



Friday
13th March, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE
OFFICIAL REPORT

**PARLIAMENT SECRETARIAT
NEW DELHI**

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

1009

1010

HOUSE OF THE PEOPLE

Friday, 13th March, 1953.

The House met at Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

SPECIAL POLICE ESTABLISHMENT

*733. **Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government have decided to retain permanently the Special Police Establishment;

(b) the number of cases dealt with by S. P. E. during 1952; and

(c) the number of cases challaned through S. P. E. and the number in which conviction was had during 1952?

The Deputy Minister of Home Affairs (Shri Datar): (a) The Government have not yet taken any final decision.

(b) 865.

(c) 197 cases were challaned in the year 1952. There were also 250 cases pending trial which were challaned in previous years. Conviction was secured in 82 cases during the year.

Sardar Hukam Singh: Could I know the annual expenditure on maintenance of this Department?

Shri Datar: It is in the neighbourhood of about Rs. 18 lakhs.

Sardar Hukam Singh: Is it a fact that the Government have received complaints of corruption against this department?

Shri Datar: We have not received it.

Shri V. P. Nayar: May I know, whether, it is a fact that one of the reasons for their retention is the present necessity of sending special policemen in advance, to places visited by

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the Prime Minister and other hon. Ministers?

Shri Datar: That is not correct at all.

Shri M. S. Gurupadaswamy: How many cases are still pending?

Shri Datar: I have given the figures here. 250 cases were pending trial at the beginning of the year.

Sardar Hukam Singh: Is it a fact that this special police establishment have given explanations for the delay in putting up challans in certain cases to their superior officers and that they do not voluntarily produce the records that are required for the investigation of the cases.

Shri Datar: No, Sir.

Shri S. N. Das: May I know to what extent this Special Police Establishment has been able to extend its activities in the States?

Shri Datar: We are not concerned with State Governments; we are concerning ourselves with only the servants of the Government of India and with Part C States.

Shri S. N. Das: May I know whether Government's attention has been drawn to the suggestion made by the Planning Commission that this organization should be extended to the States also?

Shri Datar: Yes.

FORMER EMPLOYEES OF THE UN-DIVIDED INDIA

*734. **Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether any final decision has been taken in respect of former employees of the un-divided Government of India who exercised a final option for service in Pakistan but were compelled to leave their posts subsequently; and

(b) if so, whether the decision is in favour of considering them at par with those who opted for India?

The Deputy Minister of Home Affairs (Shri Datar): (a) Final decision will be taken as soon as possible after an agreement has been reached with the Government of Pakistan for the recognition of a reciprocal basis, of the *de facto* change of options. The Government of Pakistan have been reminded from time to time and are now being asked to give their final reply by a specific date.

(b) Does not arise at this stage.

Sardar Hukum Singh: Were there any special reasons for discriminating this group from the other one?

Shri Datar: They are not being discriminated against at all, but there are certain financial liabilities which we shall have to take into account unilaterally and therefore, the matter is being pursued with the Pakistan Government.

Sardar Hukum Singh: Does the Government think that they owe a duty or obligation to Pakistan or do they consider that it is their primary duty to give facilities to those who opted to India in the first instance?

Shri Datar: It is also our primary duty but there are the circumstances under which these people had agreed to opt for Pakistan and ultimately they have remained in India. Therefore, as a matter of humanitarian consideration, we are doing something for them.

Sardar Hukum Singh: May I know whether any facilities have been provided so far to these unfortunate people whose applications were not recognized so far?

Shri Datar: Certain facilities have been provided for already.

Sardar Hukum Singh: What are those facilities, may I know?

Shri Datar: I should like to have notice so far as the details are concerned.

Shrimati Renu Chakravartty: When this agreement comes into force, may I know whether it would also apply to East Bengal?

Shri Datar: That will be considered.

Shrimati Renu Chakravartty: It has not been considered at this stage?

Shri Datar: That will be considered; at a later stage the whole question will be taken into account.

Shri Gidwani: Is it a fact that many of them could not come earlier because they were not relieved by Pakistan authorities?

Shri Datar: We have no such information.

Shri Gidwani: Have Government received any representation explaining the reasons?

Shri Datar: To my knowledge, we have not received any representation.

Shrimati Renu Chakravartty: The hon. Minister mentioned a particular date within which they would have to reply. May we know that date?

Shri Datar: June 1953. We have been reminding Pakistan Government and in February we received a reply from them that the matter was under consideration, and therefore, we have requested them to give information up to the end of June this year.

PREVENTIVE DETENTION ACT

***735. Sardar Hukum Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the number of persons arrested and detained in various States under the Preventive Detention Act 1950, since August, 1952, up-to-date; and

(b) what number, out of the figure in reply to part (a) above was released by the Advisory Boards?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). 401 and 74, respectively, from 1st August 1952 to 28th February 1953.

Sardar Hukum Singh: May I know the break-up of this: What was the number that was detained so far as 3 A (1) i.e., relation of India with foreign powers or the security of India was concerned, the security of the State or the maintenance of public order was concerned and the maintenance of supplies and services essential to the community?

Shri Datar: I should like to have notice.

Sardar Hukum Singh: Was any foreigner detained under the Preventive Detention Act?

Shri Datar: I should like to have notice so far as this question is concerned.

Sardar Hukum Singh: May I know if there was any case of detention where the State Government did not approve of the detention order, by any officer in the State?

Shri Datar: There are certain cases where the State Government did not

accept the reasons given by the detaining authority and then they were released.

Shri M. S. Gurupadaswamy: The hon. Minister during his visit to Bombay recently said that there should be the Preventive Detention Act and its continuation will be reviewed in Parliament by means of a Resolution. May I know whether the Government is intending to bring a Resolution before this House for discussion of this issue?

The Minister of Home Affairs and States (Dr. Katju): My hon. friend only referred to the undertaking given when the Bill was under consideration, namely, that in the cold weather this year, I shall circulate a memorandum stating how the Act has been worked, the number of people detained and all the necessary information. A day will be set apart for discussion of the whole of this problem. That was an undertaking given at the time when the Bill was under discussion and that undertaking still holds good.

Shri M. S. Gurupadaswamy: I refer to the statement made by the hon. Deputy Minister while he was in Bombay recently when he said that it will be after the winter session.

Shri Datar: I may point out that I made that statement in the light of the assurance which was given by the hon. Home Minister last year.

Sardar Hukam Singh: May I know the number of cases where the detenues were heard in person by the Advisory Board?

Shri Datar: I should like to have notice.

Shri V. P. Nayar: May I know how many out of such persons detained were detained for specific offences of black-marketing?

Shri Datar: I have no figures.

Dr. Suresh Chandra: May I know the number of persons whose cases were declared illegal by the high courts and courts?

Shri Datar: I have no figures here. I find that there was one case in which there was a declaration.

Shri Dhusiya: May I know if among those who were detained, there were any Government servants or any legislators?

Shri Datar: I have no information.

Shri Sarangadhar Das: Arising out of the reply given by the hon. Minister,

may I know if the cold weather relates to the one already passed or the cold weather that is coming?

Dr. Katju: The coming cold weather, which will be coming in 1953.

Shri Amjad Ali: Was there any occasion for the hon. Minister of Home Affairs to look into some of these cases personally?

Dr. Katju: I really do not follow this question, because the occasion does not arise. The procedure which has been laid down in the Act which was passed by Parliament last year is almost water-tight. To the person detained, the grounds of detention are given within five days, and forthwith the Advisory Board takes jurisdiction over the case and within two and a half months, it finishes off the case.

Mr. Deputy-Speaker: I do not think the hon. Minister's looking into is necessary.

Dr. Katju: It is not necessary. Therefore, I do not want to substitute my judgment for the judgment of the Advisory Board.

Shri K. K. Basu: May I know whether any person who has crossed the border after the recent introduction of passports has been detained under the Preventive Detention Act?

Shri Datar: We have no information.

Mr. Deputy-Speaker: Next Question.

Dr. Ram Subhag Singh: Question No. 736. Sir.

The Minister of Rehabilitation (Shri A. P. Jain): May I answer Questions Nos. 736 and 737 together? They are more or less allied.

Mr. Deputy-Speaker: Yes.

पाकिस्तान से जैसलमेर आये हुए
हरिजन विस्थापित व्यक्ति

*७३६. डा० राम सुभग सिंह : पुनर्वासि मंत्री

यह बतलाने की कृपा करेंगे कि क्या यह तथ्य है कि पाकिस्तान से जैसलमेर आये हुए लगभग १० हजार हरिजन विस्थापित व्यक्तियों को विवश हो कर स्थल मार्ग से इसलिये पाकिस्तान वापिस जाना पड़ा क्योंकि यहाँ उन के पुनर्वास तथा सहायता की कोई भी व्यवस्था नहीं की गई थी ?

The Minister of Rehabilitation (Shri A. P. Jain): No. Some 50 families moved in search of labour from their residence, but it is not known whether they have moved to Pakistan or to some other part of India.

**गंगानगर में पुनर्वासित बिस्थापित
व्यक्ति**

* ७३७. डा० राम सुभाग सिंह : पुनर्वास
मंत्री यह बतलाने की कृपा करेंगे कि क्या
यह तथ्य है कि गंगानगर जिले में पुनर्वासित
किये गये कुछ बिस्थापित व्यक्ति सुविधायें
न मिलने के कारण पाकिस्तान वापिस चले
गये हैं ?

The Minister of Rehabilitation (Shri A. P. Jain): Some 5 or 6 families are reported to have gone over.

Dr. Ram Subhag Singh: May I know whether any effort was made on behalf of the Government to see that proper shelter is given to the families, who, as the hon. Minister just now stated, have moved?

Shri A. P. Jain: Every effort is being made to give proper shelter and means of livelihood to displaced persons.

Shri Dhusiya: May I know what were the main reasons for their return?

Shri A. P. Jain: So far as the first fifty families are concerned, they moved in search of labour. So far as the other five or six families are concerned, they applied for land after the due date had expired. At that time, some *barani* land was left, and it was offered to them, but they refused to accept it and went back.

Shri Nanadas: May I know how many displaced Harijans have been provided with cultivable lands and the necessary initial capital?

Shri A. P. Jain: I will require notice of the question, because the figures relate to the whole of India.

Shri Nanadas: May I know what has happened to the displaced Harijans who returned to Pakistan?

Shri A. P. Jain: Some five or six families have returned, but I cannot say what has happened to them.

Shri Ramananda Das: May I know what are the activities of the Ministry

of Rehabilitation in respect of Harijan displaced persons?

Shri A. P. Jain: They look after the rehabilitation of Harijan refugees.

**श्री रघुनाथ सिंह : यह हरिजन सिख थे
कि हिन्दु थे ?**

Shri A. P. Jain: They were Harijans. I do not know whether they were Sikh Harijans or Hindu Harijans.

Shri Nanadas: May I know how many displaced Harijans have been rehabilitated and how the rehabilitation of the displaced Harijans is being effected?

Shri A. P. Jain: A very large number of them have been settled on land. Others have been settled in other avocations.

Shri M. R. Krishna: May I know what is the total number of scheduled caste displaced persons; what is the total acreage of cultivable land allotted; and what is the total amount spent on their rehabilitation?

Shri A. P. Jain: I do not have these figures for the whole of India with me at the moment. If notice is given, I shall supply those figures.

Mr. Deputy-Speaker: Next question.

TAKING OVER FORMER STATE FORCES

*758. **Shri Charak:** (a) Will the Minister of Defence be pleased to state whether it is a fact that the Government of India have taken over all the former State forces and their Officers?

(b) Is it a fact that Jammu and Kashmir State Force Officers have been granted Short Service Regular Commissions but have not been sent before Service Selection Boards for testing their efficiency?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Yes.

(b) Yes.

Shri Charak: May I know when the Government proposes to send these Jammu and Kashmir State Force Officers before the Selection Board, and what is the reason for the delay so far?

Shri Satish Chandra: It has not been possible to integrate the Jammu and Kashmir Forces so far, though they are for all practical purposes under the control of the Government of India.

The officers will be sent before the Services Selection Board as soon as the integration takes place.

Shri S. C. Samanta: May I know how the seniority of these officers vis-a-vis the Indian Army personnel was decided?

Shri Satish Chandra: Seniority has not been fixed. The Jammu and Kashmir State Forces have not been integrated so far in the Indian Army due to operational reasons. When that is done, the question will be decided.

Shri S. C. Samanta: I only wanted to know as regards part (a) what system was adopted.

Shri Charak: May I know what are the difficulties confronting the Government in the process of integration of the Jammu and Kashmir State Forces?

Shri Satish Chandra: There were operations going on in Kashmir, and the Government could not take up the question of integration so far. But it is the intention of the Government to effect that integration as early as possible. The State Forces, as I said, are completely under the control of the Government of India.

Shri Charak: Is it not a fact that operations in Kashmir ceased from 1st January 1949?

Shri Satish Chandra: There is of course a Cease Fire, but the emergency conditions exist even now.

Shri Charak: Do I take it that operations are still going on, even after the Cease Fire?

