

[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

the State Governments and the Union Government to appoint Committees and Commissions with reference to matters which are under the Constitution, apparently within the exclusive jurisdiction of the States and some matters which are concurrently within the jurisdiction of both the Union and the States. This Bill, as the House would have seen, mentions that a Committee or Commission may be appointed whenever either the State Government or the Union Government thinks it necessary, expedient or wise, or whenever a resolution is passed to that effect in this House or in any other State Legislature. The power of the Union Government is, of course, wide. It covers the entire field. It covers the exclusive Union field under List I and is expressly authorised to appoint Committees in relation to List II also, namely, the State sphere. On the other hand, the State Government can only appoint Committees and Commissions in relation to its own sphere.

Then there is a provision that when the Central Government has appointed a Commission, there should not be duplication. There should not be two Commissions going into the same matter at one and the same time. Therefore, provision is made that if the Central Government has appointed a Commission, the State Government should stay its hands.

Then the power of the Commission is defined. It is the ordinary power, namely, of summoning or enforcing the attendance of witnesses, requiring the discovery of documents, receiving evidence and affidavits etc. Popularly it is called in the lawyers' language "the power today possessed by any civil court."

Then another section says that the statements made by any person to the Commission shall not subject him to any liability.

These are the broad outlines of the Bill. I may say at once that I have noticed that there are no less than seventy-five amendments, and it is very likely that some more might come in during the course of the debate. Most of them, so far as I can see, are verbal and seek to effect a little change here or there. Some may be a bit substantial. After consideration, I have felt that it is quite possible that the consideration of this Bill clause by clause in conjunction with the amendments in the whole House may lead to a very prolonged consideration and may result in very elaborate discussions— which, to my mind, is not very satis-

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factory. One of my hon. friends has given notice of an amendment for referring this Bill to a Select Committee. Speaking on behalf of Government, I have no objection to that course.

Dr. S. P. Mookerjee (Calcutta South-East): Congratulations.

Dr. Katju: If we refer this Bill to a Select Committee, having regard to the nature of the amendments I am sure that if we sit across the table we shall be able to dispose of all of them within two or three hours. If the House agrees to this course, then I suggest that the Select Committee may be instructed to report at a very early date. I say this for this reason that this Bill will have to go to the other House and I am anxious that the Bill should be disposed of before both the Houses rise.

Dr. S. P. Mookerjee: Why do you not give precedence, then, to this Bill over the Preventive Detention Bill?

Dr. Katju: There is no question of precedence. If you refer this Bill to the Select Committee, you have Saturday and Sunday, and after considering it for three or four days if need be, you will have the Bill back on Wednesday next. There will be no difficulty about that.

This is in my humble opinion a very simple Bill, and I commend my motion for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

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

There have been some amendments given notice of. Two have been received this morning. One is in the name of Mr. Anthony.

11 A.M.

Shri Frank Anthony (Nominated—Anglo-Indian): I intend to move it. I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon."

Mr. Deputy-Speaker: What is the date?

Shri Frank Anthony: Within three months.

Mr. Deputy-Speaker: Is he agreeable to saying "By the 15th October"?

Shri Frank Anthony: Yes, Sir.

I was very gratified to notice the accommodating attitude of the Home Minister, and because of that I may be disposed not to press my motion to its logical conclusion. The only reason I am moving my amendment in a rather formal way is because I feel that there is some need for emphasising certain basic and fundamental principles which should underlie our legislation. I think that we are inclined to forget sometimes those fundamental principles which should underlie our legislation. [There is a tendency on the part of Members on the Treasury Benches including the Home Minister sometimes to tar all of us with the same brush. I personally resent that although I consider a problem, I believe I can apply this unctious to my soul that I do it objectively and not because I am in bad political company. I never did and do not at the moment question the motives behind a Bill of this kind.] The Home Minister told us that this is an innocuous measure. I am prepared to accept his word for it, but any legislation, to be acceptable, to be progressive, must be firmly based on some kind of basic principle. The motive or intention of either the Home Minister or the Government is never a sufficient justification for any piece of legislation, and that is why technically speaking I was opposed to this Bill being passed at this particular stage. I believe it offends some basic principles of good legislation both generally and in particular. The Home Minister said yesterday that he had parted company with the law courts a considerable time ago, but I do not believe that he has given up following the opinions of our judges and jurists. And I think he will agree that many of our leading judges and jurists are a little perturbed at the volume of legislation which we have undertaken since independence. [One of our leading judges the other day commented on what he described as the "increasing prolixity and complexity" of our statute law. Other jurists have protested against what they have described as our "unplanned and undigested" statute law, and they have emphasised this principle for the attention of the Government that good Government accepts the principle of minimum legislation. (*An Hon. Member:* Question.) that we should as far as possible keep down the volume of our statute law. Recently we have seen the phenomenon—not a very edifying one—of legislation undertaken in haste and legislative amendment undertaken in equal haste. That is why they have drawn the attention of our legislators to this fundamental and basic principle that good Government is synonymous with the principle of minimum legislation.)

Another principle which I would recommend to the attention of the Home Minister—this is one of the reasons why I have moved this particular motion—is that legislation to be good must carry the nation, public opinion, with it. One of our friends was trying to exhaust our patience by reading at great length from the reply of the Home Minister but I was rather amazed quite frankly to hear him read the Home Minister's statement to the effect that he felt the circulation of a Bill, or that particular measure, for eliciting public opinion, was a waste of ink and good paper. I think this particular principle needs to be emphasised. I do not know whether the Home Minister will agree with me. My hon. friend Babu Ramnarayan Singh in his own inimitable way probably hit on this specific principle. He said in Hindi—and I am translating it into English—that legislation represents the opinion of the nation; it is the barometer of national and public opinion. That I think is a fundamental basic principle which we must never forget in legislating in an Independent India,—that our legislation should never run ahead of public opinion. If legislation then is to be a barometer, registering public opinion, stemming from it, I would ask the Home Minister to tell us why Government should not accept this salutary principle that all legislative measures of this kind, unless national security is urgently involved, should be circulated for eliciting public opinion.

I was reading an article by one of our eminent jurists the other day wherein he says that there is a tendency in all government circles to misread or misinterpret the purpose of legislation. We believe, particularly as a country which has found its freedom newly, that we can reform our nation or our people by legislation. And this particular judge, a very eminent personality, said that that concept is not only wrong but fatal. We can never reform public opinion by legislation. Legislation must stem from public opinion; legislation must move *pari passu* with public opinion. That is why he pointed his finger against your attempts at reform. He regards them as monuments of legislative perversion,—all your attempts to reform public opinion. In States like Bombay and Madhya Pradesh you are trying to reform people by legislating in respect of prohibition. When we undertake legislation with the intention of reforming public opinion, or national opinion, that legislation essentially becomes sterile. I say this with all respect. I am not pointing my finger at the Home Minister. Legislation of this sort has been undertaken in provinces like Bombay. That is why it has failed.

Legislation which does not stem from public opinion but seeks to reform public opinion will always be sterile and still-born.

There is another fundamental principle which applies particularly to this Bill and that is that legislation must be clear. I respectfully submit that this particular measure offends this basic principle that legislation to be good must be clear. What is the underlying motive of this particular Bill? It seeks to set up commissions or committees to enquire into any definite matter of public importance. Is this particular concept clear—any definite matter of public importance? The Home Minister may reply and say that it is as clear as it can be. But is it clear? The use of the word 'definite' does not make the concept definite. There will be as many interpretations of what constitutes a definite matter of public importance as there are lawyers and judges. And that is why I say that this Bill offends this principle of clearness.

May I digress a little here? Yesterday the Home Minister seemed to castigate some of us on this side: when I sought clarification of a particular measure yesterday and quoted one of the eminent lawyers from the Congress party as having made a particular interpretation, the Home Minister brushed aside my question. He seemed to suggest that if Government says that a particular measure carried with it a particular governmental intention, that should satisfy the opposition. Some of my friends here, because they are not lawyers may be prepared to accept that thesis. But those of us who are lawyers know that it has become almost axiomatic, so far as the judiciary is concerned not to consider the intention or the opinions of Government and the intention even of such an august personage as the Home Minister would not be looked at—I respectfully submit—by any tribunal which is attempting to interpret a particular provision of a particular statute. If the words of the statute are clear and unambiguous, then I submit they will not set themselves on any enquiry to ascertain what may have been the intention of the Home Minister or of any legislator in this matter. And that is one of the reasons why I am against this Bill being adopted in this particular form. It gives either the Central Government or any Government the right to appoint a committee or commission in respect of any definite matter of public importance. Now I do not wish to be facetious. I know the Home Minister has given an illustration: but that illustration is by

no means exhaustive. For instance, some hon. Members have been twitting me in the lobby; they misunderstand my moves and they say that I am trying to start some kind of movement against the propagation of *parantu* Hindi. Nothing is farther from my mind. But Hindi and its propagation is a matter of definite public importance. Would it be within the competence of the Central Government to set up a commission to investigate my activities, mis-interpreting them as constituting a movement against the propagation of *parantu* Hindi. I am only trying to illustrate my difficulty.

