and therefore some steps have got to be provided for in the Statute Book so that they could be punished from time to time. The Calcutta incidents were also referred to by Pandit Thakur Das Bhargava and one other hon. Member from that side of the House but I would say that today at any rate we need have no apprehensions at all about fighting the civil disturbances unless this Government is going to proclaim its bankruptcy in regard to the steps that it is going to take about the condition of the people ... (*Interruption*). I hope and trust that this Government changes its character and its policy. It may be a forlorn hope. But I hope that the Government changes its policy in such a way that the people of this country will have no occasion to demonstrate against it as they have been doing from time to time.

I come from a province which has been very hard hit by the problem of rehabilitation and by the problems accruing after Partition. Now, it is very natural for people who are in the lowest depths of despair to try and agitate for securing to themselves certain human rights. Now it may be that in case of certain police officers or whichever are the authorities that are going to be entrusted with the task of calling in the armed forces of our country—it may very well happen that errors of judgment may occur so far as the operations of these authorities are concerned. I remember a Calcutta incident for example. In 1949 when the hon. the Home Minister...

**Mr. Speaker:** Order, order. The hon. Member is going into details as if this is the first reading of the Bill. That is my difficulty. If he wants to oppose the motion, he can just mention a few points in brief and do so.

**Shri H. N. Mukerjee:** I was only referring to these incidents to show how errors of judgment have happened in the past and might very well happen in future also. I would not expatiate on that point any longer because you do not wish to prolong the discussion. We on this side of the House who have been the targets of attack in the discussion, have been alleged that we pursue a path of violence. But we can tell the Government that we are here because we feel that today we can pursue a path of constructive amelioration and advance the common people. Today we can go ahead and pursue those policies which would bring about maximum agreement from the common people as well as those who have the interests of the country at heart but not those of course who are going to barter away the independence and interests of our country at the altar of imperialism. Now if that is so, if that is the present position, there is not the least reason why there should be on the Statute Book a provision of the kind which is now being put.

I was missing the delectable presence of the hon. the Finance Minister for so long. But only the other day when he was making his speech, he said that there was no reason to anticipate a revolution and we on this side of the House were going to be in the political wilderness for as long as we were going to live and that the country was in very good heart and very stout heart. If the country is in very good heart, what is the reason for the Government to come to this House in the year of grace 1952 in the month of July to ask for these provisions for the suppression of the possible civil disturbances

not only with the help of the army, but also with the help of air force and navy. That being so, I feel that this is a Bill which we should not allow to be passed without very serious and very stout opposition.

**Several Hon. Members rose—**

**Mr. Speaker:** I was just thinking of calling upon the hon. Minister to reply and I think when I see four or five people standing, the best course is to call upon the hon. Minister to reply.

**Dr. Katju:** I speak with all sincerity. I greatly welcome the speech which was just now delivered by the hon. Member who preceded me, and I do hope that he was speaking not only on his own behalf but on behalf of the entire party which he represents in this House, every single Member, including the Politbureau and every other section of that party. If that day comes when the party which he represents and for which he speaks sheds its belief in violence and subversive activities no one will be more happy than Members on this side. We are all working here for the good of the common people. You put before them your policies, your ideologies.....

**Shri H. N. Mukerjee:** On a point of order, Sir. If I was not permitted to go into the question of violence on one side or the other, why should the Home Minister call upon us to give up violence?

**Mr. Speaker:** Order, order. If he goes into the details of the question of violence certainly he should not be permitted to do so. But the hon. Member himself was inviting some reply on his behalf in answer to what he said. The hon. Minister gave the reasons as to why the Bill should be passed and he made some references. Now let me hear the Home Minister for some time.

**Shri Nambiar:** It is unfair to say that we are subversive.....

**Mr. Speaker:** Order, order. The hon. Member must not get up like that and speak.

**Shri Nambiar:** No, Sir,.....

**Mr. Speaker:** No, no. The hon. Minister may continue.

**Dr. Katju:** I do not wish to pursue that topic further. I shall end my congratulations here and shall wait for future events.

So far as this Bill is concerned, I really do not deserve any congratula-

[Dr. Katju]

tions. I do not say from the house tops but I say at the top of my voice that this Bill was only intended for expeditious use of these forces when the army was not available, that there were some places where troops were not available, that if—God forbid—there were unlawful assemblies then there might be help available to the magistrates to disperse those assemblies. It was a very short measure, I said it was an innocuous measure. I said aerial bombardment never crossed my mind, I never thought of it, I never heard of it, but if hon. Members opposite create bogies and then talk about those attacks...

**Dr. N. B. Khare (Gwalior):** The Home Minister's own party men created the bogey.

**Dr. Katju:** The only sensible speech, if I may be permitted to say so, with which I entirely agree at the moment, was that of Sardar Hukam Singh. He said he was entirely in favour of this Bill if it was made quite clear that the use of the Naval Forces and the Air Forces would not lead to naval and aerial bombardment. I said it is so. We have intended it, we have expressed it and if you say so we will bring it out. Hon. Members were complaining and Pandit Bhargava was rightly complaining that a day was wasted. You claimed the division yesterday.....

**Mr. Speaker:** Order, order. The hon. Minister should not go into the history of the division.

**Dr. Katju:** I am not a young man, I am rather surprised and I am sometimes tempted to retort, therefore, I will not pursue this now. I am very happy that it has ended in a very amicable atmosphere. We all hope and pray that never in India unlawful assemblies will assemble, that there will be law-abiding nationals in this country and, therefore, never any magistrate, never any police officer will be called upon to disperse any unlawful assembly. I say, do please co-operate with me.

**Mr. Speaker:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

[MR. DEPUTY-SPEAKER *in the Chair*]  
COMMISSIONS OF INQUIRY BILL

**The Minister of Home Affairs and States (Dr. Katju):** I beg to move:

"That the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, be taken into consideration."

This again, I will repeat,—I do not know with what success—is an innocuous measure. The origin of the Bill is a very brief one. Governments, both in the Centre and in the States sometimes are called upon, either by public demand or by resolutions in the House, and sometimes they think fit to do so on their own motions to appoint Commissions of Inquiry and Committees to inquire into specific matters, specific questions, and these Commissions have to examine witnesses, to look into papers, official documents, non-official documents, and generally expect that citizens will co-operate with them. But sometimes it does happen that such co-operation is not forthcoming and the Commission concerned feels it necessary to have certain witnesses before it, to have certain documents before it, and to exercise certain compulsory powers which are possessed in this behalf by the civil courts. It happens sometimes that when the Government thinks that this is necessary, it has to bring into effect or promote *ad hoc* legislation for any particular Commission. Two years ago, if I am not mistaken, there was a Commission appointed to go into various transactions relating to sugar. The House will remember that there was a great hue and cry when prices shot up and a Commission was appointed under the chairmanship of a very distinguished retired judge who, I am sorry to say, has recently passed away. This gentleman went into the matter very thoroughly and made detailed inquiries but he did not receive the co-operation which he expected he would, and in his report he expressed a desire that Government should take this matter into consideration, namely investing these Commissions and Committees appointed for investigation into matters of public importance with certain powers about summoning of witnesses, summoning of documents and such other powers with which the House is familiar. That led to an investigation and Government came to the conclusion that instead of passing a Bill with reference to every particular enquiry, every particular Commission or Committee, it might be better if there was a sort of stinging piece of legislation which would be applicable to all such Committees and Commissions and this Bill was thereupon introduced.

The House remembers that in the Union List in the Constitution there is item No. 94 which authorises the Union Government to hold such inquiries and similarly in the Concurrent List there is item No. 45 which empowers both