

Mr. Deputy-Speaker: There are no amendments.

Clauses 2 and 3 were added to the Bill.

Clause 1.— (Short title and extent)

Dr. Katju: I beg to move:

In clause 1, for "1952" substitute "1953".

Mr. Deputy-Speaker: The question is:

In clause 1, for "1952" substitute "1953".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

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

Dr. Katju: I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

TELEGRAPH WIRES (UNLAWFUL POSSESSION) AMENDMENT BILL
—contd.

The Deputy Minister of Communications (Shri Raj Bahadur): I beg to move:

"That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

Sir, this Bill is based on our experience of the working of the main Act,

the Telegraph Wires (Unlawful Possession) Act, 1950. This measure was passed when a serious situation developed as a result of large scale thefts of telegraph wires. They were copper wires which were costly ones. As a matter of fact the price of copper rose highly and therefore these thefts became all the more prevalent. To meet that situation we passed that Act in 1950. But it came to our notice that in the interpretation of the relevant section, section 5, the courts held that Government had to prove in every instance that the wires which were reported to be stolen property were the property of the Posts and Telegraphs Department. It became very difficult for us to do so, because large quantities of such wires were sold by disposals. Hence the very purpose with which this Act was passed came to be frustrated. Therefore, it has been proposed in this Bill that the onus of proving that the copper wires (of certain gauges mentioned in the Bill) were not the property of the Posts and Telegraphs Department will lie on the person found in possession of these telegraph wires. That is the simple purpose with which the Bill is moved. The other provisions are consequential.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Telegraph Wires (Unlawful Possession) Act, 1950, be taken into consideration."

Shri Dhulekar (Jhansi Dist.—South): Sir, I wish to seek one clarification from the hon. Minister. I would like to know whether copper wires of the gauge mentioned in the Bill were at any time sold by the Disposals or any other Government Department to anybody?

Shri Raj Bahadur: Those wires are of particular gauges. Under the original Act we gave an opportunity to persons in possession of this type of wires to declare them by a particular date. We also gave them some time to get them converted into in-

[Shri Raj Bahadur]

gots. If anybody is now found in possession of copper wires of that particular gauge prescribed in the Bill, he should be held guilty.

Shri U. M. Trivedi (Chittor): Is this Bill merely meant to recover 47,000 lbs. of copper wires which was stolen from the Posts and Telegraphs Department?

Shri Raj Bahadur: This has nothing to do with it: it is based on our experience of the working of the main Act.

Shri U. M. Trivedi: What Government attempts to do by amendment to Section 5 of the original Act is to set at naught the well recognised principle of law by the deletion of the words: "which the court has reason to believe to be, or have been the property of the Posts and Telegraphs Department of the Central Government." In other words, whoever is found in possession of this particular gauge of wire will be taken to be a thief. Mere possession will, *ipso facto*, mean that the person is a thief.

Can Government tell us that this wire is not obtainable anywhere else and nobody can indent for it?

Shri Raj Bahadur: That goes without saying. As a matter of fact this particular type of wire of the gauge prescribed in the Bill is not used for any other purpose except telegraphic purposes.

Shri U. M. Trivedi: Can it be purchased or indented locally?

Shri Raj Bahadur: Under the original Act we gave opportunity for anybody in possession of this type of wire to declare them and get it converted into ingots. So, it is expected nobody is in possession of it; with the exception of only the Posts and Telegraphs Department. So, anybody who is now found in possession of this gauge of copper wire should be held to be guilty.

Shri U. M. Trivedi: Is it importable or not?

Mr. Deputy-Speaker: What the hon. Minister says is that even an importer will be held to be in unlawful possession.

Shri Raj Bahadur: The Bill itself says that if anybody wants to be in possession of such wires, he can do so only with the permission of the prescribed authority.

Shri R. K. Chaudhuri (Gauhati): During war-time a lot of these wires was disposed of. Certain American officers gave certificates which ended in the acquittal of certain persons who had been proceeded against.

Shri K. K. Basu (Diamond Harbour): I would like to know for clarification whether such types of wires, even if they are imported under license, can be sold in the open market and any private individual can legally purchase it or be in possession of it? We would also like to know whether in recent times there have been thefts only of wires of this gauge. The Minister's speech does not explain these things.

Shri N. B. Chowdhury (Ghatal): Sir, in regard to new Section 4A it has been stated that no sale or purchase of this wires can be effected without the authority of the Government. Yet, the point remains that there was a lot of copper wires which were sold through disposals during war time, and people may be in possession of them. While we realise the necessity of drastic measures so far as thefts by individuals as well as organised gangs are concerned, a lot of such thefts have been committed in many parts of the country, particularly in the States mentioned in the Statement of Objects and Reasons.

Another thing I want to point out. A fundamental principle of justice is also involved in the Bill. So, that question also has to be considered.