Then, again somebody who may not like a particular Minister may seek to get Government appoint a commission to say that Ministers who are not above 5 feet 6 inches are not competent to be Ministers. What, then, constitutes a matter of definite public importance? The Home Minister may say: "Well, you give me a better definition." This is a matter which is inherently insoluble. I say it is inherently insoluble because we give these incoherent vague powers to Government to establish these committees or commissions of enquiry in respect of a matter which is not capable of specific definition. That is why a measure of this sort should not be put on the Statute Book.

Apart from the general objections, I have certain specific objections to some of the provisions. It is an axiom—I think the Home Minister will accept this—that democracy depends for its existence on the rule of law and the supremacy of law. I feel that some of these provisions—the Home Minister may again say that I am wrong in my interpretation—are too wide. Perhaps, I would be supported in this interpretation by a distinguished lawyer like my friend Pandit Thakur Das Bhargava. Sub-clause (2) of clause 4 says:

"The Commission shall have power to require any person to furnish information on such points or matters, as in the opinion of the Commission may be useful."

I would draw the attention of the Home Minister to what I regard as unlimited powers to compel the supply of information. I feel—although here again the Home Minister may say that my feeling is wrong, that Government's intention is innocuous and that I am misinterpreting or unduly enlarging Governments' intention—but I feel that in interpreting these words any judicial authority will read the obvious implication and meaning of the language. The words are that it "shall have

[Shri Frank Anthony]

power to require any person to furnish information". I say that this language in its present unqualified form is a complete supersession of the provisions of the Indian Evidence Act contained in certain sections. The Indian Evidence Act has prescribed certain limitations. It has prescribed a certain abridgement to the power of a tribunal to compel the furnishing of information. The Home Minister probably knows the law better than I do. For instance, in section 122 there is protection given to communications or information received during marriage. Then, under section 126—and this is a matter on which the legal profession is particularly jealous—information secured by lawyers in the course of their profession is absolutely protected. Now, under this, as I say unqualified power which is sought to be given to these Commissions, will it be possible for a Commission to summon a person like Pandit Thakur Das Bhargava or myself and say: "We believe you have received this information; you may have received this confidential information in the course of your profession; but we have been given unlimited power to compel you to disclose this information, even though you might have secured it confidentially in the course of your professional work?" I say to that extent this provision is definitely objectionable. We are seeking here to give powers to these Committees and Commissions of inquiry which are not given to any other normally constituted judicial authority in this country. And I say that from that point of view this is definitely objectionable.

After all, these protections and safeguards given to the citizens have been evolved as a result of decades and generations of judicial and democratic experience under a system of jurisprudence which, I feel, has no equal in the world. Why are we today, without considering the matter in any detail—the Home Minister may say it is an innocuous and simple measure, but it supersedes all those provisions in the Indian Evidence Act—why are we trying to supersede all those provisions which have stood the test of time, which represent the distilled essence of judicial experience over generations, judicial experience based on an incomparable system of jurisprudence? We are seeking with one sweep of the hand to set aside and supersede those provisions of the Indian Evidence Act.

And that objection of mine applies also to sub-clause (3) of clause 4 which reads:

"The Commission or any officer specially authorised by the Com-

mission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents..."

I am glad that the Leader of the House has also come in. His attitude has always been helpful in securing accommodation. I am opposing this particular measure on principle. I know that the Home Minister's motives are of the highest order. This is probably directed against anti-social elements; it is intended to curb anti-social activities. But at the same time, if this measure does not conform to certain basic principles, then to that extent it offends them. I may at a certain stage accept a certain compromise. I do not say I am opposed to the principle of this particular Bill. I do not say I would be opposed to the Bill, if amendments were effected in certain ways. But I am only pointing out certain features of the Bill which definitely offend certain basic principles of good legislation.

Now, what does sub-clause (3) purport to do? It purports to give unlimited, unfettered powers in respect of search and seizure. Here again the provisions of the Criminal Procedure Code are very clear. Why is it that the Criminal Procedure Code prescribes certain salutary restrictions on the power of search and seizure? I do not know whether the Home Minister will agree with me, but against our background of experience I think the Home Minister will concede the real motive which has led to these salutary restrictions in respect of search and seizure. What is the motive? These restrictions have been prescribed because unfortunately, by and large in this country, search unless it has these salutary fetters can be undertaken in a high-handed and arbitrary manner. Here the Home Minister is going to give to some authority, to whom a Commission of inquiry will invest with this particular power, the power of searching without any of the salutary restrictions prescribed by the Criminal Procedure Code.

Then what about the seizure lists? Surely, it has been a matter within the personal experience of the Home Minister. Has he not come across cases—of course he has no clients now—where even in spite of the restrictions placed on the manner in which seizure lists have to be drawn and sent, courts have held over and over again that evidence with regard to the draw-

ing up of seizure lists with reference to the seizing of articles, is tainted? Do not we know to what extent—I say with all respect—many of our police officials are prepared to fabricate seizure lists, are prepared to fabricate seizure memos? And that is why I am opposed to the provisions contained in sub-clause (3). Because, it seeks to supersede extant and existing statutory law, to supersede the protection and safeguards which have stood the test of time and which have received the imprimatur of our courts and judges for decades. That is one of my main objections.

My final objection is to the provision contained in clause 7. What does clause 7 purport to do? It purports to give to the Government, that is, to the Central Government or to any State Government power to apply the provisions of this Bill in prospect—I am using my own language—that is, although no Commissions or Committees are even in contemplation, we are giving these omnibus and blanket powers here. This again, I say, offends the basic principle of good legislation. Without knowing what the context or the circumstances are that will warrant a particular Committee or a Commission being set up, we are giving these powers to the State Governments. I am always a little reluctant, if not suspicious, of giving omnibus and blanket powers to State Governments. I have the greatest faith in the Central Government. I say, without any intention to offend, that that same faith does not extend to some of our State Governments. And when we give these blanket and omnibus powers to a State Government to apply the sweeping provisions of this Bill to any Committee or Commission of inquiry, is it not possible for the State Government to abuse this blanket authority? My hon. friend Dr. Katju is shaking his head, perhaps to suggest that he is not accepting what I am saying. I am pleading for a principle. I am not talking in terms of personalities or in terms of a particular party. If the Congress party was to remain in power for the next 50 years, I would be very happy. I would not then have the same fear. But, the Congress Government may stay in power at the Centre. Who is to guarantee that the Congress Government will stay in power in Travancore-Cochin or even in Madras? Today, without measuring the Bill by certain yardsticks of principles, the Home Minister accepts them because he has great faith in his own *bona fides* and the greatest faith in the *bona fides* of the Congress Governments. But, the Communists may come

in tomorrow and they will beat the Home Minister with his own stick.

Dr. Katju: Not my stick.

Shri Frank Anthony: They may appoint a Commission of inquiry to investigate his conduct.

Dr. Katju: Welcome; absolutely open.

Shri Frank Anthony: With these sweeping powers, we do not even know that the Home Minister, in spite of his profound legal knowledge and acumen, will be able to escape conviction by a Committee or Commission.

Dr. Katju: That would be a different matter.

Shri Frank Anthony: I am glad that the Home Minister is accepting at least this position and is prepared to refer this Bill to a Select Committee, and I may not press this motion for circulation although I say this is a salutary principle, and I would ask the Government to consider that in respect of each piece of legislation, this principle should be the rule and not the exception that it should be circulated for eliciting public opinion.

From what I could infer from the Home Minister's statement, the last occasion when the Government thought of the appointment of a Commission of enquiry was two years ago. There is no particular hurry on this matter. I think I am right in presuming that there has been no Committee or Commission of enquiry in the meanwhile. When I have said all this, I feel that the Government should consider this position, because this offends certain general principles. We are concerned here with a matter of definite urgent public importance. These powers are too sweeping. What is the Government's objection to having *ad hoc* legislation for each Commission or Committee? Does the Government consider that unduly restrictive? After all, these things do not come up every day. It would be a salutary brake to have *ad hoc* legislation. If the Government feels that there is a matter of urgent public importance,—take the sugar scandal—let the Government come and take special powers by means of *ad hoc* legislation in respect of the appointment of that particular Commission. Or, if the Government feels that it is unduly restrictive and it will be dilatory. I have another suggestion to make. We may accept the Bill, not in its present form, but with necessary modifications, subject to this proviso: that if a particular legislature or Government wishes to set up a Committee or Commission, this Bill or this Act, if it is on the statute book, will be

[Shri Frank Anthony]

applied specifically to that particular Commission or Committee specifically, and the legislature concerned may impose further restrictions, if necessary, on the exercise of the powers. That is all I have to say, and I hope that the Home Minister will consider, although he has accepted reference to a Select Committee, whether it would not, even at this stage, be advisable to circulate the Bill for eliciting public opinion.

