

DR. K. N. KATJU : Apart from consideration, in many cases it may be desirable.

SHRI P. SUNDARAYYA : Is it a sign of a civilised Government to handcuff your detenus in this manner ?

(No answer.)

SHRI P. SUNDARAYYA : Is the reply "Yes" ?

DR. K. N. KATJU : I am not bound to answer it.

MR. CHAIRMAN : He is not answering it.

## PAPERS LAID ON THE TABLE

### TARIFF COMMISSION'S REPORT

THE DEPUTY MINISTER FOR COMMERCE AND INDUSTRY (SHRI D. P. KARMARKAR) : Sir, I lay on the Table a copy of each of the following papers :—

1. The Tariff Commission's Report on the continuance of Protection to the Motor Vehicle Battery Industry\*.

2. Government of India Resolution No. 5 (2)-T. B./52, dated the 2nd August 1952.†

3. Government of India, Ministry of Commerce and Industry, Notification No. 5 (2)-T. B./52, dated 2nd August 1952.‡

### THE COMMISSIONS OF INQUIRY BILL, 1952—continued.

MR. CHAIRMAN : We will now proceed with the further consideration of the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, as passed by the House of the People. We had completed three clauses yesterday. The motion now is that clause 4 of the Bill do stand part

of the Bill. Mr. Rajagopal Naidu had given notice of an amendment to this clause.

SHRI RAJAGOPAL NAIDU (Madras) : Mr. Chairman, I move :

That sub-clause (c) of clause 4 of the Bill be deleted ; and the subsequent sub-clauses be renumbered accordingly.

In short, my object in moving this amendment is this. If you allow evidence to be received on affidavit, that would certainly cause a certain amount of hardship in such enquiries. We know what kind of evidence is received on affidavits. We have seen in law courts that when evidence is received on affidavit, there is also counter-evidence being received on affidavit. It is only in certain special cases of summary enquiries that evidence is received on affidavit. There is one difficulty in getting evidence on affidavit. In those cases it will not be possible to cross-examine that kind of evidence. That is the difficulty and in all such important enquiries, if the party has no opportunity to cross-examine the witnesses, certainly it would cause great hardship. Further, clause 6 provides such a lot of protection to the witnesses. It says :

"No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement."

This degree of protection is so great that even if a man gave false evidence on affidavit, he will be protected by this clause. Therefore, for this purpose, I have suggested that this sub-clause (c) may be deleted from clause 4 of the Bill.

THE MINISTER FOR LAW (SHRI C. C. BISWAS) : I don't quite understand what the hon. Member wishes to achieve by means of this amendment that he has proposed. There are true affidavits and false affidavits, as we all know. Power is given to the Commission to receive evidence on affidavits. It is again for the Commission to decide whether the evidence that has come before it on affidavits is false or true. If anyone feels that

\* Placed in Library, No. IV.R.103(32).

† Placed in Library, No. P-49/52.

‡ Placed in Library, No. P-50/52.