Mr. Deputy-Speaker: It is a matter of argument. They seem to be in the firing line still. Next question.

STENOGRAPHERS IN THE SECRETARIAT AND ATTACHED OFFICES

*739. **Shri Punnoose:** (a) Will the Minister of Home Affairs be pleased to state the total number of stenographers employed in the Secretariat and Attached Offices at present?

(b) How many of the above are temporary and how many permanent?

(c) How many of the above have been promoted as Superintendents in the Central Secretariat Service in the past five years?

The Deputy Minister of Home Affairs (Shri Datar): (a) 1,450.

(b) Temporary 871.

Permanent 579.

(c) 13.

Shri Punnoose: May I know whether a test was introduced and stenographers who were in service at that time were asked to appear for it?

Shri Datar: Certain tests were introduced.

Shri Punnoose: May I know whether, at that time, this test was made compulsory and passing the test was made a condition precedent to confirmation?

Shri Datar: I am not aware of this test having been made compulsory. It was open to the stenographers to appear for the examination for being eligible for promotion.

Shri B. S. Murthy: May I know whether any category of stenographers were given exemption from this test due to their period of service?

Shri Datar: Yes. Eight years service.

Shri Balakrishnan: May I know what is the total number of qualified stenographers and unqualified stenographers working in the Secretariat?

Shri Datar: I should like to have notice.

श्री रघुनाथ सिंह : उस में हिन्दी जानने वाले स्टेनोग्राफर कितने हैं ?

Shri B. S. Murthy: May I know how many appeared for this examination and how many have qualified?

Shri Datar: That figure is not before me here.

Shri M. L. Dwivedi: May I know if any stenographers' scheme has been put into force, and if so, since when? Also, may I know whether it is applicable to the stenographers in service at present?

Shri Datar: Yes. There is a scheme known as the Central Secretariat Service Stenographers Scheme. That scheme is under consideration and will be implemented very soon.

Shri M. L. Dwivedi: May I know whether stenographers are still being appointed irrespective of this scheme?

Shri Datar: They have been appointed as a special case, and when the scheme comes into operation, others also will have a chance.

Shrimati Renu Chakravartty: Of the Superintendents working at present, may I know how many have been recruited directly, and how many straight from the service?

Shri Datar: I should like to have notice.

Mr. Deputy-Speaker: The question refers to stenographers, not Superintendents.

Shrimati Renu Chakravartty: It refers to Superintendents promoted from stenographers.

Shri Punnoose: May I know when this test was introduced? Also, how many promotions have been given after the introduction of this test? Also, how many persons who have passed the test have been promoted?

Shri Datar: I should like to have notice.

Shri B. S. Murthy: May I know what conditions necessitated the institution of such a test?

Shri Datar: The test was necessary in the interest of efficiency.

श्री जांगड़े : क्या मैं जान सकता हूँ कि अभी आप ने स्टेनोग्राफ़रों की जितनी संख्या बताई, उस में से हिन्दी जानने वाले कितने हैं ?

Shri Datar: I cannot give that information.

Shri V. P. Nayar: Is it a fact that in such tests temporary service was not considered and the tests were confined only to the efficiency in reporting?

Shri Datar: I do not think so.

Shri Punnoose: Are Government aware that there is widespread complaint among stenographers that their terms of service as well as their efficiency have been overlooked, and individual officers have shown favouritism in giving promotions?

Shri Datar: No favouritism has been shown at all, and the representations that have been made by these parties are under consideration.

Dr. Suresh Chandra: Is it a fact that one of the Superintendents promoted in this way has risen to the position of a Deputy Secretary in the External Affairs Ministry, and that he has acted as Charge-d' Affaires in an Indian Mission?

Shri Datar: Yes.

Dr. Suresh Chandra: What is the reason therefor?

Mr. Deputy-Speaker: I am not going to spend more time over stenographers. Next Question.

PROCESSING URANIUM AT CHOTA NAGPUR

***740. Shrimati Renu Chakravartty:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether there is a proposal for the setting up of a plant for processing Uranium at Chota Nagpur?

(b) If so, when will it be set up, what will be the expenditure incurred and from where are we importing the machinery for the same?

(c) What will be the estimated annual output of the factory?

(d) To what uses will the Uranium processed at the factory, be put?

(e) Is there also a proposal to set up a reactor nearabout, if so, where and for what purpose?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) No, Sir.

(b) to (d). Do not arise.

(e) No, Sir.

GOVERNMENT EMPLOYEES AND PEACE CONFERENCE

***741. Shri A. N. Vidyalkar:** Will the Minister of Home Affairs be pleased to state:

(a) whether action has been taken against Government employees for taking part in the activities of the Peace Conference, or for signing or getting signatures of others on the World Peace Appeal; and

(b) if so, against how many Government employees such action was taken?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be placed on the Table of the House.

Shrimati Renu Chakravartty: Does this mean that those who have associated themselves with the Conference will be victimised?

Shri Datar: There is no question of victimisation; we are considering what steps we have to take. These are not peace conferences. They are peace conferences only in name and they are far from peaceful conferences.

Shrimati Renu Chakravartty: May we know whether such information is also being gathered about those who

have participated in M.R.A. conference also?

Several Hon. Members rose—

Shrimati Renu Chakravarty: My question has not been answered.

Mr. Deputy-Speaker: How is it possible to answer the question if four members stand up at a time? Until I call upon the member concerned, questions should not be put. She may put the question now.

Shrimati Renu Chakravarty: Is it also proposed in this case to gather information about those who have been participating in the M.R.A. Conference?

Shri Datar: In the first place this question is entirely irrelevant; secondly, M.R.A. is not a political body at all. These peace conferences were sponsored by political bodies.

Shri G. P. Sinha: May I know, Sir, whether Soviet propaganda or Communist propaganda is being carried on in any of these peace conferences?

Shri Datar: That is exactly the reason.

Shri S. V. Ramaswamy: Is it a fact that all these conferences are being held behind the iron curtain?

Shri Raghuramaiah: May I know whether the Soviet Government is officially behind this, or only the Communist Party?

Shri Datar: Anyway, so far as we are concerned, the Communist Party is behind this. It has to be considered or guessed whether the Soviet Government is behind it.

Shrimati Renu Chakravarty: Is the Government aware, Sir, that the Communist Party is not behind it; it is in the forefront of it?

Shri A. N. Vidyalkar: May I know that other members also, apart from the members of the Communist Party are taking part in this movement?

Shri Datar: Others also have sometimes taken part in the movement thinking honestly, but misguidedly, that it was a peace conference.

Shri S. V. Ramaswamy: Are all these peace conferences held behind the Iron Curtain?.....

My question has not been answered.

Mr. Deputy-Speaker: The hon. member does not expect an answer.

Shri A. N. Vidyalkar: Does the Government think that the other persons who take part in this movement are all misguided people?

The Minister of Home Affairs and States (Dr. Katju): It all depends upon the persons.

Shri K. K. Basu rose—

Mr. Deputy-Speaker: We shall go to the next question. Let me not be misunderstood.

Take, for instance, the previous question: I am not against stenographers. But I thought that that question had been sufficiently answered. So far as this question also is concerned, I feel that there has been sufficient supplementaries.

LOAN OF AIRCRAFT ENGINEERS

***743. Shri M. R. Krishna:** Will the Minister of Defence be pleased to state whether any country has lent her engineers to India to help her to manufacture modern aircraft for active service?

The Deputy Minister of Defence (Shri Satish Chandra): No technicians have been borrowed from any foreign Government. The Hindustan Aircraft Ltd., have, however, engaged the services on contract of five foreign engineers.

Shri Raghunath Singh: Who are these foreign engineers—Americans or Englishmen?

Shri Satish Chandra: Two of them are British and three Americans.

Shri M. R. Krishna: What are the conditions under which these experts are loaned to India and what is the total amount expected to be spent on them for the whole term?

Shri Satish Chandra: I have said that they are engaged by the Hindustan Aircraft Ltd., on a contract basis. Their services have not been lent by any Government. If the hon. member wants to know their monthly salaries and allowances I shall read out in each case. It will have to be calculated as to how much it will cost during the whole term. I have not got the total figure here. They are still in the employment of the Hindustan Aircraft and until they complete their periods of contract, I cannot give the total figure.

Shri B. S. Murthy: May I know, Sir, whether any Indian aircraft engineers are also employed by the Hindustan Aircraft Ltd. and whether their service conditions are comparable with those of foreign experts employed by them?

Shri Satish Chandra: There are many Indian engineers in Hindustan Aircraft Ltd. Out of dozens of engineers there are only five foreign engineers who are employed on a contract basis. The conditions of service of the Indian engineers compare very favourably with those of the Indian engineers employed in other industrial concerns.

Shri Nanadas: May we know the monthly salaries of these foreign experts and the highest salary drawn by an Indian engineer?

Shri Satish Chandra: I can give the salaries of the foreign experts just now. If the hon. member wants to know the salaries of Indian engineers, probably he will have to give notice of another question.

Shri K. K. Basu: May I know whether the aircraft designed by the Hindustan Aircraft Factory were designed by the foreigners or Indian nationals?

Shri Satish Chandra: It is rather difficult to say. All these engineers work together. The Chief Production Engineer of the Hindustan Aircraft today is a Britisher and other engineers work under his guidance. It is difficult to name a particular man that he is responsible for the designing of the aircraft when so many engineers and technicians work together.

Mr. Deputy-Speaker: Why does the Deputy Minister go on arguing? He must merely state one or two facts and keep quiet.

Shri Sarangadhar Das: Is there any condition in the agreement with these foreign experts that they should train Indians sufficiently to take over their job before they go away?

Shri Satish Chandra: Of course, the Indian engineers are working with them and will take over these duties in due course.

Shri K. K. Basu: Is the Government in a position to contradict that these new designs were made by the Britishers and were not made by Indians as claimed by Government?

Mr. Deputy-Speaker: I am not going to allow that question.

Shri Punnoose: Are Government satisfied that these foreign experts were brought because Indian experts were not available?

Shri Satish Chandra: Exactly so. An aircraft was never produced before in India.

HINDI SIKSHA SAMITI

***744. Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) what is the nature of work done so far by the Hindi Siksha Samiti appointed in January, 1952;

(b) whether the Samiti has made any recommendations to the Central Government;

(c) the nature of the recommendations made and the extent to which they have been accepted and implemented by Government; and

(d) how many sittings of this Samiti have been held so far?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) The Hindi Shiksha Samiti is an advisory body set up with a view to advise the Central Government from time to time on matters relating to promotion and propagation of Hindi in the non-Hindi speaking areas of the country.

(b) Yes.

(c) The following recommendations were made by the Samiti to the Central Government in its first meeting held in January, 1952:—

(i) To set up three sub-Committees one each to report on (1) the system of Hindi Examinations conducted at present by the Hindi Organisations, (2) the need of a basic grammar of Hindi language suitable for teaching Hindi to non-Hindi speaking people, and (3) proposals with regard to propaganda of Hindi in the non-Hindi areas.

(ii) To help the Akhil Bhartiya Hindi Parishad, New Delhi for starting a Training School for Hindi teachers at Agra.

(iii) To procure Hindi text-books prescribed by Hindi Organisations for the Hindi Library of the Ministry of Education.

(iv) To take steps for preparing a dictionary of basic Hindi words.

Out of these recommendations (i) to (iii) have been accepted and implemented. Recommendation No. (iv) has been accepted and steps are now being taken to implement it.

(d) Two.

श्री एस० एन० दास : क्या मैं यह जान सकता हूँ कि जब इस समिति का निर्माण किया गया था तो वह शिक्षा सचिवालय की

तरफ से पंच वर्षीय योजना के परामर्श के लिये रखी गयी थी या नहीं ?

श्री के० डी० मालवीय : यह मित्रा समिति तो पंच वर्षीय योजना के तय्यार होने से पहले ही बन चुकी थी ।

श्री एस० एन० दास : मैं जानना चाहता हूँ कि कौन कौन से विषय सरकार की तरफ से विचारार्थ रखे गये और कौन कौन से विषयों पर समिति ने स्वयं अपनी ओर से परामर्श दिया ?

श्री के० डी० मालवीय : मैं ने उन सारे परामर्शों की फेहरिस्त माननीय सदस्य के सामने रख दी है । यह मुझे नहीं मालूम कि कौन कौन से परामर्श समिति ने नहीं दिये थे ?

श्री एस० एन० दास : इस बात को मद्देनजर रखते हुए कि इस समिति का काम विकास और प्रचार के लिये योजनायें तैयार करना है, क्या माननीय मंत्री यह बतला सकते हैं कि इस समिति के लिये साल में कितनी बैठकें करना जरूरी हैं ?

श्री के० डी० मालवीय : यह समिति साल में दो बार बैठी थी । पर इस समिति को अधिकार है कि हिन्दी शिक्षा का प्रचार करने के लिये योजनाओं को शीघ्र से शीघ्र चलाने के लिये जितनी बार आवश्यकता समझे अपने विचार से उतनी बैठकें कर सकती है ।

श्री एस० एन० दास : क्या कारण है कि बावजूद इस बात के कि संसद् की तरफ से हिन्दी के प्रचार के लिये बहुत धोर दिया जा रहा है, इस समिति की सिर्फ दो ही बैठकें हुईं ?