Mr. Deputy-Speaker: Motion moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon, by the 15th of October, 1952."

Dr. P. S. Deshmukh (Amravati East): May I move the other amendment standing in my name?

Mr. Deputy-Speaker: Why not allow all the motions, reference to the Select Committee also to be moved, and then there may be a discussion both on the consideration motion, the motion for reference to a Select Committee and the motion for circulation for eliciting public opinion. I shall take them up in the order in which they have been tabled. Mr. Anthony is not moving his motion for reference to Select Committee.

Dr. Deshmukh.

Dr. P. S. Deshmukh: I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri N. Somana, Shri Nandlal Joshi, Pandit M. B. Bhargava, Shri H. C. Heda, Shri S. V. Patil, Shri N. P. Nathwani, Shri K. G. Deshmukh, Shri Jagannath Kolay, Shri K. P. Tripathi, Shri Tek Chand, Shri Pannalal Kaushik, Shri M. L. Dwivedi, Shri T. N. Singh, Shri Jhunjunwala, Shri S. D. Upadhya, Shri Seshagiri Rao, Shri C. R. Chowdary, Shri P. T. Punnoose, Shri U. M. Trivedi, Shri Hukam Singh, Shri Raghobachari, Shri Frank Anthony, Shri G. D. Somani, Dr. Katju, and the Mover, with instructions to report by the 15th July, 1952."

Some Hon. Members: It is too short a date.

Mr. Deputy-Speaker: 15th is too early; let it be 21st.

Dr. P. S. Deshmukh: May I speak now, Sir?

Mr. Deputy-Speaker: It is going to the Select Committee. The hon. Member need not speak now.

Dr. P. S. Deshmukh: Since a speech has already been made urging that the Bill should be circulated, I think it

would be well if I support my own motion and give reasons for that.

After having offered his congratulations and expressed his gratification, and after having accepted the proposition that the Bill was an innocuous one,.....

Shri Frank Anthony: Who?

Dr. P. S. Deshmukh:.....my hon. friend went a long way in condemning many of the provisions that are embodied in the Bill. Of course, he did it on certain basic principles. It appeared that he was not very serious about his motion for circulation. The main contention that he advanced before the House is that, ideally speaking, such extraordinary powers should not be given to any person, and that we should follow the ordinary canons of legislation and should not depart from it under any circumstances. While saying so, I am sure my hon. friend will have very little objection, if there are circumstances which demand extraordinary powers in the hands of any person or body. The other point that he urged was that we were superseding the existing Indian Evidence Act and that thus there is a violation of the principles on which we have been legislating so far. He had, however, to admit that we were dealing with some extraordinary circumstances and cases which have arisen more or less as an emergency. It is not normal legislation; it is a legislation which seeks to meet emergencies, because we have found that under the present situation, the powers which we authorise the Commissions to have, are not adequate to deal with the situation. So with much of what my hon. friend Mr. Anthony has said, many of us would be in agreement that legislation should be enacted to the minimum and there should not be profuse legislation, because, after all, if there is much legislation and less enforcement, it does not help the country or the administration in any way. The second proposition also that ordinarily, the ordinary canons of legislation should be followed and there should be no violent departures in legislating on any particular issue would also find general acceptance by most Members of the House. But here we are dealing with a specific situation, a situation where we have countered difficulties. It is therefore necessary that this kind of legislation should be enacted.

In interpreting the legislation, I think Mr. Anthony has fallen into certain errors and his observations were a little wrong because he had not looked care-

fully into the other provisions of the Bill. For instance, clause 3 says:

"The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People, or, as the case may be, the Legislative Assembly of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions as may be specified in the notification....."

So, while there is a necessity for a notification and a resolution, wherever there is a resolution of the House of the People, there will be also a notification. This notification is intended to specify the purpose for which the Commission is appointed, and it will also specify the scope of the enquiry. With this restriction, I think there is very little possibility of any abuse.

Secondly, I would like also to urge that on the whole the Commissions and the Judges of this country have acted in a way that there has been very little abuse of the powers conferred upon them. Can Mr. Anthony point out any particular Commission that has abused the powers that were given to it. So, even if it might be agreed that they have somewhat more powers than ordinarily are given to any judges, there is no instance, to my knowledge at any rate, where a body of responsible persons appointed to enquire or a Commission to which we certainly give a lot of respect—and the Government also is very careful in choosing the personnel—has abused the power. There being no instance, I think my learned friend should not have allowed himself to be swayed by considerations of principle to the extent he has allowed himself.

Then, he objected to clause No. 8. Actually, I think he should have liked clause No. 8 because by this clause it is possible to frame rules and these rules may very well restrict the powers and it may be that every Commission need not necessarily have all the powers that have been stated here. The case will be determined by every particular instance or item which has to be enquired into, and there may be many cases in which much of the powers embodied in Clause 4 may be unnecessary and may not be given to that particular Commission. Therefore, I would style this Bill as an enabling legislation. It does not necessarily follow that

every Commission appointed shall have every bit of the powers that have been stated here. Those powers should be restricted by the rules framed not only by the Government appointing it, but by the Commission itself. So, I think that in the opposition of my friend there is not a great deal of substance. This is not a Bill which is of the ordinary sort to meet ordinary circumstances. They are extreme circumstances and when we find that people go to the extent of destroying evidence or keeping back evidence, this is the only way in which we can deal with them. Moreover, my learned friend is not quite correct, I think, in saying that there is no other provision of this nature anywhere else. I am sure in the labour Bills also there was a suggestion—I do not know whether ultimately it has been accepted; the Bills are yet to come before the House—that this sort of power to enter and seize the account books is absolutely necessary, and unless you want to allow fraudulent people to go their own way without any check or without the evidence being got at by the Commission, I am sure my friend would not like a situation like that. It has been found in instances that people go to the extent of destroying evidence which is detrimental to their interests, and there is no way in such circumstances except to clothe the Government with these powers which will certainly be given to the Commissions only where they are necessary, and not arbitrarily and as a rule to every Commission that is appointed. I therefore feel that most of the criticism that my friend has advanced is not borne out either by the provisions which have been made in the Bill or the intention with which the legislation has been brought here.

My friend suggested why not have a Bill for the appointment of every particular Commission? I think that will be a little too troublesome, and it would be certainly taking more time of this Parliament also if we are to resort to legislation in every particular instance. It is far better, therefore, that there should be a general provision of this nature on record which is not intended to be used in every case to the same extent as it may be in a particular instance, and therefore there should be no fear of abuse of these powers in any way. Moreover, this House can have the opportunity of discussing the notification or the rules that might be framed in any particular instance. I do not think it will be precluded. It can be brought before the House in various ways. So, I submit although the provisions here are not ordinary, they are not so ex-

[Dr. P. S. Deshmukh]

traordinary as to have no precedents whatsoever. In these circumstances, there is no purpose in circulating the Bill for eliciting public opinion, and I think it should meet the wishes of my friend if my motion which means reference to a Select Committee is accepted by this House.

Mr. Deputy-Speaker: I shall place the motion before the House. Motion moved:

"That the Bill be referred to a Select Committee consisting of Shri N. Somana, Shri Nandlal Joshi, Pandit M. B. Bhargava, Shri H. C. Heda, Shri S. V. Patil, Shri N. P. Nathwani, Shri K. G. Deshmukh, Shri Jagannath Kolay, Shri K. P. Tripathi, Shri Tek Chand, Shri Pannalal Kaushik, Shri M. L. Dwivedi, Shri T. N. Singh, Shri Jhunjhunwala, Shri S. D. Upadhyaya, Shri Seshagiri Rao, Shri C. R. Chowdary, Shri P. T. Punnoose, Shri U. M. Trivedi, Shri Hukam Singh, Shri Raghobachari, Shri Frank Anthony, Shri G. D. Somani, Dr. Katju, and the Mover, with instructions to report by the 21st July, 1952."

Hon. Members will take care to have the names typed and given to the Speaker. There are a number of names which are similar, and some Member may go and sit in the Committee whose name is not there. There is another motion standing in the name of Shri B. N. Deo to the same effect. In such matters, if any new names are suggested, of course, the House will consider them. Otherwise, it is not necessary for me to put this motion also before the House.

Shri R. N. S. Deo (Kalahandi-Bolangir): I want to add two names to the list of Members in the Select Committee proposed—Shri Bhawani Singh and Shri Tulsidas Kilachand.

Mr. Deputy-Speaker: And the Mover.

Shri R. N. S. Deo: Sir, I suggest that the following two names be added:

1. Shri Bhawani Singh.
2. Shri Tulsidas Kilachand.

Mr. Deputy-Speaker: And the name of the mover of this motion also. Does Dr. Deshmukh accept these names?

Dr. P. S. Deshmukh: I have no objection, Sir.

