

House, between the hours of 10 A.M. and 1 P.M. on the 6th September.

NOTICE OF MOTION FOR PAPERS

SHRI P. SUNDARAYYA (Andhra): Sir, before the hon. Minister starts, I would like to say that I have given notice of a motion for papers.

MR. DEPUTY CHAIRMAN: It is being considered.

SHRI P. SUNDARAYYA: In the newspapers also I read about the Labour Minister's resignation.

MR. DEPUTY CHAIRMAN: It is being considered.

SHRI P. SUNDARAYYA: Will it ' be fixed up early?

MR. DEPUTY CHAIRMAN: The Chairman will consider it.

THE RAILWAY STORES (UNLAWFUL POSSESSION) BILL, 1954— continued

THE DEPUTY MINISTER FOR RAILWAYS AND TRANSPORT (SHRI O. V. ALAGESAN) : Sir, I shall briefly reply to some of the points raised re- : garding the amendments that have been moved by hon. Members. I shall take first the amendment of my friend, Mr. Gupta, which says:

"Provided that if the accused person merely affirms that he came into possession of such railway stores without knowing them to be stolen property, the burden of proof shall shift to the prosecution."

Here it is very easy for any accused to affirm that he came by it without . any knowledge of its having, been stolen. As soon as he does thajfiT then it becomes the duty of the prosecution to prove that it was stolen property. In fact under this Bill we are not going to prove that any property

is stolen because for this *very* reason we want this special measure as it is difficult to prove theft.

Again regarding the onus of proof being on the prosecution and not on the accused, speeches were made. I should like to clarify the position with regard to that. Wherever the object is to prevent public stores or essential supplies being stolen, the law places the burden on the accused to prove that he came into possession of the article lawfully. The principle in all these cases is that because of the difficulty in proving the offence, the burden can quite legitimately be placed on the accused to show the circumstances in which he came into possession of the articles in question as the circumstances relating thereto would be within his special knowledge. Section 106 of the Evidence Act itself recognizes this principle when it says that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

By way of further illustrations, section 15 of the Essential Supplies (Temporary Powers) Act, 1946, may be quoted. It says that where any person is prosecuted for contravening any order which prohibits him from being' in possession of a thing without lawful authority or permit, the burden of proving that he has such authority, permit or license shall be on him. Similarly, section 24 of the Foreign Exchange Regulation Act of 1947 provides that where any person is prosecuted for contravening any provision of that Act which prohibits him from doing that act, without permission, then the burden of proving that he had the requisite permission shall be on him. Also there is a similar provision in the Madras Coffee Stealing Prevention Act of 1878—as far back as that. Also the Military Stores Unlawful Possession Ordinance of 1943 contains provisions identical with those in the present Bill. All this will show, Sir, that this principle of shifting the onus of proof to the accused is not being resorted to

[Shri O. V. Alagesan.] for the first time in this Bill. This principle has been accepted in all these legislations that had gone before the present measure.

Then, Sir, I come to Shri Kishen Chand's amendment where he wants the property to bear a distinctive mark. He also wants to lay down a restriction on the value of the article involved. I have already referred to this aspect in my speech yesterday, namely, the putting of a distinctive mark. That mark is there and if it is left there without being erased, then naturally the proof that it is railway property is there and the accused will have to prove that he came by it lawfully. As for fixing a value, I would not like to place any such limit for this reason that it is not so much the recovery of the stores stolen or the property or anything like that that we are concerned. It is not the intrinsic money value of it that matters so much as the fact that this kind of evil has to be prevented, because it causes great dislocation to railway operations and other inconveniences. So I would not like to bind myself by putting a limitation on the value of the property at, say, Rs. 5 on the article stolen.

Then Mr. Karimuddin moved a number of amendments. The first one.....

SHRI GOVINDA REDDY (Mysore): That is a good one.

SHRI O. V. ALAGESAN: No, it is not a good one, and, as I have already said, it goes against the very principle of the Bill as it throws the burden of proof on the prosecution, which is not the intention of the Bill, and it is not possible, for us to prove that the property has been stolen.

In his next amendment he wants the words "or with fine" to be substituted by the words "and with fine." Now as the provision stands, the

punishment can be imprisonment for five years or fine or both and my hon. friend wants that in all cases there should be fine. I do not agree, because I do not want to fetter the discretion of the court in this matter.