श्री के० डी० मालवीय : मैं समझता हूँ कि आने वाले साल में समिति की अधिक बैठकें होंगी ।

डा० सुरेश चन्द्र : क्या मैं जान सकता हूँ कि इस समिति में हिन्दी के कितने विशेषज्ञ और लेखक वक्तर हैं ?

श्री के० डी० मालवीय : हिन्दी शिक्षा समिति के जो सदस्य हैं मैं उन के नाम पढ़े देता हूँ । माननीय सदस्य खुद समझ लेंगे कि इन में से कौन कौन विशेषज्ञ हैं ।

१. काका साहब कालेलकर
२. पंडित सुन्दर लाल
३. श्री एम० सत्य नारायण जी
४. श्री शंकर राव देव
५. श्री जयचन्द्र विद्यालंकार
६. श्री आर० आर० दिवाकर
७. शिक्षा सलाहकार (अध्यक्ष)

श्री एम० एल० द्विवेदी : क्या इस समिति ने इस बात पर भी सुझाव किया है कि हिन्दी में लिग भेद हटा दिया जाय या एक कर दिया जाय ?

श्री के० डी० मालवीय : मुझ को इस की कोई सूचना नहीं है ।

सेठ गोविन्द दास : क्या माननीय मंत्री जी को यह बात मालूम है कि जहां तक मूल शब्दों के कोष का सम्बन्ध है वहां तक एक बहुत बड़ा कोष मध्य प्रदेश की सरकार ने डाक्टर रघुवीर की अध्यक्षता में तैयार किया है ?

श्री के० डी० मालवीय : जी हां, ऐसी सूचना तो सरकार को है कि हिन्दी मूल शब्दों का कोष मध्य प्रदेश में भी बना है और और जगह भी प्रयत्न किया गया है ।

सेठ गोबिन्द दास : तो जहाँ तक मूल शब्द कोष का सम्बन्ध है, नये कोष के निर्माण के पहले क्या समिति का यह काम है कि जितने इस प्रकार के मूल शब्द कोष बन चुके हैं उन पर पहले ध्यान दिया जाय बजाय इस के कि नये कोष बनाये जायें ?

श्री के० डी० मालवीय : यह एक झुझाव है, इस पर सरकार अभी कोई राय नहीं दे सकती ।

SCHEME OF SOCIAL WELFARE BY STUDENTS

*745. **Shri S. N. Das:** (a) Will the Minister of Education be pleased to refer to the reply to part (a) of unstarred question No. 339 asked on the 4th December, 1952 and state whether the Sub-Committee appointed by the Advisory Board of Social Welfare to consider framing of a scheme of social welfare run by students has since submitted its report and whether any such scheme has been drawn up?

(b) If so, what is the nature of the scheme recommended by the Committee?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) and (b). No. The matter is being pursued with State Governments.

Shri S. N. Das: May I know when the Sub-Committee was appointed and the reason why the report has not been submitted as yet?

Shri K. D. Malaviya: The initiative has already been taken by the Government in so far as the Ministry of Education has circularised the State Governments advising them that manual work for students should form an integral part of the school and college curriculum, and subsequently another communication was sent to the States suggesting a programme for the manual work to be taken up in all the schools.

Shri S. N. Das: I wanted to know when the Sub-Committee was appointed and why so much time is taken by the Sub-Committee to submit a report on the subject.

Shri K. D. Malaviya: I have already stated that certain recommendations have been made by the Central Ministry. I do not think there is anything more for Government to do, mainly because it is a State subject.

FUNDS ALLOCATED FOR PUBLIC WORKS EXPENDITURE IN MANIPUR

*746. **Shri L. J. Singh:** Will the Minister of States be pleased to state the funds allocated for public works expenditure in Manipur during the years 1949-50, 1950-51 and 1951-52 and the amount not utilised?

The Minister of Home Affairs and States (Dr. Katju): The allotments made for new buildings and Communications were as follows:—

1949-50	Rs. 6.09 lakhs
1950-51	Rs. 2.06 lakhs
1951-52	Rs. 7.05 lakhs

The amounts un-utilised were:—

1949-50	Rs. 64,000
1950-51	Rs. 35,000
1951-52	Rs. 15,000

Shri L. J. Singh: In view of the fact that due to the return of the lapsed fund to the Central Government without being utilised, the development schemes that were under contemplation for the period under review could not be carried out, may I know whether Government propose that the funds may not be returnable without being utilised?

Dr. Katju: I shall convey the hon. Member's hope to the Finance Minister.

Shri L. J. Singh: May I know whether Government issued any strictures against the officer in charge of the P.W.D. for allowing the fund to lapse without being utilised?

Dr. Katju: I want notice.

Shrimati Renu Chakravartty: May I know the reason for lapsing of such large funds?

Dr. Katju: My hon. friend will see that out of a sum of Rs. 7 lakhs only a sum of Rs. 15,000 is left. There is nothing else.

Shrimati Renu Chakravartty: But every year there has been lapsing of funds. I therefore wanted to know why in a State which is demanding more money the money is lapsing.

Dr. Katju: It is for them to spend quickly if they want to. If they do not want they should take less.

Mr. Deputy-Speaker: We are arguing this question.

ARCHAEOLOGICAL FINDS NEAR MAHESHWAR

*747. **Dr. Ram Subhag Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that some archaeological finds have recently been discovered near Maheshwar in the Narmada Valley;

(b) if so, what is the nature of those finds; and

(c) whether excavation work at Maheshwar has been completed?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) and (c). Full report about the results of the excavation is still awaited.

Dr. Ram Subhag Singh: May I know how long it will be awaited?

Shri K. D. Malaviya: We will ass the Department to send the report to us soon.

Shri B. S. Murthy: May I know whether these finds relate to the civilization of Harappa and Mohanjedaro, or previous to that?

Shri K. D. Malaviya: No, Sir.

LAWS IN FORCE IN ANDAMANS

*749. **Shri M. L. Dwivedi:** (a) Will the Minister of Home Affairs be pleased to state whether any steps are being taken by the Government of India to replace the laws as in force today in the Andamans Islands by those applicable and in force in the main land?

(b) If so, what are they?

(c) Is the officer deputed by Government for studying the local conditions in the Andamans Islands and suggesting changes not drawn from officer's grade?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). An Officer on Special Duty has been appointed under the Chief Commissioner, Andamans, for revising and bringing up-to-date the laws and regulations in force in the Andaman and Nicobar Islands.

(c) Yes.

श्री एम० एल० द्विवेदी : क्या मैं यह जान सकता हूँ कि जो कर्मचारी अंडामन द्वीप समूह भेजा गया था वह

विशेषज्ञ था और उत्तरदायित्व वहन करता था उस काम का जिस काम के लिये कि वह भेजा गया ? यदि हाँ, तो उस ने क्या सुझाव सरकार को दिये हैं ?

Mr. Deputy-Speaker: Why not more slowly?

Shri M. L. Dwivedi: May I know whether the officer who was sent to the Andaman Islands was an expert in this line and was competent enough to report on the subject and, if so, whether he has submitted any report to the Government and what his recommendations are?

Shri Datar: He has not submitted any report at all. He has gone to the Andamans on 13th January, 1953 and is going to complete his report by the middle of 1953. He is a member on the staff of the Home Ministry. He knows the laws and therefore he has been selected for this purpose.

Shri Dwivedi: May I know whether any committee will be constituted or any other consultations will be held before any changes are introduced?

Shri Datar: No committee is necessary at all. He is making an enquiry and will submit a report, and then we will consider what changes are necessary.

Shri B. S. Murthy: May I know whether this officer was also asked to take note of the unwritten laws now in force and make reports on that?

Shri Datar: There is no such thing as unwritten laws.

Shri B. S. Murthy: I mean customary laws in force today in Andamans.

Shri Datar: We are not aware of any customary law. If there is any, that also will be taken into account by the officer.

Shri Jaipal Singh: May I know whether this officer has been instructed specifically to visit the Car Nicobar Islands?

Shri Datar: He will take into account the laws prevalent in all the islands by the names of Andamans and Nicobar.

LABOUR FORCE AT PORT BLAIR

*750. **Shri M. L. Dwivedi:** (a) Will the Minister of Home Affairs be pleased to state what is the present strength of labour force in Government employment at Port Blair?

(b) When was this force first established, for how long and for what purpose?

The Deputy Minister of Home Affairs (Shri Datar): (a) 576.

(b) The force was first established in 1947 for one year for the purpose of stevedoring of ships, clearing of jungles and meeting requirements of casual labour of the various Government Departments.

Shri M. L. Dwivedi: May I know from the Minister whether the members of this Force are utilised by certain persons who are in Government employment for their private purposes and not for Government work?

Shri Datar: They are not employed for private purposes by Government officers. They are employed by contractors and receive payment from them.

Shri M. L. Dwivedi: May I know whether the same force employed in the ports of Madras, Bombay and other ports does the same amount of work as in Port Blair or more or less?

Shri Datar: The information before us is to the effect that the work that is being carried on by this labour force is more than that is carried on either at Calcutta or elsewhere.

Shri B. S. Murthy: Will the Minister be pleased to state whether this labour force is doing forced labour in Andamans?

Shri Datar: No. They are not doing forced labour.

Shri Nanadas: May I know the average wage paid to the labourers of this labour force?

Shri Datar: They are paid the minimum wages, i.e., Rs. 35.

Shri S. C. Samanta: May I know whether it is a fact that this labour force is recruited from a particular place and from a particular community and they are released every year?

Shri Datar: I am not aware of this but I shall make enquiries.

Shri Nambiar: May I know whether any ex-convicts are included in this labour force?

Shri Datar: I have no information on that point but I shall make enquiries.

BUILDINGS ON THE ROSS ISLANDS

*751. **Shri M. L. Dwivedi:** (a) Will the Minister of Home Affairs be pleased to state the reasons why Government House and other buildings in the Ross Islands are not put to use by Government?

(b) What is the cost of repairing the military barracks and the road in the island?

(c) Are the buildings so far repaired being put to any use?

The Deputy Minister of Home Affairs (Shri Datar): (a) The question of utilising the buildings on the Ross Island has been under the consideration of the Government since the reoccupation of the Islands but in view of the administrative inconveniences, lack of amenities and heavy expenditure involved in keeping communications between Port Blair and Ross Island, the buildings could not be put to any use. Government have, however, now decided to utilise these buildings.

(b) Approximately Rupees twenty thousand.

(c) The buildings have not yet been finally repaired.

Shri M. L. Dwivedi: May I know whether the Government House situated in the Ross Islands is going to be repaired?

Shri Datar: All the buildings will be repaired.

Shri M. L. Dwivedi: How long will it take?

Shri Datar: It will take six to eight months.

Shri S. C. Samanta: May I know how the house that is under repair will be utilised by the Government?

Shri Datar: That cannot be settled at this stage. After all the houses have been repaired, then this will be settled.

Shri S. C. Samanta: Is it not a fact that only one building is being repaired now?

Shri Datar: Repair of one building was started in the first instance and other buildings also will be duly repaired.

Shri M. L. Dwivedi: Is it a fact that the jetty which leads to the Ross Islands is also in a bad condition and if so, whether Government propose to do anything in this matter?

Shri Datar: After all these buildings are duly repaired, they will have to take up this question.

DEVELOPMENT OF ATOMIC ENERGY

*752. **Shri L. N. Mishra:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether the Government of India have some definite plan for the development of Atomic Energy in India?

(b) If so, what are the outlines of such plan, funds allotted for the same and names of the scientists engaged in that?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) The plan includes the following:

- (i) Survey of India for atomic minerals particularly uranium which is the only naturally occurring atomic fuel.
- (ii) Construction of an atomic reactor.
- (iii) Setting up of a Medical and Health Division of the Commission to look after and keep a check on the health of workers engaged on atomic energy work.
- (iv) Setting up of a Biological Division for fundamental work in the field of biology with the use of techniques arising out of the development of atomic energy.
- (v) Setting up of a pilot plant for the extraction of uranium from copper tailings and low grade uranium ore.
- (vi) Setting up of a plant for processing thorium and uranium from the misidual cake left after the rare earth chlorides and carbonates and trisodium phosphate have been extracted from monazite at the Alwaye factory of the Indian Rare Earths Ltd.

(vii) Setting up of a plant for processing uranium to the state of atomic purity.

It will not be in public interest to give information regarding the funds allotted for the work of the Atomic Energy Commission and the names of scientists engaged in the work.

Shri L. N. Mishra: May I know whether this development plan is in pursuance of the recommendations made by the Atomic Energy Commission?

Shri K. D. Malaviya: Yes, Sir.

Shri L. N. Mishra: Is there any scheme to have some atomic pile or reactor to consume uranium manufactured by this plant? If so, where is it to be located?