Mr. Deputy-Speaker: So it is proposed that to the list of Members submit-

ted by the Mover, the following three names be added:

1. Shri Bhawani Singh.
2. Shri Tulsidas Kilachand
3. Shri R. N. Deo

Shri Nambiar (Mayuram): Sir, I propose that Dr. Jaisoorya's name also be included.

Mr. Deputy-Speaker: I think there are members from each party already, and if hon. members go on suggesting further names I have no objection.

Shri A. K. Gopalan (Cannanore): I suggest that Mr. C. R. Chowdary's name be replaced by that of Dr. Jaisoorya.

Shri Venkataraman (Tanjore): I suggest that in order to have a balanced view in the Select Committee, the names of the following also be added:

1. Shri B. Shiva Rao.
2. Shri T. Subrahmanyam.

Dr. P. S. Deshmukh: I have no objection to including them.

Mr. Deputy-Speaker: So, the additional names suggested are:

1. Shri Bhawani Singh.
2. Shri Tulsidas Kilachand.
3. Shri R. N. Deo.
4. Shri B. Shiva Rao.
5. Shri T. Subrahmanyam, and
6. Shri Jaisoorya replacing Mr. C. R. Chowdary.

Hon. Members must remember that this is a Bill which is going to a Select Committee. I now call upon Pandit Thakurdas Bhargava.

Pandit Thakur Das Bhargava (Gurgaon): I am not going to imitate my hon. friend Mr. Frank Anthony who discussed general principles of legislation in this House, first, and then after applying these principles, came back to the original idea that this Bill should be referred to a Select Committee, so much so that he did not even seriously move his own motion.

Shri Frank Anthony: That was my reasonableness.

Pandit Thakur Das Bhargava: I think the hon. Member would have been still more reasonable if he had not dilated and sermonised upon general principles and had not submitted to the House that the Government was after an unplanned legislation. My reply is that his contention is absolutely wrong.

Coming to the other principles mentioned by Mr. Anthony, namely that every Bill should be circulated, I very simply say that I cannot subscribe to this general application of the principle to all Bills. But this is a Bill in which I must also join my other friends in congratulating the hon. Home Minister who has agreed to refer it to a Select Committee. Considering the very many amendments which have been tabled, I think, the best course was to refer it to the Select Committee. I therefore support the motion for referring the Bill to a Select Committee, and oppose the motion for circulation.

In doing so, I have got certain points to make, which I would like the Select Committee to consider.

As regards Clause 4 (3), I am one with Mr. Frank Anthony, while as regards Clause 4 (2), I do not agree with him. To my mind, it appears that his point is wrong. I submit that the provisions of the Indian Evidence Act will apply to all those proceedings before the Commission, Chapter IX of the Evidence Act dealing with this point—all these Sections 121 to 131—will be applicable to all commissions, and no commission will be able to force Mr. Anthony, a newly married person, to communicate what has happened overnight. (*Interruption*). According to me, all the provisions which entitle a person to keep back certain information from any court, will be applicable to him in this case also. This sub-clause will be there to protect every person in spite of the fact that this provision is there. Even in the Civil Procedure Code and the Criminal Procedure Codes, we do not find any provisions relating to the Indian Evidence Act, where such information is not specifically protected. I agree with my friend Mr. Anthony, that no commission should be armed with the power of asking any person for any information which the law gives him power to withhold. There are very good Sections in the Indian Evidence Act which are based on the experience of ages, which entitle a person to withhold information. My submission is that these provisions also apply in this case, in spite of the provision to the contrary in this Clause 4 (2). If the Select Committee finds that my view is not correct, I would beg of the Select Committee to incorporate it in so many words, as Mr. Frank Anthony has suggested.

As regards Clause 4(3), I feel more strongly than Mr. Frank Anthony in this matter. He is only anxious that the provisions of the Criminal Proce-

cedure Code relating to procedure may be made applicable to certain procedures. But I go a step further and say that this Clause 4 (3) should not have been there at all. I quite understand Dr. Deshmukh's anxiety in public interest that certain commissions should be armed with the powers of seizure and search. But the Bill before us is a general one, as the Statement of Objects and Reasons will show. This is a general law, and the modicum of powers is being given to these commissions. If any necessity arises, and the Government wants to arm any particular commission with specific powers, it has got the right to do so, but I am very doubtful whether with a Bill of this nature, Government will be able to say that such and such a power may not be exercised by any particular commissions. That will not be in consonance with the expected policy of this Bill. But anyhow, my submission is that we shall decide the issue in question on merits, and see whether this provision should be there or not. I am very clearly of the view that this provision should not be there in the Bill. At present, the Civil Procedure Code does not envisage such powers of seizure and search. The Criminal Procedure Code does give such powers because of the over-riding necessity of protecting society against offences, and the police officers are given in certain contingencies powers in this behalf. But even there, the use of such powers is safeguarded and properly regulated. When the Civil Courts do not handle these powers ordinarily, I am very loath to giving these powers to any Commission. After all in India, as in all the world over, every person's house is his own castle. I want that so far as the dignity of the human being is concerned, he should be perfectly protected from such kind of arbitrary exercise of powers as regards seizure and search. Such a power was demanded of this House in regard to the Tariff Commission, and we did not grant them this power. Even for the Income Tax Officers, this power has not been given, though I know that so far as the Income-Tax Investigation Commission is concerned, we have given this extra power to them, because public interest requires that they should be armed with such powers. But when we are just laying down the ordinary powers of a commission, I am loath to giving such powers to that Commission, though I am anxious that in specific cases, if the Government satisfy us that such powers should be given, they may specifically do so. I think that is the only purpose of this Clause 4 (3), namely that of enabling the Government to give these powers to a Com-

[Pandit Thakur Das Bhargava]

mission. As I read the law, and as I understand it, every commission will exercise the modicum of powers given in the Bill; it is therefore that I suggest that these powers to enter any building or place and seize any books of account or documents or extracts or copies therefrom, should not ordinarily be given to a Commission. If I were in charge of any Department, I would be most reluctant to give this kind of arbitrary power to any person against an Indian. I know, however, that sometimes, public interest may require the use of these drastic powers. But here we should strike a balance between two things, public interest, and the dignity of the human being.

We want that every person may feel safe in his own house and therefore, such arbitrary power should not be given. My submission is that if there are necessities of such an overriding character that public convenience should have priority, well I may have no objection; but otherwise, I would beg of the hon. the Home Minister to kindly accept this amendment. Ordinarily, these powers should not be given to a Commission of this sort.

Then again in regard to clause 5, the question is about perjury etc. Now, there is a proviso which runs: "Provided that the statement—(a) is made in reply to a question which he is required by the Commission to answer, or (b) is relevant to the subject matter of the inquiry". So far as (b) is concerned, I have got no objection. But with regard to (a), my submission is that perjury is perjury if it is committed in response to a question or otherwise. If a question is asked and a person perjures, does he do a more culpable or more heinous crime than if he voluntarily deceives the Commission? My submission is that this safeguard is unnecessary and mischievous because if it is there, a person may choose to voluntarily mislead the Commission or give such evidence as he knows is perfectly false, and the effect of it will be much more because it will be given in an insidious manner. Therefore, my submission is that this safeguard is unnecessary and may not work well in practice.

As regards clause 6 I have to submit a word. Now at present, there is no law by virtue of which the powers of a Commission are deemed to continue indefinitely or after a certain date. Now, it is being provided that a notification is to issue when the Commission ceases to work. The Commission ceases to work when the work is complete. So, I do not feel there is any

necessity for Government to go out of its way to issue a notification that the Commission has ceased to work. The very fact that there is no work for the Commission means that they have ceased to work and there should be no notification, though I am anxious that Government may be given the power to withdraw a Commission and to say that the powers of the Commission cease whenever it is in the public interest to do so. That power may be retained, but the provision that there should be notification is unnecessary and will not work well in practice.

Then again, exception has been taken to clause 7 by Mr. Anthony. I humbly beg to differ from him. In fact, section 7 is a very salutary section. Whereas section 3 refers to particular kinds of Commissions of Inquiry, it is a general section. If we really are out to enact a measure of this kind in which general powers are given to Commissions of Inquiry, this is only a very salutary provision which requires that all the Commissions etc. which are appointed will enjoy these powers. And what is there in these powers? These powers are very ordinary. Except those powers which have been the subject matter of comment from the hon. Members, all the powers are very ordinary.

Now, in regard to clause 8, I would submit that so far as (a) is concerned, I am not happy with it, because in my humble opinion the terms of office and conditions of service will vary with different Commissions. These things should be provided in the order of appointment and not in this general statute, because, as I have submitted, they will vary with every Commission of Inquiry. If the inquiry is an important one and if you want the services of an expert, he may demand his own charges, he may demand better emoluments etc. So you cannot lay down rules of general application.