Also it is difficult to establish the identity, to prove the identity, because quite often the thing may be shortened a bit or altered in shape so as to look different, though it will still continue to be railway property.

KAZI KARIMUDDIN (Madhya Pradesh): Have it as "belief in the identity".

SHRI O. V. ALAGESAN: The words used in the Bill are "such article" and if the hon. Member wants the strict identity to be established, then it becomes difficult, because, as I said, the shape of the thing can be easily altered or it can be shortened or otherwise altered and then the purpose of the Bill will not be served.

Then I think there was another point raised—also by Kazi Karimuddin, I think. He pointed out the discrepancy in that a man who actually steals a thing is given three years' imprisonment whereas if a man comes to be in possession of something which he is not able to prove as having come into his possession lawfully, he will be awarded five years. That is to say, it looks as if the bigger culprit gets a lighter sentence and the smaller culprit gets a heavier sentence. I think that was the point raised by him.

KAZI KARIMUDDIN: Yes.

SHRI O. V. ALAGESAN: Here, I may point out that this Bill as it is worded, is comprehensive enough to bring within its clutches those who actually steal. The existing words are—"Whoever is found, or is proved to have been in possession of any article of railway stores." So whoever is found to be in possession of the article will be punished. Whoever is proved to have been in possession of it will also be punished.

KAZI KARIMUDDIN: That does 'not apply to theft.

SHRI O. V. ALAGESAN: Suppose j A steals a thing and he is m possession of it, the railway store. He comes under this provision, for he is in possession of it. He is the man who committed the theft and he is in unlawful possession of the article of railway stores. He gets not three years, but five years, even without our having the necessity to prove that it was stolen by him.

KAZI KARIMUDDIN: If he is not in possession of it?

SHM O. V. ALAGESAN: I am coming to that. Suppose A steals and then passes the article on to B. B is in actual possession of it and suppose B is able to prove that he came by it lawfully also. Let us take it that he is able to prove it by saying that he came by these articles by purchasing them lawfully from A. In that case A will be brought under the mischief of this Act and he will be given 5 years. That is to say, A who has stolen in the first instance, will be punished and there is a chance of B being let off.

KAZI KARIMUDDIN: He cannot be punished under this Act, and hence my amendment.

SHRI O. V. ALAGESAN: He can be punished, because he has been proved to have been in possession of the railway stores, though the particular article is not in his possession at that time. He has been, some time before, in possession of railway property and so he can be punished. So the fear that the man who commits a theft is let off with lighter punishment is not founded on any valid ground.

Sir, I think that is all that I have to say with reference to the various amendments that were moved. I beg to be excused for being unable to accept any of those amendments.

MR. DEPUTY CHAIRMAN: Do you press your amendment, Mr. Gupta?

SHRI B. GUPTA (West Bengal): Yes, Sir.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 1, after line 17, the following proviso be added, namely:— 'Provided that if the accused person merely affirms that he came into possession of such railway stores without knowing them to be stolen property, the burden of proof shall shift to the prosecution.' " The motion was negatived.

MR. DEPUTY CHAIRMAN: Next is Mr. Kishen Chand's amendment and he is not here. I shall put it to the vote of the House. The question is:

"That at page 1, at the end of line 14, after the word 'administration' the following words be inserted, namely: — 'on account of its bearing a distinctive mark and is of value in excess of rupees Ave.' " The motion was negatived.

MR. DEPUTY CHAIRMAN: Does Mr. Karimuddin press his amendments?

KAZI KARIMUDDIN: I beg leave off the House to withdraw all my amendments.

The amendments* were, by leave of the House, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

MR. DEPUTY CHAIRMAN: There are no amendments to clauses 4, 1, the Enacting Formula and the Title of the Bill.

Clause 4 was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

*For text of amendments *vide* col. 810 (*Supra.*)

SHRI O. V. ALAGESAN: Sir, I beg to move:

"That the BUI be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI B. GUPTA: Mr. Deputy Chairman, this morning I find in the press that a Minister has resigned, and I suppose this has caused affliction to the happy ministerial family. Therefore, I would not like to say much, because I do not like to add to the afflictions of the ministerial family, following on its anti-national and unpatriotic policy.

SHRI GOVINDA REDDY: He seems to be afflicted.

