

**Mana Lal Vs. State**

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**Court :** Rajasthan

**Decided On :** Sep-03-1969

**Reported in :** 1969WLN361

**Judge :** B.P. Beri, J.

**Appeal No. :** S.B. Criminal Revision No. 95/1969

**Appellant :** Mana Lal

**Respondent :** State

**Disposition :** Application dismissed

**Judgement :**

**B.P. Beri, J.**

1. This is an application seeking the revision of the order passed by the Special Judge, Rajasthan, Jaipur City dated the 14th of February, 1969, whereby he held that the Delhi Special Police Establishment had authority to investigate this case and he had jurisdiction to try it.

2. A few facts may be stated to appreciate the objections raised by the accused-applicant Manna Lai. He was an Accounts Clerk-cum-Cashier during March and April, 1964, in the office of the Officer Commanding, 57 Rajasthan Battalion N.C.C., at Bikaner. The prosecution alleged that it was his duty to encash bills

from the banks and disburse the amounts to the staff and to account for the moneys so received and paid. On the 13th of April, 1964, when the cash box in charge of the applicant was opened it disclosed a shortage of Rs. 1,692,36 and the prosecution says that he had mis-appropriated the amount. The Delhi Police Establishment investigated the case and submitted a report. A criminal case No. 22 of 1965 was registered by the Special Judge, Jaipur City, evidence was led and the defence questioned the validity of the sanction to prosecute, and the plea was sustained and the entire proceedings were quashed on 23-7-63. On 31-8-68 another charge sheet was submitted with a fresh sanction before the Special Judge No. 2, Jaipur City, Jaipur. This time the applicant challenged the authority of the Delhi Special Police Establishment to investigate and that of the learned Special Judge over-ruled both the objections and therefore Manna Lal has made this application before this court.

3. It is not disputed by learned Additional Govt. Advocate that Manna Lal is an employee of the Rajasthan State. The argument of the learned Counsel for the applicant is that having regard to the Statement of Objects and Reasons, of the Delhi Special Police Establishment Act, 1946 (hereinafter called 'the Act') the officials of that Establishment are not competent to investigate the cases which do not concern the Central Government. The learned Additional Government Advocate submitted that the Act came to be amended in 1952 and on account of that amendment read with Section 6 and the letter of the Chief Secretary to the Government of Rajasthan bearing No. PB-27/Home. A-5 of 18-12-56 entitled the Delhi Special Police Establishment to investigate cases even in regard to the Rajasthan State employees.

4. Two questions emerge from the contentions raised by the learned Counsel for the applicant. The first is whether the statement of Objects and Reasons of a statute can be looked into for the purposes of interpreting a given provision of a statute and the second is what is the effect of the 1952 amendment in the Act.

5. All the High Courts in India are agreed that the statement of objects and Reasons must be excluded from consideration while construing an Act of Legislature. Reference in this connection may be made to *Debendra Narain Roy v.*

Jogendra Narain Deb and Ors. AIR 1936 Cal. 593, Ratansi Hirji v. Emperor AIR. 1929 Bom. 274, Katamreddi Ramireddi v. (Paderala) Shreeramulu Reddi and Ors. AIR 1933 Mad. 120, Kunwar Bahadur Singh v. Sheo Shankar : AIR1950 All327 . Their Lordships of the Supreme Court in Aswini Kumar Ghose and Anr. v. Arbinda Bose and Anr. AIR 1952 SC 66 observed that where the words of the statute are quite clear and unambiguous, the Objects and Reasons are not admissible as an aid in the construction of the statute. In S.C. Prashar and Anr. v. Vasant Sen Dwarkadas and Ors. : [1963]49ITR1(SC) , Das J. Observed,-

It is indeed true that the Statement of Objects and Reasons for introducing a particular piece of legislation cannot be used for interpreting the legislation if the words used therein are clear enough But the Statement of Objects and Reasons can be referred to for the purpose of ascertaining the circumstances which led to the legislation in order to find out what was the mischief which the legislation aimed at.

6. Thus for the purposes of appreciating the historical background of an amendment the statement of Objects and Reasons can be referred to. Let us therefore examine the Statement of Objects and Reasons which led to the passing of the Act and its amendment in 1952.

In 1943 the Government of India set up a police staff called the Special Police Establishment (War Department) under the Special Police Establishment (War Department) Ordinance No. XXII of 1943 for the purpose of investigating offences of bribery and corruption connected with the Departments of the Central Government.... The object of this Bill is the retention of the special police staff as a permanent organisation by means of legislation. Under the terms of the proposed Bill the force will be able to conduct investigation in all Provinces with their consent. All Provincial Governments with the exception of Sind have agreed to the special police staff functioning in their jurisdiction.

1952 - The objects and reasons for the amendments made by Act 26 of 1952 are stated as follows : 'The Delhi Special Establishment is a Central Police Force constituted under the Delhi Special Police Establishment Act to investigate offences of bribery and corruption committed by officers or others in departments

of Central Government. It does not confer any power to deal with cases concerning-

(a) corporation and other bodies set up and financed by the Government of India; and

(b) departments of the administrations in centrally administered States.

It is considered necessary that the Delhi Special Police Establishment should be empowered to investigate such offences. The amending Bill seeks to give authority to the Central Government to confer this jurisdiction.