I have to submit a word in regard to clause 4 also. In clause 4 the words are: "The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, in respect of the following matters, namely. (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of any document.....etc...." My submission is, as I have already said, that so far as documents are concerned, section 132 and other sections of the Indian Evidence Act entitle a person to withhold certain documents,

and I want that so far this power of summoning a person and getting any document is concerned, there should be a safeguard provided. Only such persons can be summoned who are only directly or indirectly connected with the subject matter of the inquiry and only such documents can be summoned which have got some relation to the subject matter of the inquiry. I have known cases in which Sessions Judges and senior Sub-Judges etc. have called friends from far off places just to have lunch with them at their place, and at the expense of the Government or the parties. I do not want that the Commission should be given such powers. If any person is directly or indirectly connected with the subject-matter of the inquiry, certainly he can be called. The power should not be a general one.

12 Noon

Dr. P. S. Deshmukh: I am sure in every one of these instances the District Judges can point to some direct or indirect relationship.

Pandit Thakur Das Bhargava: Well I know. When the witnesses come, they are given up. They are not even produced; they are given up. It must be the experience of my hon. friend also though he is not saying so. It must be the experience of lawyers that sometimes witnesses are called for ulterior purposes and then they are given up. Now I do hope that any Commission will do that, but at the same time there is no harm if you say that only such persons and such documents as have any direct or indirect bearing on the subject matter of the inquiry will be called. What is the use of giving general powers? It is unnecessary.

Therefore, I would submit that if these points are examined by the Select Committee and are gone into, the Bill will come back in a better form before us and I hope that the lacuna in the present law will be filled up. It is a law which is due. I do not agree that it is not due. It is certainly due and therefore we support it. I would respectfully submit, Sir, that these points may be considered by the Select Committee.

Dr. Krishnaswami (Kancheepuram): The hon. the Home Minister in introducing this measure said that it was an innocuous measure and that we need not trouble very much about it. I hold a different view altogether. I consider that this measure is very drastic, and in order to substantiate this point of view I should like to indulge in a reasoning of certain funda-

mental principles which, I hope, will not tire this House.

The first question which we should like to ask the hon. the Home Minister is whether *ad hoc* legislation would not have been better. Whenever we introduce *ad hoc* legislation before a particular House for constituting a Commission of Inquiry, we have to make out the grounds for constituting such a Commission of Inquiry. We have to find out what is 'public interest'. The House would be in a better position to review the whole question of public interest and we would really be in a better position to clothe this Commission with such powers. What is public interest? Public interest may be as wide as the Pacific Ocean and anything can be brought within its purview. The hon. the Home Minister no doubt pointed out that within recent times some of these Commissions had been handicapped because they had not been clothed with definite powers to inquire into breaches of control orders. But if you really are desirous of promoting inquiries into such matters, if you are desirous of finding out how some of these rules and regulations have been infringed, then I say it is better to specify what these topics are and then say that such matters as are related to these things shall form the subject for the Commission of Inquiry. It is my submission that if you do it in the general way in which you have done, anything can be inquired into. No matter, however, remote it be from public interest, can be saved from the clutches of a Commission of Inquiry, and it is a very serious matter when you come to think of it, particularly when this Commission of Inquiry would be clothed with such wide inquisitorial powers. It is indeed very very troublesome to go into this matter of public interest because I know it will always be pointed out that it is open to the House of the People or to the State legislature or the Government to determine public interest. But that is not a safe way of relying on what the House of the People or the legislature or the Government really will determine, because public interest is something which can be given a very enlarged scope and which can really be made to cover almost any topic under the sun. Then, there is this point of the Government itself moving on its own motion and a Commission of Inquiry being constituted to inquire into a matter of public importance. I think that is a provision which can be abused. Particularly when you clothe the Executive Government with vast powers, you have also to be prepared for abuse of the powers

[Dr. Krishnaswamy]

It is not enough to say that there are particular men with beneficent intentions in the Government. A statute is in existence long after the Governments of the day have passed and we have also to take into account possibilities of such abuse of powers being indulged in particularly on a large scale especially when you have a general law relating to Commissions of Inquiry.

The Bill is also not very satisfactory in respect of the constitution of the Commission of Inquiry. No attempt is made to describe the qualifications of the Commission. As a matter of fact, sub-clause (2) of clause 3 reads as follows:

"The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof."

The Bill is silent on the qualifications of the members of the Commission. We do not know who would be the members of the Commission. Any individual or individuals can be appointed, and any individual or individuals may be appointed, and whether they should possess a knowledge of law or whether they should possess a knowledge of the rules of evidence is not made clear in the Bill, and perhaps for definite reasons. But at least we must know what categories of people would be included in the Commission, because without knowing that there is a possibility of grave abuse of this power by the appropriate Government or appropriate authority.

Now my friend Pandit Thakur Das Bhargava referred to certain points which I think were very germane to the discussion of the Bill. But I do not happen to agree on this point that it is necessary to have a general law relating to this subject. But the criticism that he made, namely, that clause 4(2) is not as dangerous as it is made out to be by my hon. friend who moved for the circulation of this Bill is, if I may say so without meaning any disrespect to him, not quite justified, for the simple reason that unless and until we take good care either in the Select Committee or when the Bill comes to this House again for consideration to see to it that the principles of the Evidence Act are really incorporated into this Bill, there would be a possibility of its being abused. Certainly there is a possibility of a Commission constru-

ing the provisions as they are drafted in the present clause so widely as to treat even the provisions of the Indian Evidence Act as non-existent.

Then there is the point to which he referred, namely, that the Commission or any officer specially authorised by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found and may seize any books of account or documents or take extracts or copies thereof. Worded as it is, it is very wide and there are possibilities of abuse. There are certain qualifications which can be made, and if those qualifications are made, I think it may be possible to mitigate considerably any abuse of the powers of the Commission.

There is the other provision which relates to other inquiring authorities. I do not see why we should have a particular clause relating to other committees or commissions. If you have a general provision on this subject, I do not see any reason why we should have another provision relating to particular committees of inquiry being constituted to inquire into matters for particular purposes. There seems to be a difference of opinion on this subject. But I hold the view that once you give a general power or authority to a commission to inquire into a matter, it would not be reasonable again to say that we want to have another committee of inquiry to inquire into other matters of importance. Looking at this provision and considering the tenor of the speeches that have been delivered today, it looks as though we seem to be in a state where we will have perpetual commissions of inquiry constituted day after day to inquire into each and every matter. That at any rate does not seem to be reasonable. That at any rate does not seem to be proper, because if we had a commission to inquire into each and every matter almost every day of our life, would become intolerable and we would certainly be subjected to various inquisitorial procedures. While I entirely agree that in many cases such as those where there have been tax evasions or breaches of control orders or where people have acted against social interests we should have Commissions of Inquiry constituted to inquire into those breaches and those infractions of law, I think it would be extremely unwise and dangerous to clothe the Executive with such wide powers, because we feel at any rate that these powers would be abused and would certainly be abused in a

fashion which is certainly not in the public interest but which might be considered to be in the public interest if the voice or the voice of certain popular legislatures only is taken into account.

In all these matters we have to adopt a far-sighted view of where exactly we are going with the legislation. Today it may be a case of our having a commanding majority in most legislatures. But tomorrow the situation might be quite different and the wide powers that have been given to the Executive and the Legislature might be used for purposes which are totally alien at any rate to the intentions of those who introduced this legislation—such intentions as we may infer from speeches made in this House or elsewhere. It does seem to me that there is no need for this general Bill being introduced and we can still rely on *ad hoc* legislation to constitute committees of inquiry. But in the event of this suggestion not finding acceptance, I say, that the time has come when we should examine every one of the provisions of this Bill and see to it that the powers are restricted as far as possible so that there may not be chances of abuse. Certainly those powers must be in conformity with the fundamental principles of jurisprudence. We cannot, for instance, leave it to the Commissions of Inquiry to have their own methods of procedure. I know the usual argument that is propounded that if the methods of procedure are in conflict with the principles of natural justice or infringe fundamental rights, we can certainly go to the Supreme Court and move that there is an infringement of fundamental rights. But that would be a rather tortuous process, because first of all infraction would have occurred or the possibility of an infraction would be there and we would have to go to a court of law and only then could we find out how far an infraction had occurred, and then only could a proper procedure be introduced. Instead of that, I suggest that the procedure also should be laid down, so that the procedure might be in conformity with the principles of natural justice. In the event of our deciding to have a general Commission of Inquiry, I say that we ought to take good care to see to it that some of the aspects of the procedure that have been followed in the United States of America should certainly be copied by us. After all we might be taking a very great step in the direction of building up a new branch of administrative law, and especially when we are in the formative stages,

care should be taken to see that the rules and regulations are in conformity with the principles of natural justice and do not violate any of the fundamental rights.

Shri Venkataraman: We have so far heard the familiar eloquence of vested interests. It is not the first time that objection is taken to these powers being given to committees and commissions of inquiry, Tariff Boards, Industrial Tribunals, and so on and so forth. As my hon. friend Mr. Thakur Das Bhargava spoke, I remembered all the battles we had fought in the select committee over the same and similar provisions in the Industries Control Bill, the Labour Relations Bill, and so on.