(MR. DEPUTY CHAIRMAN: That has nothing to do with this Bill.

SHRI B. GUPTA: But this is only by way of preface, Sir, for in the morning we should begin well. Now I come to the Bill.

At every stage we have thought it necessary to oppose this measure and we shall continue to do so till our last chance. Sir, we have listened with care to the arguments put forward by the hon. Minister and we are not at all convinced either by his logic or by his assertions. This Bill, it is gratifying to note, has been opposed by Members from that side of the House too; but I regret that the whip of the Congress democracy will so function that they will not be able to vote with us against this Bill. Nevertheless, I would have no quarrel with the friends who have spoken against it.

We made out that this Bill is a departure from the criminal jurisprudence and a Member from the Congress benches, Mr. Karimuddin, made that point very ably. He may have withdrawn his amendments, but his reasons and arguments are there and,

echoing his sentiments, I would say that the hon. Minister has not been able to meet the points. The Bill throws to the four winds the semblance of rule of law. It introduces methods of trial that are repugnant to natural justice. In the name of protecting public property, it hits the fundamental rights of the citizens to be regarded as innocent unless they are proved guilty beyond all reasonable doubt. Certain citations have been made here and the hon. Minister has referred to the Essentials Goods Act, Military Stores Act and such other Acts. First of all, let me make it clear that one wrong does not justify another; one evil should not be allowed to import another and, therefore, Sir, on that ground I think these references are immaterial for us. Coming specifically to these Acts, they are of a different nature; some of them were promulgated at a time of national emergency and some of them relate to certain specific items which could be identified and which are not likely to be in the possession of ordinary citizens. If such things are found in the possession of a private individual, it may well be assumed that he came into possession of such article with the knowledge that he was taking into possession something which he should have never taken into possession. Therefore, Sir, I do not see the relevancy of the citation of those particular measures. In any event, Sir, those measures only support and stress the fact that such measures which go against the fundamental tenets of law should not be indulged in by the Government and that their number should not be increased. It has been said that they want this measure to protect public property. Now, very great concern has been shown with regard to public property. I wish, Sir, that this was backed by the past experience and past deeds of the Congress Government. I should have thought that more attention would be given to see that the jeep scandals do not recur, that similar scandals do not recur, that the Sindri scandals do not recur, where crores of rupees are wasted and squandered away out of the public exchequer.

quer. Therefore, it is a false pretence when, in justification of this measure, the Government says that it is going to protect public property. If it were really such a thing that the public property could not be projected[^] *exccjx* by this measure, one could understand the necessity or at least the justification for bringing up such a measure for the consideration of this House. No such situation has arisen; there is no reason whatsoever for departing from the established law. In our view, public property could have been and may be protected by other means than this. This is something which the hon. Minister does not seem to realise even at this hour. We feel that the object of the Bill will be defeated if this measure is passed. We say this because we know that this measure will be utilised not for catching the big ones—and all big ones are not bad, that point I make clear—who are responsible for the corruption, for smuggling out stores and the materials from Government godowns. On the other hand, this will be utilised for penalising and punishing the small men, the under-paid, semi-starved and poverty stricken railway employees and citizens in order to justify the Government claim that it is fighting out corruption from its department. For the big men, it would be a convenient cover to hide their secret machinations which are responsible for these thefts, pilferages of railway stores. Those men will not be called to book; we know that. Now, you may ask, "Why do you say that?" We are not lawyers in practised life. It is by -chance that I studied law and, therefore, when I am referred to as a lawyer, it makes me laugh. We are men with some amount of commonsense; we go by the common experience of the common man and during the seven years of Congress regime, one thing that we have learnt clearly is that the big people are above law; the hand of law does not reach out to them. They are protected from all quarters by the great ones, including the ones that sit in New Delhi, in the ministerial places. Therefore, they will go scot-free. Many instances of corruption have been cited and can they cite a single R.S.D.

example where a big man has been hauled up, prosecuted and penalised? There may be one or two cases but if you take into account the immensity of corruption .

SHRI H. C. MATHUR (Rajasthan) I
They are all innocent because we bring them to notice.