Shri K. D. Malaviya: The suggestion has already been included in the programme just put forward before the House.

श्री रघुनाथ सिंह : हिन्दुस्तान की सुरक्षा के लिये हम कब तक एटम बम तैयार कर सकेंगे ?

श्री के० डी० मालवीय : हमारी गवर्नमेन्ट की नीति यह नहीं है कि हम अपने देश में एटम इनर्जी को बम बनाने में इस्तेमाल करें।

सेठ गोविन्द दास : क्या माननीय मंत्री जी को यह बात याद है कि पिछली बार जब यह प्रश्न पूछा गया था तो माननीय मंत्री जी ने यह आश्वासन दिया था कि हम इस शक्ति का उत्पादन विनाश के लिये न कर के निर्माण के लिये करने वाले हैं और अगर उन को यह याद है तो क्या उन्होंने इस सम्बन्ध में अमरीका के पत्रों में अभी निकले कुछ भिन्न भिन्न लेखों को देखा है कि जिन में यह कहा गया है कि इस शक्ति का उपयोग निर्माण के लिये न हो कर केवल विनाश के लिये हो सकता है ?

منسٹر آف ایجوکیشن اینڈ نیچرل

ریسرچ اینڈ سائنٹیفک ریسرچ (مولانا

آزاد): لیکن جہاں تک ہندوستان کا

تعلق ہے نہ اسکی یہ پالیسی ہے اور نہ

وہ ایک منٹ کے لئے اس پر چلنا

چاہتا ہے۔

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): So far India is concerned, this is neither its policy nor does it want to pursue it for a minute.]

Shri Punnoose: May I know whether any foreign national is employed in this factory?

Shri K. D. Malaviya: No, Sir.

Shri Joachim Alva: Has the Government of India sought co-operation from the powers of the West, viz., United Kingdom, and the United States of America in the matter of obtaining information or data regarding atomic energy?

Shri K. D. Malaviya: So far as scientific information is concerned regarding fundamental research, we welcome information from all countries and we do get information from all these countries.

Shri L. N. Mishra: Is it a fact that the rare mineral units of the Atomic Energy Commission have made some survey of atomic minerals in India? What are their findings?

Shri K. D. Malaviya: They have made a survey of certain atomic minerals.

Shri G. P. Sinha: Have the Government of India requested the U.S.A. Government for technical help to develop this energy?

Shri K. D. Malaviya: I am not aware of this.

Shri B. S. Murthy: Some time back it was stated in answer to a question on the floor of the House that two experts have been sent to U.K., to get training in atomic energy. May I know whether these two officers have come back and they are employed now?

Shri K. D. Malaviya: I require notice.

Shri Nambiar: I want to know whether the Government of India are proposing to manufacture any atomic bomb?

Shri K. D. Malaviya: No.

Shri K. K. Basu: May I know whether any raw materials needed for atomic energy research are being sent out?

Shri K. D. Malaviya: I am not aware of it.

TECHNICAL CO-ORDINATION COMMITTEE

*754. Shri K. C. Sodhia: Will the Minister of Natural Resources and Scientific Research be pleased to state what is the personnel of the Technical Co-ordinating Committee and what recommendations have they made to Government to co-ordinate the activities of the metallurgical laboratory and allied research institutes?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): A statement giving the required information is laid on the Table of the House. [See Appendix V, annexure No. 28.]

Shri K. C. Sodhia: Are there any more Technical Training Committees except the one relating to the Metallurgical laboratory?

Mr. Deputy-Speaker: The question refers to Technical Co-ordinating Committee. There may be many Technical Training Committees. The hon. Member may put another question to know about technical committees.

Shri K. C. Sodhia: I am only asking whether there are any more such committees in connection with other laboratories.

Shri K. D. Malaviya: There are so many Technical Committees in order to look after the work of our laboratories.

CO-ORDINATION OF BASIC, SOCIAL AND SECONDARY EDUCATION

*755. Shri K. C. Sodhia: Will the Minister of Education be pleased to state when the expert body, recommended by the Planning Commission to be set up at the Centre to guide and

co-ordinate work in the States in regard to Basic, Social and Secondary Education, is likely to come into being?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): A recommendation to this effect has been made in the Report of the Planning Commission. Government are of the view that this is the function of the Central Advisory Board of Education and its constituent Committees.

TEXTILE RESEARCH ASSOCIATIONS

***756. Shri K. C. Sodhia:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether Government made any contributions to Ahmedabad Textile Industries Research Association and the South Indian Textile Research Association during 1950-51 and 1951-52 or the current year and if so, what was the amount of contribution to each?

(b) What type of work is done by these Associations and through what agency?

(c) What was the total budget of each Association during each of the last three years?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). A statement is placed on the Table of the House. [See Appendix V, annexure No. 29.]

Shri S. V. Ramaswamy: Has work been started in the South India Textile Research Association?

Shri K. D. Malaviya: No. The Institute has not yet been started.

Shri S. V. Ramaswamy: When is it expected to start?

Shri K. D. Malaviya: As soon as the South India Textile merchants have fulfilled the conditions and raise the requisite amount to start the Institute.

Shri B. S. Murthy: May I know what is the amount required and whether there has been any response shown by the South Indian merchants?

Shri K. D. Malaviya: Originally they were required to collect about 25 lakhs. When they could not do it, the decision of the Cotton Textile Fund Committee which was to give the rest of the money was that they may collect

13 lakhs. So far, they have collected 5 lakhs.

Shri Meghnad Saha: Are there any steps taken for the manufacture of textile machinery in this country?

Shri K. D. Malaviya: I should like to have notice.

Shri V. P. Nayar: May I know whether the results of research will be confined only to textiles or will be extended to yarn also?

Shri K. D. Malaviya: Textiles and all matters which relate to the textile industry and trade.

RECRUITMENT OF GARWALIS TO TRIPURA POLICE

***758. Shri Biren Dutt:** (a) Will the Minister of States be pleased to state whether it is a fact that Garwalis have recently been recruited to the Tripura Police?

(b) Is it a fact that people who are not inhabitants of Tripura have been recruited to Tripura Police?

(c) If the answer to parts (a) and (b) above are in the affirmative, what were the reasons for the same?

(d) What is the number of displaced persons and tribals among the recently recruited police force?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) Yes; but a very small percentage.

(c) No suitable candidates having the required minimum qualifications were available locally.

(d) Displaced persons 607
Tribals 206.

Shri Biren Dutt: May I know whether there are a large number of ex-soldiers who are qualified enough for these services?

Dr. Katju: I should like to have notice.

Shri Nanadas: May I know the prescribed qualifications for this police service?

Dr. Katju: I have not got the papers; I want notice.

Shrimati Renu Chakravarty: May I know if there were no qualified persons among the large number of refugees in Tripura?

Dr. Katju: The hon. Lady Member would have seen that the number of displaced persons is 607.

Shri V. P. Nayar: The hon. Minister said that persons having the required qualifications were not available. May I know whether proper advertisements have been made?

Dr. Katju: I have no reason to suspect that all proper precautions were not taken, to give information to everybody qualified to appear or apply.

Mr. Deputy-Speaker: Are we going here into the procedure for recruitment and whether that procedure was followed or not?

Shri K. K. Basu: May I know whether any special qualifications are necessary for the Tripura Police, other than those for any other State police?

Dr. Katju: I would not like to hazard an answer. I would respectfully submit that the question should be properly formulated so that we may have all the necessary information.

Shrimati Kamlendu Mati Shah: May I know how the enlisting of Garhwalis is done and by whom?

Dr. Katju: I really do not follow; the Garhwalis are a very expanding community.

TICKETS AND LUGGAGE ALLOWANCE FOR RANKS IN ARMED FORCES

***759. Shri K. Subrahmanyam:** (a) Will the Minister of Defence be pleased to state whether Ranks in the Armed Forces, when posted to another station get only one ticket, while officers and higher-grade Civilian employees get three tickets?

(b) Is the same distinction shown between the Ranks and the Officers in respect of luggage allowance?

(c) Is it a fact that upto the rank of Flight Sergeant, Ranks in the Armed Forces do not receive any accommodation facilities or compensation in lieu thereof to enable them to live with their families?

(d) Is it a fact that only 50 per cent. of the Ranks are allowed to live with their families whereas there is no such distinction in the case of officers?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) Yes.

(c) No. Fifty per cent. of the non-commissioned officers on the authoris-

ed establishment of Units and fourteen per cent. of the other ranks are entitled to married accommodation.

(d) 100 per cent. married accommodation is authorised for officers and J.C.Os' whereas the percentage of accommodation available for ORs varies from Unit to Unit.

CREDITS OF DISPLACED PERSONS HELD BY BANKS IN PAKISTAN

***762. Shri Badshah Gupta:** Will the Minister of Finance be pleased to state:

(a) the position regarding the payment to the displaced persons of their credits held by the Banks whose Head Offices have remained in Pakistan;

(b) how much amount is held up by such Banks in Pakistan;

(c) whether any payments of credit have so far been made to the displaced persons and if so, how much and when the balance is likely to be paid; and

(d) what action is being taken by the Government of India to realise the balance?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) to (d). The question is not clear. Presumably the hon. Member refers to the deposits of displaced persons in all banks formerly functioning in Pakistan.

The information in regard to the amount held to the credit of displaced persons in such banks in Pakistan and the payment made of such credit so far is not available.

In connection with the Banking Agreement of April, 1949, between India and Pakistan, efforts had been made to secure the transfer of all such accounts of individuals as well as institutions to India. These were however not successful.

The issue is now pending for further meetings of the Implementation Committee.

Dr. Lanka Sundaram: May I know whether it is a fact that in spite of the fact that the displaced banks have paid in full all the deposits due to nationals in Pakistan their deposits are held under the orders of the State Bank of Pakistan?

Shri B. R. Bhagat: No, Sir.

Shri A. C. Guha: May I know when any fresh effort is going to be made for the settlement of this dispute?

Shri B. R. Bhagat: So far as India is concerned, fresh efforts have been made; I cannot say about the other side.

Shri A. C. Guha: There were so many conferences with Pakistan. When was this matter last discussed?

Shri B. R. Bhagat: This was discussed last in June, 1950.

Dr. Lanka Sundaram: May I know whether the Government of India propose to implement early the recommendations of the Banks Liquidation Proceedings Committee, in para ninety, where three recommendations were made suggesting some reliefs for displaced banks, whose funds are locked up in Pakistan?

Shri B. R. Bhagat: I want notice of the question.

Shri Badsinah Gupta: May I know what amount is due to displaced persons living in Pakistan from Banks in India?

Shri B. R. Bhagat: As I answered already, the information is not available.

Shri Sarangaadhar Das: May I know if any accounts from Banks in India have been transferred to Pakistan because the depositors live in Pakistan now?

Shri B. R. Bhagat: That is the matter under consideration in the Implementation Committee.

Mr. Deputy-Speaker: The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

ADMINISTRATIVE REFORMS FOR TRIPURA AND MANIPUR

***742. Shri Madhao Reddi:** Will the Minister of States be pleased to state whether any scheme of Administrative reforms has been finalised for the States of Tripura and Manipur after the visit of the Home Minister recently to those States?

The Minister of Home Affairs and States (Dr. Katju): It has been decided to set up Councils of Advisers for Manipur and Tripura under Section 42 of the Part C States Act, 1951. Formal notifications appointing the Advisers and defining their powers will be issued shortly.

546 PSD

EXPERT COMMITTEE (EXCISE)

***748. Dr. Amin:** (a) Will the Minister of Finance be pleased to state what are the recommendations of the Expert Committee (Excise)?

(b) Do Government propose to publish the report of this Committee and if so, when?

The Minister of Revenue and Expenditure (Shri Tyagi): (a) With reference to part (a) of the question, attention of the Member is invited to the reply given by me on the 2nd March, 1953 in reply to a similar question. No. 417 by Shri S. N. Das.

(b) Yes, Sir. The Report of the Expert Committee (Excise) has already been printed and will be released for publication very shortly.

INSURANCE COMPANIES

***753. Pandit Munishwar Datt Upadhyay:** Will the Minister of Finance be pleased to state the total number of the Indian and non-Indian Insurance Companies doing insurance business in India at the end of 1952 and how many of them were doing life business?

The Minister of Finance (Shri C. D. Deshmukh): (i) The total number of insurers as on 31-12-52—

Indian.	222.
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Non-Indian.	162.
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(ii) The number of insurers doing life business—

Indian	164.
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Non-Indian	17.
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- TOBACCO-TAX

***757. Shri Shobha Ram:** Will the Minister of Finance be pleased to state:

(a) whether Government are aware of the fact that the tobacco-tax is assessed on the standing crop and if so, under what law it is being assessed; and

(b) whether such assessment is in contravention of the rule under the Act which gives the curer a right to get the product weighed by the officer?

The Minister of Revenue and Expenditure (Shri Tyagi): (a) and (b). The existing Central Excise law requires the tobacco-curer, who chooses to pay duty on his cured produce, to pay such duty immediately on curing, by applying to the nearest excise officer and getting the produce weighed in his presence.