The persons who oppose the grant of these powers to committees and commissions of inquiry start on a false premise, namely, that the findings of the committees or commissions are binding as if they were a court. While every authority given to a court whose decisions are binding and final should be subject to several restrictions, the committees and commissions are only advisory in character. They go deep into matters and they are not bound by the restrictions of ordinary rules of law and procedure. They try to assess the relative merits of several aspects of a particular question and they place their findings before the legislature or before the country. If that were so, why should powers be denied to them when their decisions, when their conclusions are not going to be binding on anybody. It is to prevent an enquiry being made. It is with the intention to conceal something from the public. It is somehow to see that under the cover of law certain misdeeds are not brought forward that these so-called objections, going under the name of restrictions on civil liberty, are brought forward. If you will kindly permit me to go into the past legislation, we have similar provisions in the Industrial Disputes Act, 1948 and we had a battle royal over them also. Now after that when the Tariff Commission Bill came, we had similar provisions and even there if I remember aright my friend Pandit Thakur Das raised the same familiar argument.....

Pandit Thakur Das Bhargava: Powers of seizure and search were not given as a consequence.

Shri Venkataraman: I will read for his information. Now, Sir, section 20 of the Tariff Commission Bill, 1951, gives the following powers:

[Shri Venkataraman]

- (a) Power of summoning and enforcing the attendance of any person and examining him on oath;
- (b) power of requiring the discovery and production of any document;
- (c) power of receiving evidence on affidavits;
- (d) power of questioning any public record from any office;
- (e) power of issuing commissions for the examination of witnesses; and also

The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of any inquiry.

Sir, that disposes of the Commission.

Pandit Thakur Das Bhargava: I expected that my friend will read out the power of entry and seizure?

Shri Venkataraman: Now my friend Thakur Das says that the power of entry and seizure is not given. I will quote another Act—The Industries Control Act—which we passed last year. That also considered this question whether or not power should be given to the authorities to go, inspect and seize books. It is unnecessary for me to go into the double and treble systems of accounting maintained by our people and if we really want truth to be obtained and placed before the public, it is absolutely necessary that some power of going and seizing the books and of inspecting the premises should be given to these authorities. Otherwise let us give a *carte blanche* to all the people who have vested interests and say that under the cover of law, their misdeeds shall not be brought before the public.

Mr. Deputy-Speaker: What are the double and treble systems?

Shri Venkataraman: It has been my misfortune to appear in several cases before industrial tribunals and there examine the books of accounts and it has been my singular misfortune to see several account books maintained in respect of the same matter each contradictory to the other. It is not beyond your knowledge unless you want me to explain in greater detail for the benefit of the country. Now

in such cases it becomes necessary that power should be given to the authority to seize books, to inspect premises and compel the production of all facts relevant or pertinent to the subject matter under inquiry.

Now let us look at the cases in which such enquiries are usually ordered. They are matters of utmost social importance. It is not against any individual person that a Commission of Enquiry has ever been appointed. To my knowledge I do not know if ever a committee or a Commission of Inquiry was appointed to enquire into the conduct of a person. The Commission of Inquiry is usually appointed to go into some matter of social importance like the Sugar Industry or say for instance an enquiry into the conditions of working in certain industries, in plantations and so on and so forth. So in these matters if the Commissions are prevented from going into the root of the matter and trying to find out the real conditions in that industry, well we shall have to be content with only what the other side gives as their version. My friend Dr. Krishnaswamy said "where was the need for such committees when there are other committees than those mentioned in the Bill?" I am quite sure he must be familiar with several social legislations particularly in labour like the Minimum Wages Act—to quote only one—where committees are appointed to advise the fixing of the minimum wages and those committees are not appointed under this Commissions of Enquiry Bill or Act if it is passed but under several other provisions of the Acts already existing. Those committees have no power of enforcing attendance and of getting any details of the accounts from the parties concerned. I may just quote only one instance. In the Committee on Minimum Wages in which I sat, we wanted to get certain information from the employers—and as employers do usually, engaged an eminent counsel—and they said that such information cannot be given and we searched through all the rules and regulations and several books to find if there was some power vested in the Chairman to see to the production of certain figures and books and it was not there. Therefore clause 8 here deals with such of those cases in which the Committees and Commissions are appointed under other laws than under this Bill.

Then we heard the 19th century arguments rehearsed before this House. In fact my hon. friend Mr. Frank Anthony who is so modern in his looks as well as in his thought unfortunately

detailed all the 19th century argument about having least legislations in a State. I cannot for a moment accept that that State is a good one in which there are least of legislations. If you accept the principle of a welfare State, you must reconcile yourself to greater and greater laws. You must say that all social improvements will be enforced only by law and there will be greater amount of legislation. If you look upon the State merely as a policeman who keeps law and order but does not care to do anything for the welfare of the people, then the theory that there should be as little legislation as possible is sound. If on the other hand you take the view that State is the parent and that it must guard the interests of its children and that social legislation must form the bulk of modern legislation in every State, then the old theory stands discredited. In view of the fact that we have accepted the ideal that this is a welfare State, it is necessary that our Government should be clothed with the authority which is envisaged under this Bill.

I have only one thing more to say. It is not necessary that all the committees and commissions necessarily should be vested with all the powers envisaged under this Bill. Provision may be made that certain committees will have certain powers and certain other committees may have certain other powers. I think this Bill is very urgent in view of the promise which the President made to appoint a Press Commission. What is the use of appointing the Press Commission if that Commission cannot go into the details of the accounts of the press barons. It will become useless. In fact the Press Commission ought not to be appointed until this Bill is passed and powers are vested in the Government to confer those powers on the Press Commission so that they may go into several details of the Press not only on its administrative and accounts side but on several other details also. Therefore, this Bill is most welcome and I hope the Select Committee will not alter even a single word or comma in this and bring it back as it is.

Shri Datar (Belgaum North): About the scope of this Bill.....

Mr. Deputy-Speaker: Will the hon. Member kindly resume his seat? We have been observing and it is a convention not to call upon Members of the Select Committee to speak.

Shri Datar: I am not a Member of the Select Committee.

So far as the scope of this Bill is concerned, there appears to be a considerable misgiving because in certain quarters it is believed that what is called a Commission of Inquiry is almost a judicial tribunal. In the first place it should be very clearly understood that it is not a court. A commission appointed by Government as such is not a court at all. It is not a judicial tribunal as laid down in certain Acts. We have got such commissions appointed either under the Civil Procedure Code or under the Criminal Procedure Code. When the Government, Central or State, requires investigation into certain facts which are sometimes called scandals or when certain startling events happen and it is necessary for the executive Government to find out what are the real facts, Government as it is constituted may not have the machinery to enquire into all the facts nor have the necessary material to sift the evidence. For such a purpose Government has the power even now in its executive capacity to have certain commissions appointed, and in their executive capacity they arm these commissions with certain powers. But when difficulty is experienced in that these commissions may not have the powers for the purpose of finding out the real facts of the case then they are handicapped and therefore recourse is being had to the present measure. We should clearly understand that any commission of enquiry that will have the advantage of the provisions of this Bill will be only a reporting authority and ultimately its report can either be accepted by the Government or be rejected. Some of the Members who have spoken are under the impression that these Commissions are almost judicial tribunals. They are not judicial tribunals though in the course of their enquiry they may follow something like a judicial procedure. Therefore, my submission to you is that so far as this particular point is concerned there need be no misgiving at all. My friend, Dr. Krishnaswami said that such *ad hoc* committees are already being appointed. But you will find, Sir, that what is intended under this Bill are not permanent committees or commissions but committees and commissions which would be appointed as occasions arise, and therefore for the advantage of all these committees and commissions there will be general powers laid down in the statute. Therefore, there is no substance in the contention that such Committees would play havoc.

Another point may also be noted on which also there appears to be a considerable amount of misgiving. You

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will find that so far as such committees are concerned, the work before them is in the nature of judicial proceedings though ultimately they do not pronounce judgments at all. But if they are to follow the line of judicial proceedings then they ought to be subject to the usual provisions of the Indian Evidence Act. For example, we find that under sub-clause (2) of clause 4 the Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for or relative to the subject-matter of the enquiry. It would be found from the sweeping nature of this expression that the framers of this Bill had not borne in mind the provisions of Part IX of the Indian Evidence Act because there are certain provisions in that Act according to which it is open to a witness not to place certain materials before the court or the officer concerned, or in certain cases withhold certain information. A lawyer, a judge, a married person and, more particularly, a Government servant, are covered under this provision. If, for example, a Government servant appears before such a Committee then in that case it must be open to him to withhold certain pieces of information on the ground of general public policy and in such cases under the Evidence Act he has got a right to claim the privilege and withhold the placing of such information before the commission. If no such reservation is made by incorporating, for example, the words "subject to the provisions of the Indian Evidence Act", and if we take the very wide wording of sub-clause (2) of clause 4, it is open to a committee of inquiry under conceivable circumstances to call upon a Government servant or other persons who are entitled to the privilege and to ask them to part with such information. Therefore, it is essential that there must be some qualifying or reserving clause like that.