SHRI B. GUPTA: Some people have been put up for trial; they are the scape-goats of this regime of Congress. We know that poor people are going down; but surely there are many others high up who have to be put up for trial. How many of them had been arrested? I ask them, how many of these Ministers, how many of the big officers responsible for such corruption all through, have been put up for trial and the country shown that the Government is trying really to eradicate corruption? None at all, none at all, and whatever steps have been taken is because we are raising a howl in this House and outside or it is because the crime committed is so much in open day light that until and unless they are arrested it would be too difficult for the Congress Ministers to hold on and, therefore, some are arrested—a few of them—but many go scot-free and they are flourishing in their places. Some are being promoted to higher posts. Therefore, it gives us no consolation whatsoever when the Ministers tell us that everybody is equal in the eyes of law. We know what happens to the law in the present set-up of things. Law treats people in different ways because the administration of justice is something which is being vitiated, perverted, in the hands of the rulers. Big people will not be arrested but we know that this measure, at the same time, will be utilised for wreaking vengeance on the railway employees. I make this point very clearly because we know that the Government is absolutely hostile to its employees. You have seen what attitude the Government took in the case of the Bank Award; the situation becomes so hot that even a Minister finds it difficult to hold on and he has tendered his resignation. The same thing will be done elsewhere. The small men, the railway employees who

[Shri B. Gupta.] are protesting against the Government circular, the behaviour of the railway administration in bringing false charges, will be pounced upon by the administration, armed with this measure and they will be prosecuted for theft of railway stores and those employees would be maligned before the public as if they are corrupt. The hon. Minister said that it was necessary for moral revival. I wonder how he could dare teach morality to the people. Morality has been slaughtered in high places and the revival, if it has to be made, should be made there. I will advise the Ministers to come in sack cloth, and ashes before the public and do a little bit of self-cleaning before they dare to teach morality to the public. Common people are honest; common people love public properties and they are not thieves and swindlers so that a law should be passed to penalise them like this. If there are individuals, they can be tackled under the ordinary law and the criminal law of our country is comprehensive enough to deal with such offences. He is not satisfied with that. He wants an extraordinary measure to deal with such people. Whenever it comes to the question of hitting against the people, always they come with extraordinary measures such as this. Whenever it comes to the question of subduing the bank lords and people high-up they plead helplessness. On the contrary, they submit to their dictates. Therefore, Sir, we know what will happen. Railway properties will not have been saved. We are very much interested in saving such properties, all the same railway properties and stores will not have been saved by this measure. It will be used as a means of oppression, as an engine of suppression against the small people and a screen for the big people. And therefore, Sir, we strongly oppose this measure. It is a bluff on the people. It is a deception perpetrated on the people. It is a screen for hiding the crimes of the big men. The crime has to be traced to its very roots and these real criminals have to be found out where-ever they may be.

Sir, the hon. Minister has demonstrated a posture of mind which alarms us. He is not even prepared to listen to the criticism in opposition to the Bill that came from that side. They are not communists; they are not oppositionists. They are people of his party who thought in their wisdom that something should be said about it, that some criticism should be made. He made fun of the lawyers here. He said that they were indifferent lawyers. Now, Sir, you are a lawyer, I know. I do not know whether you come under that category of indifferent lawyers or not. I hope you do not. Now he characterised them as indifferent lawyers even after hearing their legal arguments although he did not meet a single one of them. He said that they are indifferent lawyers and he would not like to be an indifferent lawyer. Now I do not know, Sir, if he is quite sure that he is not making an indifferent Deputy Minister. It is for him to find out.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. GUPTA: Now, if a choice were to be made between an indifferent lawyer and an indifferent Deputy Minister, I would certainly go in for an indifferent lawyer because an indifferent Deputy Minister is much more than what ten thousand indifferent lawyers can be. That is what I can tell you. Therefore, it is no use trying to be smart, in displaying undergraduate smartness. That does not become a responsible Deputy Minister. He should get up, meet all the points that are made, assail all arguments with arguments and not cast aspersion on anybody or deride those people. It has been shown in the course of the debate that they are opposed to the Bill in its present form, almost everybody including Congressmen, the moment they raised their voice. We were told yesterday that democracy is intelligent, but I regret that intelligent democracy has been placed in rather much too arrogant hands and I hope, Sir, it will be the duty of the Congressmen here to sal-

vage that democracy being stultified by the arrogant people and if they do not listen to their voice, I hope there will be many more to resign from the Government, many more to resign from the Congress Parliamentary Party. They must teach them to bow to democracy. Before they try to instruct democracy they should cultivate the spirit of getting instructed by it and this is something which I wish to tell this hon. Deputy Minister for Railways because I know that he has been developing at a very fast rate a frame of mind which is not only not redounding to his credit but also

MR. DEPUTY CHAIRMAN: Order, order

SHRI B. GUPTA: Anyhow, Sir, I would not say anything more and I hope a reply will be made.