2. However, in districts where tobacco is sparsely cultivated in a large number of plots scattered over wide areas, some of the producers fail to apply as aforesaid, and prefer to dispose of their tobacco without payment of duty. It has also not been possible for the Central Excise Inspector, in sparsely cultivated areas, always to contact all the producers, at the proper time, for purposes of assessment of the tobacco produced. The Inspectors have, therefore, had to resort, in such cases, to summary assessments based on the condition of the standing crop, and the available data of crop-cutting experiments conducted in or near the relative localities.

SYMPOSIUM ON ARTIFICIAL RAIN

***760. Shri T. S. A. Chettiar:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether a Symposium on artificial rain was held on 9th February, 1953?

(b) What were the conclusions arrived at after the discussions?

(c) Have any experiments been done in this direction and if so, with what results?

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) No formal conclusions or resolutions were passed by the Symposium. But the Atmospheric Research Committee, which took note of these discussions and also of work done abroad came to the general conclusion that, while some clouds satisfying certain conditions can be stimulated to produce precipitation on a restricted and local scale by artificial seeding, there is very little evidence and no adequate scientific basis for the belief that it is possible to modify or control the rainfall or weather of an area by artificial means.

(c) Some laboratory experiments have been conducted. A few field experiments were carried out during the last monsoon season in Calcutta by Dr. S. K. Banerji of the Jadavpur Engineering College to induce rain from clouds by dispersing various kinds of seeding materials from balloon-borne gadgets. The results were not conclusive.

CARNIVAL AT THE NATIONAL STADIUM

***761. Shri Ganpati Ram:** Will the Minister of Defence be pleased to state the total sum allocated by the

Government of India for the Army, Navy and Air Force Carnival held at the National Stadium, New Delhi, on the 21st and 22nd February, 1953?

The Deputy Minister of Defence (Sardar Majithia): No Government funds were allocated for the Carnival.

जल-सेना का भारतीयकरण

***७६२. श्री आर० एन० सिंह :** क्या

रक्षा मंत्री यह बतलाने की कृपा करेंगे कि भारतीय जल-सेना का पूर्ण भारतीयकरण कब तक हो जायेगा ?

The Deputy Minister of Defence (Shri Satish Chandra): So far as Service officers are concerned, it is not at present possible to say with any degree of certainty as to when they will be completely replaced. The Civilian officers are expected to be replaced by the end of 1955. The policy of the Government, however, is to indianise these appointments as quickly as circumstances and availability of officers permit.

REPORTS ON ADMINISTRATION OF SCHEDULED AREAS

***764. Shri Natawadkar:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Government of India have received from States the annual reports regarding administration of Scheduled Areas for the year 1951-52 and if so, from which States; and

(b) whether Government propose to lay these on the Table of the House?

The Deputy Minister of Home Affairs (Shri Datar): (a) These reports pertain to calendar years and have been received from all States having Scheduled Areas except Madras for the year 1951. As for 1952, the report has so far been received from Punjab only.

(b) No. The Report of the Commissioner for Scheduled Castes and Scheduled Tribes which is submitted to Parliament each year covers all important matters relating to the Scheduled Areas and the Scheduled Tribes.

EAST BENGAL DISPLACED PERSONS

536. Shri B. K. Das: Will the Minister of Rehabilitation be pleased to state:

(a) how many East Bengal displaced persons have so far been em-

played in the Central and State services;

(b) what is the number employed under the Railways; and

(c) how many of them have received employment through the Employment Exchanges and how many through direct recruitment?

The Minister of Rehabilitation (Shri A. P. Jain): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

ARMY CULTURAL EXHIBITION

537. Shri S. C. Samanta: Will the Minister of Defence be pleased to state:

(a) for how many days the Army Cultural Exhibition at Red Fort lasted;

(b) the amount of expenditure incurred for the exhibition and the amount of sale-proceeds from entry tickets etc.; and

(c) whether Government propose to hold any such exhibition in the near future?

The Deputy Minister of Defence (Sardar Majithia): (a) The Army Cultural Exhibition at Red Fort lasted for seven days.

(b) The expenditure incurred on the exhibition excluding the arrangements for a drama and concert amounted to Rs. 5,352/-. Entry to the exhibition was free—but entry to the drama and musical concert was by tickets, the sale proceeds of which amounted to Rs. 3,319-8-0. The net credit balance from the sale proceeds was only about Rs. 400/- as the rest of the money had to be spent on arrangements for the drama and musical concert.

(c) It is not proposed to hold any such exhibition in the near future. The intention is to hold only an arts and crafts exhibition annually.

ASSISTANTS (CONFIRMATION)

538. Shri S. C. Samanta: Will the Minister of Home Affairs be pleased to state how many Assistants have been confirmed in the order of their seniority without a test in the years 1951-52 and 1952-53 up-to-date?

The Minister of Home Affairs and States (Dr. Katju): The Honourable Member presumably refers to filling of vacancies in the Authorised Permanent Strength of Grade IV of the Central Secretariat Service at its initial constitution. The first order confirming persons in order of seniority without a test issued in July 1952. The number of persons of this category confirmed up-to-date is as follows:—

Displaced Permanent
Government Servants ... 83

Non-Displaced
Government servants ... 174

OBJECTIVE REVIEW OF ESTABLISHMENTS

539. Shri Punnoose: (a) Will the Minister of Finance be pleased to state whether the Objective Review of Establishments indicated in "Brief Statement of Activities of the Ministry of Home Affairs during the year 1951-52" has been finalised?

(b) If so, do Government propose to lay it on the Table of the House?

(c) If not, when will the review be ready?

The Minister of Revenue and Expenditure (Shri Tyagi): (a) to (c). The "objective review" of the organisation of the various Ministries and the offices under them referred to by the hon. Member is still in progress. The special team constituted for this purpose have so far covered the Ministries of Food and Agriculture, Irrigation and Power and Labour and their attached and subordinate offices and also the office of the Union Public Service Commission.

The notes drawn up by the team are in the nature of unofficial departmental notes, intended mainly to serve as a basis for further departmental discussion with a view to implementing the proposals. Such discussions are in progress now, and a Summary of the final decisions taken so far is placed on the Table of the House. [See Appendix V, annexure No. 30]. These relate exclusively to the Food & Agriculture Ministry. Matters in regard to the other Ministries and the Union Public Service Commission are still in process of discussion, and it cannot be said when these will be finalised.

JUVENILE COURTS

540. Shri M. R. Krishna: Will the Minister of Education be pleased to state which are the States where Juvenile Courts dealing with children's cases are functioning?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The information is being collected and will be placed on the Table of the House in due course. This subject is, however, the responsibility of State Governments.

**EX-SERVICEMEN'S MOTOR TRANSPORT
CO-OPERATIVE SOCIETIES**

541. Shri H. N. Mukerjee: (a) Will the Minister of Defence be pleased to state how many ex-servicemen's Motor Transport Co-operative Societies have so far been formed?

(b) What is the total amount of loan or grant sanctioned from the State Post-War Reconstruction Fund for this purpose in different States?

(c) What is the total amount of loan advanced by the Central Government for this purpose and to which of the States?

(d) What is the total number of ex-servicemen expected to be benefited by these schemes, state-wise?

(e) How many of the Co-operative Societies formed already are now working?

The Deputy Minister of Defence (Sardar Majithia): (a) to (d). A statement showing the number of Transport Co-operative Societies formed

financial assistance given by the State Post-War Reconstruction Fund committees and the Central Government as well as the number of ex-servicemen resettled under the Schemes is laid on the Table of the House. [See Appendix V, annexure No. 31].

(e) From the information available, all the 35 Societies already formed are working.

EVACUEE PROPERTY IN HYDERABAD

542. Shri Sivamurthi Swami: Will the Minister of Rehabilitation be pleased to state:

(a) the number of cases in which property belonging to Muslims has been declared as Evacuee Property in Hyderabad State, in the year 1951;

(b) the number of cases in which such property has since been restored;

(c) the number of cases in which properties are worth over rupees (i) ten thousand, (ii) fifty thousand, and (iii) one lakh; and

(d) the income derived so far from Janab Laik Ali's property, after declaring it as Evacuee Property?

The Minister of Rehabilitation (Shri A. P. Jain): (a) to (d). The information is being collected.

ACC. NO. 25.11.2014

**THE
PARLIAMENTARY DEBATES**

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

1979

1980

HOUSE OF THE PEOPLE

Friday 13th March, 1953

The House met at Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

3 P.M.

MOTION FOR ADJOURNMENT.

DETENTION OF THREE M.P.s

Mr. Deputy-Speaker: I have received notice of an Adjournment Motion from three or four hon. Members to discuss a matter of urgent public importance, viz., the situation arising out of illegal detention of three Members of Parliament in violation of the mandatory provisions of the Constitution of India as held by the Supreme Court of India on the 12th March 1953.

When was the judgment of the Supreme Court given?

Shri Ramachandra Reddi (Nellore): On the 12th.

Mr. Deputy-Speaker: Are the hon. Members still under detention?

Shri Ramachandra Reddi: No. You are aware of the fact that they were here yesterday.

Mr. Deputy-Speaker: The presumption is that they continue to be free.

Shri Ramachandra Reddi: It is not a question of the freedom of the M.P.s. from yesterday. It is a question of illegal detention of three hon. Members of this House who were detained by a Magistrate, and the protection given under Article 22 of the Constitution has not been extended to them. Today, the life and liberty of the
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Members of Parliament and most of the public men who do not belong to the Congress Party seem to be in jeopardy. They are being deprived of their liberty and the Police Raj is ruling the country. We want the Government to make clear what their policy is with regard to.....

Mr. Deputy-Speaker: All that would be relevant after the motion is accepted. Has the hon. Member got a copy of the judgment of the Supreme Court?

Shri Ramachandra Reddi: No, Sir. Newspaper reports of the judgment....

Mr. Deputy-Speaker: On what grounds was the detention held to be illegal? Is it the original detention or subsequently any irregularity in the procedure?

Shri Ramachandra Reddi: Irregularities have also been pointed out and the entire thing has been declared illegal.

Mr. Deputy-Speaker: True, at a particular stage. I would like to know if from the outset there is a case. The other day, it was represented by the hon. Minister that a case has been launched under Section 188 of the Penal Code for disobeying an order under Section 144 of the Criminal Procedure Code, and also that a petition for a writ of habeas corpus was filed before the Supreme Court. The Supreme Court has since given a decision. Does it say that the original detention itself was wrong, so much so that the proceedings under Section 188 were quashed, or subsequently, for want of a remand order, the detention was held to be illegal on the date when the motion was made?

Sardar Hukam Singh (Kapurthala-Bhatinda): You are right so far as the original arrest was concerned. That was not held illegal. That has been let off. It is the subsequent detention—and the Adjournment Motion also relates to that detention—which is held to be unlawful. The Motion

[Sardar Hukam Singh]

says "the situation arising out of the unlawful detention". It is not the previous arrest that is being questioned. Three Members of Parliament were detained.....

Mr. Deputy-Speaker: The detention is illegal or unlawful because a remand order was not passed later on. Is that the point?

Shri Vallatharas (Pudukkottai): There was no remand order at all for three days together, and further, they had produced remand orders subsequently very late in the day. They are questionable now; because they are either fraudulent or made up subsequently, they were not produced.

Mr. Deputy-Speaker: We will assume there was no remand order. The point, therefore, is there is no questioning the original arrest. It is not a question of detention. The case is pending before the Court under Section 188 of the Indian Penal Code. Later on, unless there is a remand order, the accused are entitled to be at large. It is that portion that seems to have been declared by the Supreme Court as illegal—the further detention on account of want of a remand order. Am I correct?

The Minister of Home Affairs and States (Dr. Katju): I may venture to say that you have put the matter absolutely accurately, and I respectfully submit that this matter is entirely a judicial matter where a Magistrate acted rightly or wrongly, and this House should not interfere with the course of justice. If a mistake was committed, that was committed by a Magistrate exercising his judicial functions.

The accused in this case were arrested on the 6th of March, and that was a Friday. On Monday, the 9th of March, they were produced before a Magistrate on a charge under Section 188 of the Indian Penal Code. An adjournment was asked for by the accused themselves. The Magistrate acceded to this petition. Now, what he did was this: he merely wrote on the file before him that the case was being adjourned at the request of the accused. He forgot—I do not know whether he forgot or whether he was following the procedure which was being followed in the Delhi Courts for many, many years—but he forgot Section 344. That Section, as Mr. Deputy-Speaker, you are aware, provides that when a trial is adjourned, then:

"and may by a warrant remand the accused if in custody."

The trial was being held in jail. The accused had been produced before him from jail. They had asked for postponement of the trial, and I imagine the Magistrate thought that they would go back where they had come from. Anyway, he just noted back, and he did not pass any order in terms of the Section. The learned Judges of the Supreme Court thereupon said this:

"Various questions of law and fact have been argued before us by Mr. Sethi on behalf of the Petitioner, but we consider it unnecessary to enter upon a discussion of those questions, as it is now conceded that the first order of remand dated the 6th March even assuming it was a valid one expired, on the 9th March and is no longer in force. As regards the order of remand alleged to have been made by the trying Magistrate on the 9th March, the position is as follows:—The trying Magistrate was obviously proceeding at that stage under section 344 of the Criminal Procedure Code, which requires him, if he chooses to adjourn the case pending before him, to remand by warrant the accused, if in custody and it goes on to provide: Every order made under this section..."