By the amending Act 1952, Section 3 of the Delhi Police Establishment Act was amended. Originally it read as follows-

The Central Government may, by notification in the official Gazette, specify the offences or classes of offences committed in connection with matters concerning departments of the Central Government which are to be investigated by the Delhi Special Police Establishment.

Note: The underlining is by me.

7. The argument of the learned Counsel is that according to the Statement of Objects and Reasons what the 1952 Act intended to do was merely to cover corporations and other bodies set up and financed by the Central Government and the departments of the Administration in centrally administered States. I am unable to agree. The omitted words, which have been underlined by me in Section 3 have the effect of extending the territory of operation of the Delhi Police Establishment by the removal of these restrictive Words. The area of functioning having thus been enlarged it is erroneous to confine it merely to what has been indicated in the Objects and Reasons. The language of the section being clear it is not necessary to refer back to the objects and Reasons to reimpose a restriction and limitation which the words do not warrant. The object by removing these words was plainly to permit the Delhi Police Establishment to combat the evil of corruption and bribery and other offences in a larger field. It is erroneous to treat the words of the objects and Reasons as if they were a part of the statute.

8. In this connection reference to Section 6 of the Delhi Special Police Establishment Act, 1946 might also be made. It provides.

Consent of State Government to exercise of powers and jurisdiction : Nothing contained in Section 5 shall be deemed to enable any member of Delhi Special Police Establishment to exercise power and jurisdiction in any area in a State, not being a Union territory or railway area, without the consent of the Government of that State.

This section places a restriction on the member of the Delhi Special Police Establishment from exercising powers in any State without the consent of the Government of that State. Letter No. PB.(27)36/Home-A-55, dated the 18th of December, 1956 from the Chief Secretary to the Government of Rajasthan to the Secretary of the Government of India in the Ministry of Home Affairs, New Delhi, the Rajasthan Government has agreed that the members of the Delhi Special Police Establishment may exercise powers within the State of Rajasthan. The consent having been accorded, the members of the Delhi Police Establishment could certainly investigate a case relating to an employee or a class of employees of the Rajasthan State.

9. The learned Counsel's next submission was that granting of such permission to the Special Police Establishment for investigating cases relating to the Rajasthan employees is ultra vires the Constitution of India because it is within the exclusive legislative powers of a State to legislate about police it being Item No. 2 in List II State List of the VII Schedule to the Constitution of India. The Central Government therefore could not legislate about the Police functioning in Rajasthan and the consent given by the Chief Secretary does not improve matters.

10. State List Item No. 2 reads : 'Police including Railway and Village Police'. There is another entry which is relevant in this context and it is List III-Concurrent List - Item 2 of which reads as follows:

Criminal Procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.

The Code of Criminal Procedure as it existed on the date when the Constitution came into force, included matters relating to investigation. Their Lordships of the Supreme court in para 20 of S.C. Prasar and Anr. v. Vasantsan Dwarkadas and Anr. (supra) have observed-

The expression Criminal Procedure Code in the Legislative entry includes investigation of offences....

Therefore, subject to the provisions of the Constitution the Parliament is competent to legislate regarding the investigation of offences and section of Act No. 25/1946 authorises the members of the Delhi Special Police Establishment, subject to the consent of the State Government, to investigate into offences notified under Section 3 thereof. This contention of the learned Counsel therefore has also no substance and is rejected.

11. The next submission of the learned Counsel is that the appointment of a Special Judge for the trial of cases of bribery and corruption and ousting the jurisdiction of ordinary criminal courts is discriminatory and is violative of Article 14 of the Constitution of India. This question was answered in Assarali Nazarali Singaporewala v. State of Bombay : 1957 CriLJ605 . Their Lordships observed:

Bribery and corruption having been rampant and the need for weeding them out having been urgently felt, it was necessary to enact measures for the purpose of elimination all possible delay in bringing the offenders to book. It was with that end in view that provision were enacted in the impugned Act for speedier trial of the said offences by the appointment of Special Judges who were invested with exclusive jurisdiction to try the same and were also empowered to take cognizance thereof without the accused being committed to them for trial, and follow the procedure prescribed for the trial of warrant cases by Magistrates. All these provisions had the necessary effect of bringing about a speedier trial of these cases and it cannot be denied that this intelligible differential had rational relation to the object sought to be achieved by the Act

12. Learned Counsel then argued that the creation of the especial Judges has the effect of restriction the powers of this court in the matter of transfer of cases. It is

true that in some measure the area of option in the matter of transfer of cases has become restricted for the High court but that is no reason which can invalidate the creation of Special Judges for the trial of offences as the Criminal Amendment Act of 1952 authorises.

13. Lastly, the learned Counsel argued that the applicant is a resident of Bikaner and has faced one trial which proved futile on account of the invalid sanction and he has now to face another trial which puts him to great expense and inconvenience. I can appreciate the inconvenience and expense that is likely to be caused to the accused. I can appreciate the inconvenience and expense that is likely to be caused to objection regarding the validity of sanction which has resulted in the first trial becoming meaningless. I do hope that the learned Special Judge will bestow his consideration to this aspect of the matter and mitigate the inconvenience and expense of the applicant by adjusting dates of hearing or the continuity of trial as the situation warrants.

14. The result is that this revision application has no force and it is dismissed.

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