I am opposed to the Bill in principle. I am opposed to it from the point of view of its procedure. From the *very* way the Minister has spoken on this measure, the real mind behind this measure has been revealed and since the Congressmen also do not like this measure I hope the Congress Members will be allowed a free choice in voting on this matter so that, at least on one matter they can vote freely without the party whip being applied, without people being drilled into voting in a particular way against our proposal or in support of this Bill.

That is all I wanted to say.

SHRI S. MAHANTY (Orissa): Mr. Deputy Chairman, Sir, if I crave your indulgence at this stage for a few minutes, it is precisely for two reasons. Firstly I consider it my duty to dispel some misunderstanding which my earlier speech inducted into the hon. the Deputy Minister and secondly to make an appeal even at this late stage to the House to shun this Bill.

Now, Sir, the hon. the Deputy Minister was "shocked" when he heard *my* arguments that I made during the first reading of the Bill. Sir, sleeping con-

science is always shocked when suddenly roused and rudely awakened; I am also afraid, Sir, he went and delved in matters which were too deep for him. I said, I quite appreciated that the Government should take steps to stop thefts

'Iway property, but at the same time I also said that the Railway Ministry itself was a party to a bigger theft which is being carried on a larger scale by taxing the consumers of this country without providing them amenities commensurate with increased fares. Now he said, Sir, Parliament set its seal of approval to the increased fare. True, but I am afraid, Sir, Par-

nt is largely becoming a facade for, all acts of omission and commission of the Government. Well, no doubt Parliament increased the fares, but if he would care to go through the debates, he would find that Parliament also specifically directed the Railway Minister to spend increasing amounts on the passenger amenities. Sir, think of the trains moving in the countryside, in my part all local trains without electric lights in the night. So, Sir, a passenger may take it into his head that if these electric bulbs are not meant for giving light they could as well be removed so that people may burn them and make use of them. That is what I wanted to impress on him. I am at one with him for taking steps to stop theft of railway property, but he should first see that this larger theft is stopped—I said it figuratively meaning thereby that larger amenities for the passengers will be provided. Therefore this is not "chaotic logic" nor is this a "confusing argument" and I wonder why the hon. the Deputy Minister should have made much of it. Secondly, Sir, the hon. the Deputy Minister congratulates himself for representing an intelligent democracy. Well, Sir, I do not know what that intelligent democracy is, but after having attended and watched the course of this debate I come to the conclusion that an oligarchy is in power and pretends to represent an intelligent democracy. Sir, if anyone would care to make an analysis of the speeches which have been made from that side of the House, he would find that practically

[Shri S. Mahanty] there was unanimity that some of the provisions of this Bill should be so framed as to be in conformity with the accepted notions of jurisprudence and natural justice. Well, there were the amendments moved by my friend, Mr. Karimuddin. There were also other speeches which condemned this sacrifice of high juridical principles. To prove the inefficiency of the Railway Administration a case was also cited by my hon. friend Mr. Narasimham. He made a very able point and said that though the Ordinance was there, though a case of theft was reported, still no action was taken for which the Ordinance gave ample powers to the Administration. So what we feel is that Government need not ask for extraordinary measures to stop these thefts, when they have already ample powers to face and control the situation.

Now, Sir, the hon. the Deputy Minister was asking for concrete examples. I am giving him an example. He must have

MR. DEPUTY CHAIRMAN: It is too late in the day. We are in the third reading stage.

