

Mr. Deputy-Speaker: No.

The Deputy Minister of Home Affairs (Shri Datar): Bills.

Mr. Deputy-Speaker: I would suggest to hon. Members that when they want to get through this business they must previously intimate the Minister so that he may have time to consider whether he is willing or not.

Dr. Katju: So far as I am concerned, I deal with the Code of Criminal Procedure. I have no objection to its being introduced.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898.”

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

BUSINESS OF THE HOUSE

Pandit Thakur Das Bhargava (Gurgaon): Sir, I beg to move for leave to introduce a Bill further to amend the Essential Supplies (Temporary Powers) Act, 1948 (amendment of section 7 and substitution of section 9).

The Minister of Law and Minority Affairs (Shri Biswas): I do not know whether it pertains to the Law Ministry. I have not seen a copy of the Bill.

Mr. Deputy-Speaker: Then I am not allowing it now. The hon. Member must have informed the Government.

Pandit Thakur Das Bhargava: Under the rules, all we are required to do is to give notice, which we have done.

Mr. Deputy-Speaker: I cannot go out of the way and allow it. Even the other day I said only those Bills to which exception was not taken should be introduced. For that purpose, if the hon. Member wanted to have it expeditiously put through, he must have consulted the Government. The Government are not in a position to

make up their mind now regarding the Essential Supplies Bill.

Shri Biswas: This is a matter for the Law Ministry. My difficulty is this. On the last occasion you said that any Bills which were not opposed might be allowed to be introduced, subject to the consent of the others whose items were before these in the order of business. I did not know that the same rule would be followed today. I expected in that case that some reference would be made to the Ministry concerned to find out whether the Ministry was opposed to it or not. I quite frankly confess this. Copies of the Bill must have been sent—and had been sent—but I did not look into those Bills to find out whether to oppose them or not.

Mr. Deputy-Speaker: Hereafter I would suggest to hon. Members who have tabled Bills to ask the Ministers in advance whether they would have any objection to the Bills being introduced. This should be ascertained in advance and the Minister should be asked for his reactions.

Shri K. K. Basu (Diamond Harbour): Sir, last time it was said...

Mr. Deputy-Speaker: Hon. Members must have consulted the Ministers concerned before.

Shri Biswas: In that case, I have got formally to object to this being introduced now.

Pandit Thakur Das Bhargava: I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4).

Shri Biswas: I have to object to it.

Mr. Deputy-Speaker: Then I am not allowing it.

Shri Pataskar (Jalgaon): I hope there is no objection to the introduction of my Bill.

Shri Biswas: I am in the same position. If I had known I would have examined this Bill and come ready with my answer.

Shri V. P. Nayar (Chirayinkil): May I know if the hon. Minister is objecting?

Mr. Deputy-Speaker: The hon. Member is too alert. The Minister says that before he gives his consent he would like to know what exactly it is. Therefore it is quite reasonable.

Prof. D. C. Sharma (Hoshiarpur): What about 31?

Mr. Deputy-Speaker: Others are not agreed to.

**CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL**

(Repeal of sections 266, 267 etc.)

Shri S. V. Ramaswamy (Salem): I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 be taken into consideration."

In submitting this Bill for the kind consideration of this House I cannot do better than read the Statement of Objects and Reasons which runs as follows:

"The jury system is unnecessary and assessor system is useless.

Oftentimes the Jury returns perverse verdicts and Sessions Judges are generally disinclined to submit such cases to the High Court under section 307 of the Code of Criminal Procedure for a variety of reasons. Whatever justification there might have been for the introduction of the system, it is out-moded. Our Judiciary is one of the best in the world and the robust independence of our Judiciary is the sentinel guarding the liberty of the individual. Should there be any mistake, there are a series of appellate courts to rectify.

The economy involved in their abolition will be enormous, and the Code will become much simplified."

I need not go into the history of the Jury system. You know, in England it

was introduced during the Norman times, as a system by which they could summon the neighbours to ascertain rights to property. It was mainly with the aid of this Jury system that the famous Domesday Book was compiled later on. It was introduced in England to take the place of trial by ordeal, by hot water, by oil and by fire etc.

[**PANDEIT THAKUR DAS BHARGAVA** in the Chair]

Then ultimately the Jury System was introduced both in civil and criminal matters. I need not elaborate upon it but only I would submit that that has been claimed to be a palladium of liberty, one of the glories of the English Judicial system. It is found everywhere the English speaking nations are found. You cannot think of the English Judiciary without the jury system which is an integral part of it. The position, as briefly stated by an eminent author so far as England is concerned, is, "In England while the Jury in criminal cases operates well and is not criticised, the jury in civil cases is almost obsolete."

If the jury system in England is a success it is due to historic reasons. I shall presently submit to you, Sir, that where it has been taken to other countries with a different set up and civilisation, the jury system has not succeeded.

11 A.M.

You know, Sir, that in the American Constitution, Art. 3 lays down definitely that there shall be trial by jury in all cases except in the case of impeachment. Following upon this Constitution several State Constitutions introduced similar provisions but in the U.S.A. they went far beyond the original scope of the English system. Several modifications were introduced in several states, for instance the Jury not merely giving a verdict on a question of fact but deciding a question of law as well and as to what punishment is to be given. The system in the U.S.A. is overworked and it is under very severe criticism. I shall read only one passage from Roscoe Pound, an