Then in clause 5 we find that statements made to the Commissions by individuals are protected. It is not that they are only protected, but the parties concerned in certain cases must have the right not to make those statements at all. Therefore, I would request the Select Committee to consider the amendment given notice of by Shri Guha which says that whenever there are any such proceedings then the witness has all the privileges and immunities as are laid down in the Indian Evidence Act. I hope the Select Committee will take into account

all these factors and will ultimately send back to this House a Bill which is entirely free from all the defects and omissions that have been pointed out in this House.

Shri P. T. Chacko (Meenachil): After having heard some of my friends, I wish to point out one or two matters regarding this Bill which I hope and wish the Select Committee would go into and consider seriously. My friend, Mr. Venkataraman was reading to us Parallel provisions from some pieces of legislation and was asking us not to alter even a syllable of this Bill. Well, I do not want to go into matters which have already been referred to, for instance, sub-clauses (2) and (3) of clause 4, but I do hope the Select Committee will go through these provisions carefully. Regarding these sub-clauses (2) and (3) I want only to submit that the Select Committee has to examine it carefully and alter them suitably.

I do not think that a committee like, for instance, the Minimum Wages Committee should be vested with such powers as to go into any house at any time and to seize anything or the power to ask an advocate to divulge knowledge which he is in possession of by virtue of his being an advocate, knowledge which he got from his client. So, I submit that these questions have to be carefully examined. Now I wish to refer to another matter, namely the provision contained in sub-clause 4. Under this clause the commission is vested with powers similar to those vested in a court of law under sections 480 and 482 of the Code of Criminal Procedure. These sections relate to trial of offences under sections 175, 178, 179, 180 and 228, I believe. Under section 480 of the Criminal Procedure Code a court in whose view an offence under section 175, 178, 179, 180 or 228 of the Penal Code is committed, can immediately after taking a statement from the accused punish the accused. I do not think that a Commission of enquiry which may not have any knowledge regarding the law of contempt of court or any knowledge regarding the procedure which should be adopted in criminal trials should be vested with this power. I believe that the Select Committee will go into this matter also. My suggestion is that the Commission may be vested with only those powers that are available to courts under Section 482 of the Criminal Procedure Code. If, in the view of the Commission, an offence under Section 175, 178, 180 or 228 I.P.C. has been committed, then the Commission may take a statement from the accused, and transfer the case as is done under Section 482 Criminal Procedure Code.

Then there is another small matter. I think that the Commission should be vested with powers to examine a witness not only on oath but also on affirmation, or otherwise. Even the Oaths Act provides for examination of witnesses in some cases without any oath or affirmation.

Then as regards the representation of the parties, in the enquiry, if a party wants to engage an advocate the Commission should have the power to allow for such representation, by a lawyer or even by a *mukhtiar*.

I believe the Select Committee will consider the provisions under sub-clauses (2) to (4) of Clause 4, and make necessary alterations. As my hon. friend Mr. Venkataraman pointed out just now, if powers under this Bill are to be vested in all Committees appointed by Governments, I fear it would be improper. These Provisions should not supersede the laws already in existence—I mean the law of evidence, procedure etc.—and in vesting special powers in these Committees or Commissions we should ensure this safeguard.

Dr. S. P. Mookerjee (Calcutta South-East): It is good that this Bill is being referred to a Select Committee and if I say anything on the provisions it will be in the nature of making suggestions which the hon. Minister and the Select Committee may consider. I agree with the Home Minister that sometimes occasions have arisen necessitating the appointment of Commissions which should have powers to obtain evidence and also to secure the production of the necessary documents. One question is whether we should have a general law or whether we should have a Bill passed on each occasion. The provisions of the Bill as drafted, to my mind, are unnecessarily drastic. Pandit Thakur Das Bhargava has referred to one important provision and that is in regard to the seizure of documents and searches to be made outside the provisions of the criminal law. I submit that that will be a dangerous procedure. Similarly, clause 7 is not easily understandable. I can understand the appointment of a Commission as provided for under clause 3, although I have got something to say on it too. But clause 7 practically throws the door wide open. Any Provincial Government may appoint any enquiring authority for any purpose which is covered by the Schedules to the Constitution where the central and provincial lists are given, and immediately on the decision of the executive all

these wide powers will be given to a specially constituted Commission or Committee. What is the necessity for having such a drastic provision? If the object is to give powers to the Provincial Governments also to appoint Commissions under clause 3 when necessary, why do you have a separate provision under clause 7? The appointment of such Commissions should not be the order of the day. These Commissions must be exceptional in nature dealing with matters which relate to questions of really urgent public importance. It is not clear also as to what happens to the recommendations made by these enquiring bodies. Does a Commission make a recommendation to the Government, or does it merely come to a finding which is ineffective? Is it proposed that after the recommendation has been made, this Commission may take executive action, or again place the matter before a judicial tribunal? The Home Minister may say that that will depend upon the nature of the findings, but it is not a judicial tribunal. I do not think the Home Minister is saying that it is a judicial tribunal. It is only a tribunal which is being given the powers of a civil court in some respects. Look at the wide powers. If a witness disobeys, immediately the provisions of the C.P.C. or I.P.C. can be invoked. Obviously, Government will have to appoint many a Commission outside the provisions of this Bill. For example, I was thinking of the proposed Secondary Education Commission, which has just been announced, with Dr. Lakshmanaswami Mudaliar as the Chairman. Can such a Commission be formed under this law? If you appoint an Educational Commission and if some people refuse to come and give evidence before the Commission, are you going to issue summons and then issue warrants of arrest and then put them in jail? Government may have to make many enquiries where obviously the evidence must be forthcoming in a voluntary way. There cannot be any compulsion. I am not thinking of the anti-social cases or other important cases where Government must find out the truth. Take the Finance Commission or the Fiscal Commission.

Mr. Deputy-Speaker: Is this not only an enabling Bill?

Dr. S. P. Mookerjee: That is what I am saying. There may be many Commissions that may have to be appointed by the Government outside the scope of this Bill. It is not as if we are having a general law passed which will cover all cases. That is

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why I am suggesting that there does not seem to be much ground for having a general legislation like this.

Take the question of appeal. Will there be a provision for appeal?

Mr. Deputy-Speaker: Appeal against.....?

Dr. S. P. Mookerjee: ...the finding of this Commission.

Dr. P. S. Deshmukh: It is only a recommendation.

Dr. S. P. Mookerjee: If it is only a recommendation of an advisory character, then it is on a different plane.

Then there is the provision here that Government will frame the rules. I am a bit nervous about the rule-making powers of the Government. In a Bill like this which is obviously of an extraordinary nature and which may be justified in special circumstances in special cases, Government should not take this indefinite power of making rules, including for instance the manner in which the enquiries should be held and the procedure to be followed by the Commission. I am referring to clause 8(b). This will not be determined by the Commission, but the Government will frame rules, and these will be binding on the Commission. Nothing is said about the composition. I am not suggesting that the Government is bringing forward this measure with any evil intention, or that it wants to apply it against individuals or against bodies whom Government may not like. I am not making that suggestion, but the utmost care has to be taken to ensure that the composition is such that it will command the confidence of all concerned.

Now, I have been trying to find out a similar provision in the United Kingdom. I do not know whether the Home Minister has seen it.

Dr. Katju: I never read other laws.

Dr. S. P. Mookerjee: He is omnipotent and omniscient. But sometimes, perhaps, it helps us, so long as at least we are in the Commonwealth, to read the laws of the United Kingdom.

In 1921 a similar general law was passed by the House of Commons in England (11 Geo. 5. C. 7—page 161 Chitty's Annual Statutes.) I have got here the proceedings of the House of Commons when this Bill was under discussion. It really affords us an interesting study. When certain matters were under discussion in the House of Commons in 1921—Mr. Bonar Law

was then the Prime Minister—a question arose as regards the appointment of a committee of enquiry, and the Prime Minister pointed out that a committee to be appointed by executive order is not empowered to compel people to give evidence or to produce documents,—the same thing as the Home Minister has said. Practically from all sides of the House there was a demand that special legislation should be undertaken. Of course, there was a difference of opinion as to whether it should be of a general nature or of an *ad hoc* nature,—the same thing as has arisen here. And within a few days, perhaps, with even greater alertness than Dr. Katju is capable of, a Bill was drafted and placed before the House of Commons for immediate acceptance. The Speaker even thought that instead of allowing any long discussion, the Bill may be passed into law at one sitting.

