

Because, today what happens is that when the agriculturist wants money, he does not go to the co-operative society or to Government. He goes to the moneylender. So, he has to sign a bond for double the amount, and if the amount is not repaid, the moneylender would get a decree on the bond and would get the land attached and sold. Naturally, there is no protection for the agriculturist. So, the land requires to be exempted.

Another argument that was put forward was that this can be dealt with by States. I think we cannot come in the way of States, if they do so. But I can tell the hon. Minister that in Bombay, which is considered to be a progressive State, so far as the land reforms are concerned, there is the Bombay Agricultural Debtors Relief Act. But, under that law, agricultural land can be attached and sold. No protection is given to the agriculturist. He is given protection only in one section. When the court declares an agriculturist insolvent, then the court may pass an order, exempting or keeping the land with him. That is the only one section in that law and even that is not in the law. That can be done under the order that may be passed by the State. Even in Uttar Pradesh there is nothing which restricts the sale of agricultural land. I have gone through that law. So, some protection needs to be given. One argument that has been advanced by my hon. friend, Shri Raghunath Singh, is that the exemption be up to 2½ acres, it is not....

**Shri Raghunath Singh:** In Banaras 2½ acres cost Rs. 8,000.

**Shri P. R. Patel:** 2½ acres in Punjab or U.P. would be just like 50 acres in some other place. What I am submitting is that up to 25 acres, it should be at the discretion of the court. The court may exempt 1, 2, 3 or 4 acres. It depends on the locality of the land and the yield of the land. In Radhanpur area in my district the value of the land is absolutely little. You go to Cutch desert and see the position. The cultivators do cultivate the land

there also. I have seen the position just near Sui village. There the value is nothing. So, in that case, the court has to take into consideration all these things.

However, when the Government is opposed to this amendment, I know the fate of my Bill. Naturally, it will be rejected. But I do not want to withdraw.

**Mr. Chairman:** Has the hon. Member the permission of the House to withdraw....

**Shri P. R. Patel:** I do not want to withdraw.

**Mr. Chairman:** The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

*The motion was negatived.*

#### PREVENTION OF CORRUPTION (AMENDMENT) BILL\*

**Shri Jhulan Sinha (Siwan):** I beg to move:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

As will be seen from the Statement of Objects and Reasons, this Bill is not intended to create any new offence or to enhance the punishments provided for in the parent Act. It is a simple Bill intended only to expedite the procedure for trial of the offences under the Prevention of Corruption Act. We know that the existence of corruption in this country is admitted by all parties, including this side of the House as well as that side. We are not here now to adjudicate the extent of the prevalence of corruption in this country. The very enactment of the Prevention of Corruption Act shows that the Government itself is aware of the existence of corruption in this country. Therefore, they have taken steps to prevent offences relating to corruption by public servants.

[Shri Jhulan Sinha]

What I intend to provide in this Bill is not, as I said in the beginning, to enhance the penalty provided under the Act or create any new offence, because when I read this original Act, after the comprehensive experience we had during the last general elections, especially in the mufassil areas, I felt that the provisions in the Prevention of Corruption Act were certainly comprehensive to entrap anybody who commits an offence under the Act. But what is lacking is speed in the proceedings under the Act. I remember quite well that when we came to Parliament during the first Parliament there was the case of the ex-Secretary of the Commerce and Industry Ministry, Shri Venkataraman. I remember that it went on for three or four years to go up to the High Court. The case, as we all know, resulted in the conviction of the gentleman concerned. Government decided in that case that others are also involved, besides the accused, for other offences. This long period of three or four years not only entailed loss of time but also loss of efficiency and harassment to the parties concerned. I have in my possession the figures for one year, the year was 1955. From the answer to Unstarred Question No. 518 dated 23rd March, 1956 I find that during that year, 1955, according to Government records, there were 125 new cases, and pending cases during that year amounted to 150. The total number of cases before the Government during that year was 275. Out of this total, 38 ended in conviction during that year, 43 ended in acquittal and 193 remained pending till the end of 1955. This is the rate at which trial of offences under this Act proceeds. If this be the general trend of the trial of offences under this Act, it is obvious that all parties concerned do not feel quite at ease, rather they must be very much harassed by the length of the proceedings.

Besides, because of the special nature of the offences envisaged in the Prevention of Corruption Act, it is not

only the parties that are concerned, but the country also in general is concerned with these offences. We know, however much we may credit ourselves with having achieved this improvement or that improvement in the country, when we go to the common man who is not directly benefited by the Bhakra Nangal or Damodar Valley or such bigger schemes, what pinches him is these little things with which he comes in contact everyday.

Without incurring the risk of exaggeration, I may say that when we were in our younger days in school we generally believed that the Education Department and the post offices were altogether free from any tinge of corruption, but the state of things now has worsened to such an extent that it is very difficult to imagine a department of the Government, specially in its lower ramifications, where the thing is not noticeable. It might be in a lesser quantity somewhere and at other places in a little bigger doses, but the existence is so comprehensive, so widespread that the country itself is very much concerned over the existence of this offence and the steps to remedy this situation.

17.12 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

I have, therefore, taken this opportunity of telling the Government anyhow that the state of things is essentially one of extraordinary nature in the country, not only because of the special nature of the offence, but because of its more comprehensive prevalence. I quite admit that the procedure provided for in this Bill, I mean the summary procedure for the trial of an offence under the Prevention of Corruption Act, is certainly an extraordinary thing. Under the Criminal Procedure Code, we know only minor offences have been described as coming within the provisions of summary trial. So far as the Prevention of Corruption Act is concerned, we know the sentence in some cases largely extends upto seven years. So,

when a man like me who certainly is conversant with the provisions of the Criminal Procedure Code, the intention behind the enactment of that Act and the way in which it is administered in the country, thought of the summary procedure for offences under this Act, what was weighing in my mind was not the ordinary procedure that is followed under the Criminal Procedure Code or the ordinary state of things envisaged therein, but the special nature of offence envisaged in the Act and the special nature of interest that the country has in the eradication of this offence. Now, that the people concerned in this Act are the public servants. . . .

**Mr. Deputy-Speaker:** The hon. Member may like to continue his speech next time.

**Shri Jhulan Sinha:** Yes, Sir.

**HINDU SUCCESSION (AMENDMENT) BILL**

**Mr. Deputy-Speaker:** Shri Hem Raj may introduce his Bill.

**Shri Hem Raj (Kangra):** Sir, I beg to move for leave to introduce a Bill further to amend the Hindu Succession Act, 1956.

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

"That leave be granted to introduce a Bill further to amend the Hindu Succession Act, 1956."

*The motion was adopted.*

**Shri Hem Raj:** Sir, I introduce the Bill.

17.15 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 5th May, 1958.*