SHRI S. MAHANTY: Even at this late stage I am making an appeal to the hon. the Deputy Minister to desist from still pressing this Bill for its acceptance, and in that context I am giving him an example. He must have known there is a very big railway store in Kharagpur. Sir, once in this Kharagpur junction I had to come in contact with a high railway official—I am not going to name him—a high railway official who is in charge of this railway store. He told me that this theft of railway property is largely a post-war phenomenon and when the Railways were under company-management theft of railway property did not assume the alarming proportion that we find today. He said, "Here is a railway store which is heavily guarded by armed police constables. It has also a barbed wire fencing." But he told

me that if anyone were to investigate how much railway stores are being purloined from there, then the story would be Quite revealing. What happens is that persons who are in charge of stores abet in these thefts. Now, an amendment was moved to the effect that connivance in these thefts should also be made a punishable offence but the hon. the Deputy Minister would not accept it in his wisdom. Since without the connivance of the railway people these thefts cannot take place, if this Bill is placed on the Statute Book as it is, railway property will still continue to be removed from the stores and sold in the market freely. Since the railway properties do not carry an imprint of their own to distinguish them from other similar products sold in junk shops, the result will be that many innocent persons who might not have gone in for such goods if they had known that they were purloined Railway property will purchase them and when detected will be victimised. In other words, enactment of this Bill will be putting a premium on the sad inefficiency of the Police and the corruption that is most unfortunately prevalent now in certain sections of the Railway Administration. Therefore I venture to suggest that this House should reconsider the position and should never give its seal of approval to this Bill which is repugnant to all sense of natural justice

SHRI H. C. MATHUR: Sir, I want to say a few words.

MR. DEPUTY CHAIRMAN: Mr. Mahanty has already spoken.

SHRI H. C. MATHUR: I will not repeat. Sir, I will take only two minutes.

MR. DEPUTY CHAIRMAN: All right; just two minutes.

SHRI H. C. MATHUR: Sir, I am not repeating any of the arguments of my hon. friend here. Of course, there can be absolutely no compromise on the

principle involved in the provisions of clause 3 and I am as strong about it as I have been and I stand fully unconvinced about what the hon. the Deputy Minister has said. I only just want to know this. As it happens

MR. DEPUTY CHAIRMAN: You want information?

SHRI H. C. MATHUR: No, Sir, not information. I just want the Minister to consider it. As it happens, in more than half the part of the country this provision is already there and we have seen the operation of that Ordinance in Part A States, while in Part B States there was no such provision. May I ask the hon. Minister to give us facts and figures to show whether in Part A States where they had the benefit of the provisions of this Bill they have been able to control the situation any the better than in Part B States?

[MR. CHAIRMAN in the Chair.]

The provisions of this Bill have been in force in Part A States for more than eight or nine years while this power was not available to them for dealing with the situation in Part B States. I would like the hon. Minister to let us know whether with this handle which they had they have been able to control the situation any better in Part A States. As I said, no facts and figures have been given and if there is no justification even on that ground, then I think it will be wholly unjustified to pass this measure. At least the hon. Minister should satisfy himself and if he could satisfy this House that the provisions of this Bill had been more helpful to them, that the state of affairs in Part B States has not been as good as it should be and that by extending the provisions of this Bill, they will be able to improve the situation, then at least we will have the satisfaction, in spite of our opposition to the Bill on the matter of principle, that there is a certain emergency and that with the passage of this Bill, the situation in the country will improve.

10 A.M.

SHRI O. V. ALAGESAN: Sir, I do not think I have to say much at this stage. The speeches of the hon. Members contained little new argument and at least the speech of one hon. Member contained a lot of personal abuse. I do not think I am going to reply to the abuse part of it because

SHRI B. GUPTA: I never abused you.

SHRI O. V. ALAGESAN:the best course is to smile at abuses and try to continue to be considerate to the Member who hurls abuses and substitutes abuses for arguments, and I propose to take that line towards my hon. friend sitting over there. As I said, no new point has been brought out.

As for the query of my hon. friend, Mr. Mathur, perhaps he was not present while I was replying yesterday or perhaps he missed that part of my speech. In fact, I said that many Part A States were under the impression that this Act had lapsed because it bore the name of Ordinance. In fact, I said that it was rusting in our hands and that it was not being used properly. And during the last three months when this was brought to the notice of the States, there has been a drive in Bombay and I also gave the figures. So I will not repeat myself on that point again. We certainly propose to make use of this Act not to catch only small men, but this Act will be applied with impartiality, whoever is the culprit, without any difference of big or small. Sir, I do not think the judiciary of this country deserves any of the aspersions that have been cast upon it by the hon. Member in his speech and I am sure the Act will be administered impartially. I have nothing more to add. Sir, and I commend my motion

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.