There the Bill as originally drafted laid down that the Government might appoint such a tribunal of enquiry.—I would ask the House to bear this in mind, because I am going to say something on our draft clause—which should be given powers to compel evidence to be supplied before the committee and also documents to be produced, as the committee may desire. The strongest objection was taken when the matter was placed before the House of Commons that such a Bill of a general character with such wide powers must not be left in the hands of the executive. In fact, some Members pointed out that what is attempted to be done almost sounds like a repetition of the Star Chamber methods. I am not referring to Dr. Katju yet; why should he touch his forehead? I do not know whether he has intentions of imposing any Star Chamber methods here. At any rate, that argument made some appeal at least to Mr. Bonar Law and the Attorney-General, who was in charge of the Bill, and by agreement it was decided that if a commission of enquiry was appointed under this general law it should be done only on the recommendation of both Houses of Parliament.

I am glad the Prime Minister has come. I was referring to a similar provision.....

Shri Jawaharlal Nehru: I could hear the hon. Member from the back of the House.

Dr. Katju: I would ask the hon. Member to address the Chair.

Dr. S. P. Mookerjee: I am always addressing the Chair and addressing the Prime Minister through the Chair.

After discussion it was decided that the commission, or tribunal of enquiry when appointed should not be appointed by the executive government, but on the recommendation of the two Houses of Parliament. This is the Act as it now stands:

"Where it has been resolved by both Houses of Parliament that it is expedient that a tribunal be established for enquiring into a definite matter described in the Resolution as of urgent public importance, and in pursuance of the resolution a tribunal is appointed for the purpose either by His Majesty or a Secretary of State, the instrument by which the tribunal is appointed or any instrument supplemental thereto may provide that this Act shall apply, and in such case the tribunal shall have all such powers, rights, and privileges as are vested in the High Court, or in Scotland the Court of Session, or a Judge of either such court, on the occasion of an action in respect of the following matters."

Now, what are those matters? We have also referred to similar matters here. The three matters in respect of which the Tribunal could exercise its special powers are:

- (a) Enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise;
- (b) Compelling the production of documents;
- (c) Subject to rules of court, the issuing of a commission or request to examine witnesses abroad;

and a summons signed by one or more of the members or the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

That is a very simple provision which, to my mind ought to be quite adequate for the purposes that we have in view.

Secondly, questions were raised by Pandit Thakur Das Bhargava and some other Members as regards the steps to be taken if there is failure of attendance, or if questions are not answered. Mr. Frank Anthony was very nervous about a commission being appointed which might demand answers from a newly married husband. I find he is not in his seat. In England the law provides that if any questions are asked or if any documents are demanded to be produced, they must be such as can be legally demanded. They have not put any such elaborate

phraseology as we have done in our draft. It is just one single expression that only what can be legally demanded will be asked for from the person concerned. In other words, if there is a question of privilege, either absolute or partial, or if there is any other question which may be raised, well naturally the court will not proceed with that.

One hon. Member asked this question in the House of Commons:—Supposing an officer is called upon to produce some documents, or make some statements which are against the Official Secrets Act? Then what will be the position? Supposing he refuses to do that? The Attorney-General's answer was: we need not provide for such a contingency; but if a commission puts such questions and if he is deemed to be guilty of contempt then no proceedings can be taken without my approval and no Attorney-General in his senses will ever give permission for prosecuting such an officer. In England it is laid down that one may be guilty of contempt, but when dealing with that matter full opportunity should be given to the party concerned to offer his explanation and then necessary orders will be passed. The penalties have also been provided for here. Then the powers of the tribunals have been given—just as we have said here that they may or may not allow the public to be in attendance when the proceedings go on. Secondly, they have the power to authorise the representation of any person through a counsel or through a solicitor. That is a short Bill consisting of four or five clauses.

But what have we done here? Here we have got a mix-up. We have kept some powers in executive hands. Over and above the provisions of the present law we have given them power to deal with matters like seizure and search. I would earnestly ask the Home Minister to examine the simple provisions of the English law. Whether it is a general law, or whether an *ad hoc* committee is adequate, should be carefully considered. Then essential precautions should be taken so that these wide powers, this blank cheque, to all the State Governments are excluded. Only the Central Government should be given this power. The essential condition that there should be a recommendation on each case from the House, I consider is very important. Because, then the Government will come forward with its case and there will be no question of doing anything behind the scene or of doing anything for any purpose other than a legitimate one. If there is a sugar crisis

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or any such thing, the Government can make out a case and come forward with it. And no doubt all sections of the House will agree, if such a case is made out, that a Committee of inquiry should be appointed under the general law if we decide to appoint it under the general law.

I have made these suggestions. I hope the Home Minister will appreciate our *bona fide* intention of helping him in considering this very important matter in the Select Committee. These are questions where we should be in a position to decide matters not from any party point of view, but it should be our attempt to pass such laws which all of us can reasonably call upon the people to observe and can justify on grounds of public morality and administration.

Dr. Katju: I am rather in a position of embarrassment because I am also a Member of the Select Committee and I have got to say something in reply to the numerous points raised. But I confess at the very start to a feeling of some surprise because, I repeat, I thought it was a very innocuous measure, but here again there has been this debate. That has been my misfortune.

I have always followed the principle that whenever you are asked any question tell the truth and shun the devil. This Bill provides only for this much, that whenever you are asked a question tell the truth and whenever you are asked to produce a document produce it. If you do not produce the document, then difficulties will arise. When all the speeches were being made—I speak with great respect—I really did not know who was being represented here. Government is not going to appoint Committees and Commissions every day as a matter of amusement. Committees and Commissions are appointed rarely, for matters of great public importance, whenever there is a great demand or when there is some sort of a scandal in respect of an industry or, as one hon. friend referred to here, for the promotion of some legislation or to enquire into some deep-seated evil and so on where information is required.

It was said that this Bill does not mention anything about the personnel of the Committee or Commission. The Government must be left with some sense of prudence, expediency and experience. The higher the status of the Committee or Commission, the higher will be the personnel of it. What is your experience: Retired Judges, Judges of the High Court, men

of great experience, men of public affairs have presided over these Committees. You do not find—if I may express—ordinary people, A, B, C, presiding over these Committees.

Dr. S. P. Mookerjee: Are you referring to the Members of the House of the People?

Dr. Katju: No. The House does not consist of A, B, C. They are all gentlemen who have got fame. I was referring to the way in which it was being suggested that anybody can be shoved into these Committees. Look at it. Do you think the Government will be so unscrupulous just to appoint a Committee for the purpose of troubling—whom? I do not know.

When any such Committee is appointed what is it supposed to do? Send for witnesses. The first impulse of a gentleman who is invited to assist it is to come and tell the truth and co-operate with it, and if there is a demand "Will you kindly produce your papers, documents and account books", to send them in cart-loads. It was said that searches will take place. Mr. Venkataraman quietly referred to it. It may be the exigencies of the times. I do not know what happens. There has been a great passage of time from 1921 to 1952. In thirty-one years revolutions have taken place. Income-tax has gone up enormously. Look at what the rate of income-tax was in 1921 and what it is today. It is well known that when papers are searched it pre-supposes that papers are there and were not produced. Why not produce them? I do not understand this anxiety and on whose behalf there should be this protection against searches?

I do not want to go into all these matters because I am also a Member of the Select Committee and I have no opinions to offer at this stage.

Mr. Anthony referred to the Indian Evidence Act. For the last five or ten years I have been hearing that the Indian Evidence Act has become obsolete, that it is archaic, that it delays proceedings and that it should be simplified. Everywhere there has been a demand, in this House as well as outside, that the rules should be simplified because otherwise guilty people escape and innocent people suffer. It is the guilty people who escape because of the extra anxiety in those rules. But my hon. friend was appealing: Look at the wisdom of centuries embodied in the Indian Evidence Act.

Every point that has been raised here on all sides of the House will, I am

sure, be considered adequately and most carefully by the very strong Select Committee which has been proposed and I am sure that the Bill when it comes back will embody the combined wisdom and experience of all sides of the House.

Mr. Deputy-Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Shri N. Somana, Shri Nandlal Joshi, Pandit Mukat Bihari Lal Bhargava, Shri H. C. Heda, Shri Shankargauda Veerangauda Patil, Shri Narendra P. Nathwani, Shri K. G. Deshmukh, Shri Jagannath Kolay, Shri Kamakhya Prasad Tripathi, Shri Tek Chand, Shri Pannalal R. Kaushik, Shri M. L. Dwivedi, Shri Tribhuan Narayan

Singh, Shri Banarsi Prasad Jhunjhunwala, Shri Shiva Datt Upadnyaya, Shri Rayasam Seshagiri Rao, Dr. N. M. Jaisoorya, Shri P. T. Punnoose, Shri Umashankar Muljibhai Trivedi, Shri Hukam Singh, Shri K. S. Raghobachari, Shri Frank Anthony, Shri G. D. Somani, Dr. Kallas Nath Katju, Shri Phawani Singh, Shri Tulsi-das Kilachand, H. H. Maharaja Rajendra Narayan Singh Deo, Shri B. Shiva Rao, Shri Tekur Subrahmanyam, and the Mover, with instructions to report by the 21st July, 1952."

The motion was adopted.

The House then adjourned till a Quarter past Nine of the Clock on Saturday, the 12th July, 1952.