They also, after examination of the records, came to the conclusion that the learned Magistrate had omitted to pass a formal order of remand as required by Section 344. It had nothing to do with the Government. It is entirely a matter in the jurisdiction of the Magistrate, and he made a mistake. Magistrates and Judges make mistakes every day. Otherwise, the Supreme Court and the High Courts would not exist. They exist for the rectification of those mistakes, and correction of those mistakes. It was a purely procedural mistake, and I respectfully submit, therefore, that this Motion for Adjournment is not in order.

Several Hon. Members rose—

Mr. Deputy-Speaker: I have heard sufficiently. This is practically a point of law.

Sardar Hukam Singh rose—

Mr. Deputy-Speaker: I have heard hon. Member Sardar Hukam Singh, if he has got anything more to say, I will hear him. The procedure I follow in these matters is this: I hear first the persons who table an Adjournment Motion; then any other

persons who want to enlighten me on those matters with respect to which I might have put some questions. They may also enlighten me, and I hear them. Then I ask the Government. Then I give a decision. How long can I be going on changing from side to side, asking one side and then the other? I have heard sufficiently over this matter.

Shri V. G. Deshpande (Guna): I am one of those who have given notice of the Adjournment Motion.

Mr. Deputy-Speaker: Then, why did not the hon. Member ask to make a submission as soon as I began?

Shri V. G. Deshpande: I could not rise again and again.

Mr. Deputy-Speaker: The hon. Member knows how well to catch my ear or my eye. Is he going to say anything more than what has been said by Mr. Reddi?

Shri V. G. Deshpande: Yes, something more than that. The point is this, that a very serious irregularity has been committed by the police, and a very serious statement was made by the police and the magistrate, that they wrote an order, where they said that the accused were produced before the magistrate.

Mr. Deputy-Speaker: We are concerned with 6th March now.

Shri V. G. Deshpande: That is what happened. It has appeared in the case that it was not so.

Mr. Deputy-Speaker: The hon. Member will kindly enlighten me on particular points. At this stage, I am to give consent to or refuse the adjournment motion. First of all, it is clear, that those three hon. Members of the House are not in detention or under arrest or in jail since yesterday. This is with respect to the orders when they were in jail, i.e. till the 12th. That order is illegal. They have been detained without a particular order of remand. According to the Supreme Court order, there was no separate order of remand by the Magistrate, who was trying the case on the 9th. The further question whether on the 6th itself, there was a warrant or not was not considered by the Supreme Court. The hon. Member will kindly refer to that portion. I have got it with me, I just read it.

Shri V. G. Deshpande: There were false reports, and the magistrate.....

Mr. Deputy-Speaker: I have got the order here.

Shri V. G. Deshpande: Those who have attended the whole proceedings, in the light of the arguments and the records before the Court, have been convinced that the police and the magistracy of Delhi.....

Mr. Deputy-Speaker: I am not going to allow all this. I am concerned now only with this question: Was there an order by the Supreme Court that even the original detention or arrest on the 6th was illegal? If that is so, then the proceedings under Section 188 are automatically quashed. Is that the position? I understood from Sardar Hukam Singh, who is an able lawyer and has been a judge also, that this does not relate to the original arrest. Their Lordships in the Supreme Court proceeded only with respect to what happened from the 9th; on the date on which the petition was filed, and in any case, when they were asked to be produced, there was no legal order against those hon. Members, and therefore the Court granted their application and released them. That is the situation. Is there anything more to be said on this by any other hon. Member?

Shri K. K. Basu (Diamond Harbour): If I have heard the hon. Minister of Home Affairs, rightly, he says that this kind of irregularity of procedure is generally committed by the Delhi Judiciary. That is a very important matter, because it relates to a definite miscarriage of justice. If in a Part C State, which is.....

Mr. Deputy-Speaker: We are not now going into the conduct of those people.

Shri K. K. Basu rose—

Mr. Deputy-Speaker: Order, order. I have caught the point. I am now in possession of facts, from which I can certainly come to a conclusion. It is unfortunate that three hon. Members of this House have been under illegal detention for some time, for want of.....

Shri Vallatharas: If the Chair would permit me, may I make a submission?

Mr. Deputy-Speaker: I am not going to permit.

Shri Vallatharas: It is a legal point, Sir.

Mr. Deputy-Speaker: No, the hon. Member gets up when I am on my legs. I am not going to hear any-

[Mr. Deputy-Speaker.]

thing more. I have heard sufficiently about this matter. There must be an end to all this. (*Interruption*). There is no good interrupting me.

What I find is this. The original order of arrest has not been declared to be illegal by the Supreme Court. It is still pending under Section 188. If the Magistrate, in pursuance of Section 344 Criminal Procedure Code had written that he was still remanding the accused in custody, for another period of 15 days, then according to law, the order would have been quite legal. The Supreme Court, in that case, would not have interfered with it. Now, the court is not an executive authority, directly responsible to this Government. Even the Government is only one of the suitors to a particular case. Under these circumstances, even if there be any mistake or otherwise, the court not being under the control of the executive, this Parliament has no jurisdiction, and the executive has no jurisdiction over every court which commits mistakes. The Government is responsible only for such acts as they themselves do, or their subordinates do, over whom they have control. I am sorry, that whatever might be the unfortunate manner in which those three hon. Members have been prevented from coming to this hon. House during the period when without a remand order, they were detained, this is not the forum for ventilating that. I am, therefore, unable to give my consent to this adjournment motion.

Kumari Annie Mascarene (Trivandrum): On a point of order, Sir.

Mr. Deputy-Speaker: On my ruling?

Kumari Annie Mascarene: No, Sir.

Mr. Deputy-Speaker: There is no other thing now.

POINTS OF PRIVILEGE

DETENTION OF THREE M.P.'S

Mr. Deputy-Speaker: I have received notices in the same matter, from other hon. Members.

The first one is by **Sardar Hukam Singh**, **Shri Krishnaswami**, and **Kumari Annie Mascarene**, which reads:

"We hereby give notice of our intention to raise the question involving a breach of Privilege of

three Members of the House of the People, namely, **Dr. Syama Prasad Mookerjee**, **Shri N. C. Chatterjee** and **Shri Nand Lal Sharma**, who were prevented from discharging their duties as Members of the Parliament and from attending the Parliament on account of their being wrongfully detained in the District Jail, Delhi, from 7th March to 12th March 1953, when the Supreme Court released them holding that their detention was illegal and repugnant to the Constitution."

This notice has been given in accordance with the rules. I have to look into this matter and see whether there is any question of breach of privilege involved in this matter. I will take time to consider this matter, but I shall consider this matter.

I have received notice of another motion under rule 172, from **Shri R. N. S. Deo**, and **Sardar Hukam Singh**, which reads:

"We hereby give a notice under rule 172 of a motion to discuss a matter of general public interest, namely:

"The revelation of serious irregularities and non-compliance with mandatory provisions of the Constitution and law by the authorities as disclosed in the *habeas corpus* petition filed by **Babu Ram Narayan Singh, M.P.** in the Supreme Court of India."

I have just received a copy of the judgment of the Supreme Court. I shall consider and find out what I can do in this matter. If I give my consent, I shall place this matter before the House later on.

The House will now take up Legislative Business.

EXPUNCTION OF A REMARK

Shri V. P. Nayar (Chirayinkil): On a point of submission, Sir. I have just seen your orders on the question of privilege which I intended to raise today. The office has shown me the order, and I submit that it is a very delicate question which involves your ruling as also my duty and honour. And as such, I request and beg of you that you should not take exception in this case. I also hope, you will be kind enough to go by the general

rule and take up the question of privilege. I do not want to discuss the merits, because you have not given me consent, but I would again urge upon you and beg of you.....

An Hon. Member: Do not beg.

Shri V. P. Nayar: ...to consider all these matters in the light of the fact that it involves a matter which affects your own ruling.....

Mr. Deputy-Speaker: It is the same matter again. We have got the rules and a certain procedure to follow. The hon. Member came to me the other day and told me that he wanted to raise this matter in the House. This is with respect to some expunction from an earlier speech made by him. Then I told him that no such matter need be raised in this House, before my being informed of it. He came to me later, and I sat with him, I looked into the records, and agreed to restore some of those passages, and deleted some of those passages. Then he went away. This morning, the hon. Member comes and says: 'It is a breach of privilege', and therefore he wants to raise it on the floor of the House. I wrote back to the hon. Member to say that I had a talk with him, and then I agreed to restore some portions and expunge some others, to which he agreed. Besides, this is purely a matter of discretion, namely the allowing of a certain matter which has been said here to be expunged, because it is defamatory of this or that. Under the rules, it is discretionary. I allowed the hon. Member to come to me and then argue with me. We took a very long time over this matter, and I thought I satisfied him, but still he thinks that it is very delicate matter, and so has to be gone into. I am really surprised at the manner in which the hon. Member has brought up this matter. I have no particular interest in this matter. He came to me, and I told him that I have gone through all the procedure. If I find that there is a *prima facie* case of privilege involved, I would certainly refer it to the Privileges Committee. I had a talk with the hon. Member and I thought I satisfied him also. What more can I do? Under these circumstances, I did not expect that any hon. Member even after having been satisfied about it, should come again and make a representation on the floor of the House in this manner.

I shall now proceed with the next item.

Shri Punnoose (Alleppy): On a point of submission, Sir.

Mr. Deputy-Speaker: Nothing, so far as this matter is concerned, I have done with it.

Shri V. P. Nayar: On a point of order, Sir.

Mr. Deputy-Speaker: Order, order. The House will now take up Legislative Business.

Shri V. P. Nayar: After your having said this, may I offer a personal explanation? You have touched several aspects which the House did not know before. You said that I was satisfied in the Chamber. But I was not. Let the House know it.

Mr. Deputy-Speaker: If the hon. Member was not satisfied, under the rules, I am entitled to give a ruling. I have given.

Shri V. P. Nayar: That is why, Sir....

Mr. Deputy-Speaker: Order, order. Notwithstanding the fact that I thought the hon. Member was thoroughly satisfied with what I said, if further the hon. Member challenges my statement, I would only say that I am willing to abide or go by the rules. Even then I would say that under the rules, I have got the discretion to omit any particular portion, and I have done so, in this case.

Under those circumstances, I will not allow anything more to be said on this.

Shri V. P. Nayar: That was an exception, Sir. I came to you and sought your interpretation only on a general rule.

Shri Punnoose: May I make a very important submission, Sir?

Mr. Deputy-Speaker: No.

Shri Punnoose: This is not a matter concerning this privilege, Sir. The matter was referred to in the House. It was not deleted at that moment. Then it became the property of the House.

Mr. Deputy-Speaker: All that has been argued. Whether in the House or outside, if any defamatory or any such matter comes to my notice in the records, I immediately order expunction. Even if I do not find it immediately by inadvertence, whenever it comes to my notice I can get it expunged under the rules. That is my interpretation of the rule. This matter was also brought to my notice.

Shri V. P. Nayar: Am I not entitled to know, Sir, how it is defamatory?

Mr. Deputy-Speaker: Order, order. I am not prepared to say. It is my discretion. I am not going to allow any discussion on this.

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): Mr. Deputy Speaker, as the Leader of the House, I have been troubled—greatly troubled—and I wish to put my difficulty before you. The time of this House daily is being taken up by private controversies, if I may say so, in which some hon. Members of the Opposition are interested. All the Members of the House at the expense of the nation sit here and listen to their private complaints most of the time. I do submit that this is a waste of the nation's time and Parliament's time and some means should be devised. I hope either you, Sir, or the hon. Speaker will consider how to avoid this. I have no desire to come in the way of any legitimate thing but I should like the time to be calculated—how much time we are spending on these private arguments every day.

Shri H. N. Mukerjee (Calcutta North-East): On a point of order, Sir. Is the hon. the Leader of the House entitled to forget that he is not only the Leader of the majority party in the House but also the champion—the theoretical champion—of the rights, privileges etc. of all sections of the House? In view of that, is the hon. the Leader of the House entitled to make an observation which definitely insinuates that certain Members of the Opposition are agitating their private questions and wasting the time of the nation?

Shri Punnoose rose—

Mr. Deputy-Speaker: Order, order. Let me dispose of one point. So far as the matter that has been referred to by the Leader of the House is concerned, I think there is very great force in what he has said. So far as this matter is concerned, I myself have been finding it difficult to get along. Taking this particular instance, a question of privilege can be raised and if he is not satisfied with that, any hon. Member has to give notice and I may give my consent to it. In this case, I intimated to him also. Then still on the floor of the House the hon. Member goes on spending away the time of the House. I fail to see what I can do in this matter. I must only devise another method. What is exactly what the hon. the Leader of the House who is in charge of the proceedings of this House said—as to the manner in which

the proceedings ought to be conducted properly. He has to make a representation. This is a matter where if the order is passed rightly or wrongly, the order must be obeyed. I have tried to persuade them and in spite of this, the matter is raised and so much time is taken away. I will certainly devise ways and means as to how this can be prevented on the floor of the House.

Therefore, so far as this matter is concerned, the House cannot be dictated to by one or two Members. Even today there is this matter. It ought not to have been taken up in this House when I intimated to him what exactly was my ruling. Under those circumstances, I need not go to other matters. This very hon. Member has now raised this question. As to what should be done in future, will certainly engage my attention and I will try and take steps to see that the time of the House is not wasted.

Shri H. N. Mukerjee rose—

Shri Punnoose: I want to know, Sir, whether any hon. Member including the Prime Minister has got a right to say that this House is in the habit of wasting time? He said we are in the habit of wasting time.

Mr. Deputy-Speaker: The House as a whole is not wasting time. He said 'some hon. Members'. Under the circumstances, I do not think that the hon. the Leader of the House has done anything which requires my attention.

Shri H. N. Mukerjee rose—

Mr. Deputy-Speaker: Now, no more submissions. I have heard sufficiently on this.

Shri H. N. Mukerjee rose—

Mr. Deputy-Speaker: I am really sorry that small matters are made into a huge thing. Everyday some time is being spent away in some such matter or other. (Interruption).

Dr. N. B. Khare (Gwalior): May I know, Sir, how can this question be regarded as a private matter?

Shri H. N. Mukerjee: May I submit, Sir, in regard to the question which was raised by my hon. friend, Mr. Nayar, most of the House, I am sure, is completely mystified. We only heard reference to a certain expunction and we want to know the rights of Members in connection with expunctions, Sir.

Mr. Deputy-Speaker: Order, order. I am not prepared to argue every hypothetical matter.

So far as this matter is concerned, the right to expunge is in the discretion of the Speaker and if any hon. Member wants to make any statement or make his representation, I am always willing to hear. After hearing the representation I pass an order and that is final. The matter cannot once again be brought before this House. That is the ruling and that is my interpretation. Under these circumstances.....

Shri H. N. Mukerjee: May I ascertain from you, Sir, the facts on the basis of which.....

Mr. Deputy-Speaker: I have got jurisdiction under the rules to decide. Hon. Members cannot raise it on the floor of the House.

Shri W. P. Nayar: With due respect to the Chair I will submit.....

Mr. Deputy-Speaker: Order, order. The hon. Member must resume his seat. I am not going to allow this.

Shri Jawaharlal Nehru: The patience of the House is exhausted.

Mr. Deputy-Speaker: Hon. Members ought not to interrupt like this.

Shri K. K. Basu (Diamond Harbour): He is in a temper.

Shri Chattopadhyaya (Vijayavada): The Prime Minister's patience gets exhausted very quickly and easily..... (interruptions).

* * * * *

Mr. Deputy-Speaker: Order, order.

Shri Jawaharlal Nehru: The hon. gentleman, Sir, is talking at the top of his voice. I submit..... (interruptions).

Mr. Deputy-Speaker: Order, order.

* * * * *

Mr. Deputy-Speaker: I must say that if they further interfere like this I will have to name hon. Members and take severe proceedings against them. I must be allowed to go on. I cannot allow any more of the time to be wasted hereafter.

INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now proceed with further consideration of the Motion moved by Pandit Thakur Das Bhargava on the 30th July, 1952 regarding the Bill.

Now, Babu Ram Narayan Singh was on his legs regarding this matter. (Interruption.)

Babu Ram Narayan Singh was speaking last on this Bill of Pandit Thakur Das Bhargava to amend the Indian Penal Code and the Criminal Procedure Code. If he does not want to speak I will call another hon. Member.

Babu Ramnarayan Singh (Hazari-bagh West): Sir, I resume my seat.

Shri Nambiar (Mayuram): Sir, with respect to this matter..

Mr. Deputy-Speaker: Even with respect to this matter I already said that I am not going to allow this.

Shri Nambiar: I am speaking about the Bill, Sir.

Mr. Deputy-Speaker: I am not going to allow any more interruption. The hon. Member came and saw me and I told him that I am not going to allow this interruption which he is going to make here.

श्रेष्ठ गोविन्द दास (मंडला—जबलपुर दक्षिण): उपाध्यक्ष महोदय, पंडित ठाकुर दास जी ने जो विधेयक यहां उपस्थित किया है उस का मैं हृदय से समर्थन करता हूं।

जहां तक इस विधेयक के मूल सिद्धान्त का सम्बन्ध है, वहां तक मैं समझता हूं कि किसी को भी मतभेद नहीं होना चाहिये, क्योंकि यह विधेयक जिन लड़कियों का विवाह हो चुका है, उन से सम्बन्ध नहीं रखता। आज संसार की जैसी परिस्थिति है, और हमारे देश की जैसी परिस्थिति है, उस में अफ्रीकी में जिस को सेक्स मोरेलिटी कहते हैं, यौनिक नैतिकता वह बहुत नीचे स्तर पर आ गई है। अभी जब मैं दुनिया के देशों में घूमा तो मैंने उन देशों में देखा कि इस नैतिकता के सम्बन्ध में सिन सिन विचार हैं और

[सेठ गोविन्द दास]

जहां तक पश्चिमी देशों का सम्बन्ध है वहां तक तो यह नैतिकता बहुत ही नीचे स्तर पर पहुंच गई है। कुछ लोग विवाह संस्था पर ही विश्वास नहीं करते। उन का यह कहना है कि मानव समाज में एक ऐसा समय था जब विवाह संस्था ही नहीं थी। हमारे देश के भी कुछ लोगों का यह मत है और वे महाभारत की एक कथा का प्रायः दृष्टान्त दिखा करते हैं, जो उद्दालक और श्वेत-केतु की कथा के नाम से प्रसिद्ध है। यदि थोड़ी देर के लिये हम इस बात को मान भी लें कि मानव समाज में एक समय ऐसा था जब विवाह संस्था नहीं थी, तो भी मैं तो इस बात पर विश्वास रखता हूं कि मानव समाज उन्नति की ओर अग्रसर हो रहा है और मेरा यह मत है कि पुरुष और स्त्री के संग में रहने का विवाह पद्धति के अतिरिक्त और दूसरा कोई सुचारु मार्ग नहीं है। फिर कौन सा विवाह सब से अधिक श्रेयस्कर है इस सम्बन्ध में भी बड़ा मतभेद है। मैं ने अमेरिका में देखा, वहां का तो यह मत भी है कि विवाह बंधन में बंधने के पूर्व पुरुष और स्त्री दोनों को कम्पेनि-अनेट मेरेज के रूप में रहना चाहिये, यानी विवाह के न होते हुए भी दोनों इस प्रकार रहें जिस प्रकार पति और पत्नी रहते हैं और इस प्रकार से रहते हुए जब दोनों एक दूसरे को अच्छी तरह से पहचान लें, अच्छी तरह से समझ लें, तब उन का विवाह में बन्धना उचित है।

मैं यह कहना चाहता हूं कि अब तक समाज में कोई भी आदर्श विवाह पद्धति नहीं निकली है, और जहां तक मेरा मत है हमारे भारत-वर्ष में जो विवाह पद्धति प्रचलित है वह सर्वोत्तम पद्धति है। मैं यह नहीं कहता कि हमारे यहां विवाह पद्धति में कोई दोष नहीं है, और इस

में कोई ऐसी बातें नहीं होतीं जो कि विवाह में बंधे हुए पुरुष और स्त्री के लिये दुःखकारक हों। परन्तु जहां पर भिन्न भिन्न प्रकार की नवीन विवाह पद्धतियां चल चुकी हैं, जैसा मैं ने अभी कहा कि अमेरिका में तो कम्पेनियनेट मेरेज तक आ चुकी है, क्या वहां जो दम्पति एक बार विवाह में बंध जाते हैं उन के जीवन में कोई दुःख नहीं आता? आप देखिये कि वहां तलाक के कितने अधिक मुकदमे होते हैं, वहां पर आत्म हत्या में कितने अधिक प्रकरण हम को सुनाई देते हैं। इसलिये जहां तक विवाह पद्धति का सम्बन्ध है वहां तक मेरा मत है कि भारतवर्ष की विवाह पद्धति जितनी अन्य विवाह पद्धतियां प्रचलित हैं उन सब में श्रेयस्कर है।

पंडित ठाकुर दास जी भार्गव का यह विधेयक विवाह से सम्बन्ध नहीं रखता। यह विधेयक उन लड़कियों या स्त्रियों से सम्बन्ध रखता है जिन का विवाह नहीं हुआ। अब आज हमारा समाज जिस प्रकार कुछ लोगों के मत से आगे बढ़ रहा है, मैं उसे आगे बढ़ना न कह कर यह कहता हूं कि वह जिस प्रकार से चल रहा है, उस में इस विधेयक की नितान्त आवश्यकता है। आज हमारी लड़कियां समाज के अनेक क्षेत्रों में काम करती हैं। हाई स्कूलों में पढ़ती हैं, कालेजों में पढ़ती हैं, आफिसों में टाईपिस्ट का काम करती हैं, और भी न जाने कितने प्रकार के काम करती हैं। मैं इस बात का समर्थक हूं कि जहां तक अधिकार का सम्बन्ध है वहां तक पुरुषों और स्त्रियों के अधिकार में कोई अन्तर नहीं होना चाहिये और स्त्रियों को पुरुषों के सदृश ही समाज में सारे अधिकार प्राप्त रहने चाहियें, पर इसी के साथ मैं एक बात और भी मानता हूं कि समाज का हर क्षेत्र स्त्रियों के काम करने के योग्य है, यह भी कोई बड़ी उचित दलील नहीं है।

यदि हम थोड़ी देर के लिये यह मान लें कि पुरुषों ने अब तक समाज के जिन जिन क्षेत्रों में काम किया है वे सब क्षेत्र स्त्रियों के लिये भी उपयुक्त हैं तो मैं कहूंगा कि थोड़े दिनों के पश्चात् हम देखेंगे कि स्त्रियों में उतनी ही जुर्म करने वाली स्त्रियां पैदा हो जायेंगी कि जितने जुर्म करने वाले पुरुष समाज में रहते हैं। मैं अनेक जेलों में रहा हूँ और मैं ने देखा है कि जहां जेलों में पुरुष कैदियों की संख्या दो हजार तक या ढाई हजार तक थी, वहां स्त्रियों की संख्या दो या ढाई सौ से अधिक नहीं थी। अब यदि हमारी बहनों की यह इच्छा है कि पुरुषों के हर क्षेत्र में वे काम करें और पुरुषों के कार्य करने के जितने क्षेत्र हैं वे सब बड़े श्रेयस्कर हैं तो मैं उन से कहना चाहता हूँ कि जेलों में भी उन की संख्या थोड़े दिन बाद पुरुषों के बराबर हो जाने वाली है।

फिर आज एक ओर तो हम यह चाहते हैं कि शान्ति के लिये प्रयत्न हो। हम इस बात की कोशिश कर रहे हैं डिसआर्मामेंट हो, निःशस्त्रीकरण हो। दूसरी ओर हमारी बहनें यह चाहती हैं कि उन्हें सैनिक शिक्षा दी जाय। मैं इस बात को स्वीकार करता हूँ कि स्त्रियों को भी हथियार चलाना आना चाहिये और मातृ भूमि पर कभी कोई संकट आवे और पुरुष उस की रक्षा न कर सके तो हमारी बहनों को भी यह अधिकार है कि वे मातृ भूमि की रक्षा के लिये शस्त्र उठावें और युद्ध क्षेत्र में जायें। लेकिन अगर हमारी बहनें यह समझती हैं कि युद्ध की शिक्षा कोई बड़ी अच्छी शिक्षा है, हथियार चलाना कोई बड़ा अच्छा काम है और युद्ध क्षेत्र में जाना बड़ा श्रेयस्कर है तो मेरा उन से मतभेद है। यदि आज कहीं भी संसार में शान्ति की बात सुनाई देती है तो वह हमारी बहनों के कारण। यदि हमारी बहनें भी हथियार चलानें और युद्ध की ऊंचा काम समझने लगेंगी और पुरुषों के सदृश उन की भी यह इच्छा होगी कि उन्हें

भी सैनिक शिक्षा मिलनी चाहिये और सेना में भर्ती होना और हथियार चलाना यह सब अच्छे काम हैं तो मानव समाज में जो थोड़ी बहुत शान्ति हम को दिखाई देती है, वह भी हमको दृष्टिगोचर नहीं होगी। तो आज जो हमारी बहनें समाज के हर क्षेत्र में कार्य करने का प्रयत्न कर रही हैं उसे देखते हुए मेरा यह मत है कि जो विधेयक पंडित ठाकुर दास जी भागवत ने प्रस्तुत किया है वह सर्वथा उचित विधेयक है। मैं तो आगे चल कर यहां तक चाहता हूँ कि वैश्यावृत्ति भी हमें इस देश में जल्दी से जल्दी बन्द करनी चाहिये। मैं ने किसी भी सभ्य देश में वैश्यावृत्ति नहीं पायी। वैश्यावृत्ति आज अधिकतर सभ्य देशों में एक जुर्म मानी जाती है और हमारा जो यह इतना प्राचीन देश है, जिस में सक्स मारेलेटी, यौनिक नैतिकता पर इतना जोर दिया गया है, वहां पर वैश्यावृत्ति रहे और वह एक कानूनी वृत्ति मानी जाय यह हमारे देश के लिये एक बड़े कलंक की बात है। तो मैं तो कहूंगा कि वैश्यावृत्ति को समाप्त करने के लिये हमें एक और विधेयक प्रस्तुत करना चाहिये जो अखिल भारतीय रूप से इस वैश्यावृत्ति को समाप्त कर दे। पर जब तक इस प्रकार का कानून हमारे यहां नहीं बन जाता है तब तक हम कम से कम इतनी सी बात तो करें कि जो स्त्रियां बालिंग नहीं हैं उन के सम्बन्ध में हम इस विधेयक को स्वीकार करें। इस विधेयक पर जो कमेंट कमेटी बिठायी गयी थी अगर आप उस की सिफारिशों को देखें और उन पर ध्यान दें तो आप को मालूम होगा कि उस ने भी यह बात कही थी कि इस सम्बन्ध में कम से कम यह अवस्था जो पहले १४ वर्ष की थी और अब १६ वर्ष की है वह १८ वर्ष कर दी जाय। मैं तो और भी आगे जाकर यह कहूंगा कि यह १८ वर्ष भी मेरी दृष्टि से कम ही है और यह बढ़ाकर २१ वर्ष की कर दी जानी चाहिये।

[सं. गोविन्द दास]

पर कम से कम १८ वर्ष रहना तो अत्यावश्यक है। तो आज संसार की जैसी परिस्थिति है, हमारे देश की जैसी परिस्थिति है, तमाम सभ्य देशों की जैसी परिस्थिति है, इन सब परिस्थितियों को देखते हुए मेरा यह मत है कि पंडित ठाकुर दास जी ने जो विधेयक यहां उपस्थित किया है उसे हम को सर्व मत से स्वीकृत करना चाहिये।

Shri M. D. Joshi (Ratnagiri South): I rise to record my whole-hearted support to the Bill brought up by Pandit Thakur Das Bhargava. Looking into the history of this Bill, I find that Pandit Thakur Das Bhargava himself was the author of the previous Bill which raised the age of consent from 14 to 16 in the year 1949. By Act XLII of 1949, the age was raised from 14 to 16 as recommended by a Select Committee which was appointed by the House at that time. It is a matter of record that at that time Pandit Thakur Das Bhargava insisted on 18, but somehow or other it was not agreed to, and therefore he has taken this opportunity to place this Bill before the House for its acceptance.

Pandit Thakur Das Bhargava (Gurgaon): I did not place the amendment before the House. I reserved it for another Bill.

Shri M. D. Joshi: I am not referring to any amendment, but I only drew attention to what he stated then in his speech. This is what I find from the record.

Now, this age of consent was first raised in 1860 when this section was originally drafted and passed. The age was 10 years as advised by the first Law Commission. Then, in 1891 it was raised to 12 years, because the age of 10 was considered to be too tender to expect a girl to give her consent. Then, in 1924-25, Dr. Gour brought a Bill in the Central Assembly to raise the age from 12 to 14 in order to bring it in line with the general spirit of the times. We know that at about the same time the late Harbilas Sarda brought a Bill prohibiting marriages of girls under 14 with boys under 18. That Bill was passed and it is now being observed practically by the whole society, though there are exceptions here and there.

Dr. Gour's Bill sought to raise the age of consent regarding Section 375

to bring it in line with the general spirit of the times and therefore the age was raised from 12 to 14, and now, after the age was raised subsequently from 14 to 16, Pandit Thakur Das Bhargava has rightly sought to raise the age from 16 to 18.

Now, if we look to the history of the age of consent in connection with the offence of Rape in other States like England and America, we find that about one thousand years ago, rape was considered too heinous an offence to be punished with ordinary sentences. To quote an authoritative law book, rape seems originally to have been punishable by death. The punishment was later reduced to mutilation. This mutilation was ordered by William the Conqueror. Mutilation meant either castration, or loss of the eyes of the criminal. Then, there was a reversion in public feeling in England, and rape did not appeal to the people as a heinous offence. Therefore, it was reduced to trespass, punishable with only two years' imprisonment. This happened in the reign of Edward I. Again, it was found that this led to very grievous and serious consequences. Public opinion again asserted itself and later on the offence of rape was rehabilitated to its original position and was treated as felony. Subsequent statutes made it an offence punishable with imprisonment for life. Now, an attempt to commit rape is made punishable in England with imprisonment for seven years.

In the U.S.A. the position is as follows. The section reads thus:—

"Whoever, within the special maritime and territorial jurisdiction of the United States, commits rape shall suffer death or imprisonment for any term of years or for life."—June 25, 1948. Then, further on, it reads thus:—

"Whoever, within the special maritime and territorial jurisdiction of the United States, carnally knows any female, not his wife, who has not attained the age sixteen years, shall for a first offence be imprisoned for a term not exceeding 15 years, and for a subsequent offence, be imprisoned for a term not exceeding 30 years"—September 1, 1948.

This is the position in the U.K. and U.S.A. Now, in the State—

ment of Objects and Reasons and in his able speech Pandit Thakur Das Bhargava has expatiated on the necessity of having such a legislation. In the present state of society which has just been mentioned and explained by my predecessor just now, educated girls are following various walks of life. They are serving in schools and offices; they are going about alone on their business. In newspapers we very often hear that such a girl's modesty was insulted and attempts made to violate her honour. In the present state of society boys and girls, young men and women, come in contact frequently and as said in a famous verse in Manu:

बलवानि द्रियग्रामो विद्वानपि कर्षति ।

God Kama crushes even a very learned person: what then of ordinary individuals, of young men and women just on the threshold of life, and exposed to temptations? They have to be protected by the long hand of the law. Their moral stature and existence has to be kept intact and has to be guarded with a watchful eye by those who are the guardians of law. I, therefore, think that Pandit Thakur Das Bhargava, a very old veteran of this House, who has brought in this Bill to guard the morals of the young generation, has to be congratulated.

Then, the age prescribed to constitute an offence of kidnapping is 16 years for a girl. That means when a girl has been taken out of legal guardianship without the consent of the guardian when she is under the age of 16, the offence of kidnapping is completed. Even if the young girl happens to give her consent to go away from her lawful guardians, still the offence of kidnapping is completed. There is much force in insisting that even if the girl has attained the age of 16, she is not free to give her consent to a heinous crime, such as loss of her virtue, even when done by consent.

The present amendment seeks to raise the age of the girl from 16 to 18. Supposing the girl has run out of legal guardianship at the age of 16: does it mean that she is at liberty? It does not. Assuming that she follows a wrong path, that she allows herself to be seduced, still the man who seduces her is not to be protected by law. That is the position. The position is that after the age of 16 up to the age of 18 if the girl gives her consent, the consent will not protect the young man. It will make him open to have committed another offence which is mentioned

here in clause 4 of the amendment Bill.

"If the sexual intercourse was with a woman between sixteen and eighteen years of age and she was a consenting party".

then, the man can be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

If we look to *Manusmriti*, what Manu says is instructive. Manu says:

त्रोणि नर्षाण्युदीक्षेत कुकारी ऋतुभतीसती ।

ऊर्ध्वं तु कालादेतस्मात् पतिं विन्देत् स्वयंवरा ॥

After a girl attains the age of puberty she should wait for three years. She should not marry immediately, but should wait for three years. Ordinarily the age of puberty is 13 or 14. That means up to the age of 16 or 17 she should wait. After that she should choose her husband by the 'swayamvara' method. Therefore a young girl is given the chance of choosing her husband in order that she should follow a life of lawful wedlock. She is not expected to go the wrong way and follow a life of licentiousness. It is the danger of licentious life from which young men and women are sought to be protected by the present Bill. Therefore, I think this Bill has not come a day too soon.

Mr. Justice Maule in a case has made an observation—in England, of course—but which is to the point. He says:

"The law throws a protection about young persons of the sex and within the age specified by the statutes, it has been determined by the legislature that at age young females are not able to protect themselves, or give any binding consent to a matter of this description. It is, therefore, quite immaterial whether the girl consents or not. If her family do not consent to her departure, the offence of kidnapping is committed."

I wish to refer to one important fact before I sit down, and that is that the offence of rape is not compoundable, if the girl is below sixteen. If between 16 and 18 she gives her consent, then the offence which is committed is sought to be made compoundable. As this Bill is very necessary for the promotion of good manners in society and among

[Shri M. D. Joshi]

young men and women, I congratulate the hon. mover and give it my whole-hearted support.

4 P.M.

Mr. Deputy-Speaker: The Home Minister.

Shri M. S. Gurupadaswamy (Mysore) rose—

Mr. Deputy-Speaker: This has been going on for nearly three days. All the other Bills are blocked. I would like to know the attitude of Government. There are twenty-five Bills, and so many Bills to be introduced. Hon. Members have been repeatedly telling me that this single Bill is blocking every other Bill.

Shri M. S. Gurupadaswamy: Will I be called after that?

Mr. Deputy-Speaker: May or may not be. Fifteen Members have already spoken—three hours grand total. So many days have been spent over this matter. Of course, it is a non-official day and if hon. Members want to spend all the time on one Bill I have no objection. That is my point. Therefore let us hear the attitude of Government.

The Minister of Home Affairs and States (Dr. Katju): Mr. Deputy-Speaker, as you were pleased to remark, this Bill has been before the House for a pretty long time. It began with a very short introductory speech by my hon. friend Pandit Bhargava in July last. Then we had a debate, we had a full day's debate on the 11th of December. And this is the third day.

As my hon. friend Pandit Bhargava himself said in his introductory speech, there is a history behind this Bill. I want to remind the House of that history. It is quite true that the age of consent has had a chequered legislative history in India. It began with the age of ten. Then it was raised to twelve. And from twelve it went up to fifteen in intra-marital cases and to sixteen in cases outside. That is the present law.

There was a Committee appointed which went round the whole country gathering public opinion. My hon. friend Pandit Bhargava rightly said that in that Committee the opinion was expressed that the age may well be raised to eighteen.

But before that Committee attention was also drawn to one particular feature which, I submit, requires great

attention and very careful consideration. I am behind no one in taking all appropriate steps for the protection of our girls. There can be no dispute or difference of opinion on that score.

But we must take society as it is today. Even in 1927 it was said that in several Provinces in many communities it was the prevailing practice for young people to go together and then come back after three or four days and say that they wanted to marry each other. And it was said that that system should not be interfered with. Very well. That was in 1927. The British Government did not proceed with the matter further.

I wish to advert the attention of the House to a very recent event. This Bill, or a modified form of it, was introduced in the year 1948. Of course, we are not bound by any Parliament or Parliamentary precedent at all. What the House does today will be open to this very House or its successor to undo or to go further, as it pleases. But this is a very recent event. The Bill was introduced in the then Parliament, and was referred to a Select Committee. That Select Committee submitted a report on the 21st March, 1949—only four years ago. And that Select Committee—I say again that this House is not bound by anybody—but it was one of the strongest Select Committees that you can think of. There were on it the late lamented Sardar Patel, Shri Ajit Prasad Jain, Bakshi Tek Chand, ex-Chief Justice of the Lahore High Court, Shri Velayudhan, Pandit K. C. Sharma, Shri Kunhiraman, Shrimati Durgabai and Begum Aizaz Rasul—two ladies, representing Hindus and Muslims—Shri Deshbandhu Gupta, late lamented statesman of Delhi, Sardar Hukum Singh and Mr. Deputy-Speaker, you yourself as a Member of the House.

Now, it is perfectly right that my hon. friend Pandit Bhargava, who has pursued this matter with a zeal I envy and a devotion I admire, appended a minute of dissent to the report of that Committee. Otherwise it was absolutely unanimous. There it said (it is a short paragraph):

"In our opinion the age of consent in respect of what has been described as extra-marital offences under section 375 of the Penal Code should be raised to sixteen", that is, from fifteen to sixteen, "and not to eighteen as proposed, especially as we are recommending that the age of marriage for girls should be fixed as fifteen".

Therefore the age for marriage was fixed as fifteen and the age of consent was raised to sixteen. Below sixteen no question of consent arises. And the House passed that in April, that is the following month.

The whole question is: has there been any change in the situation during the last four years that you should have a new policy and reverse the policy decision then taken? I admit again, for the fourth time, that if you are convinced that a mistake was committed you are of course entitled to do that and your succeeding Parliaments may reverse your decisions or do what they like. But this is the situation.

On the merits, it is rather a delicate matter and I do not want to go into it. On the last occasion, as you said, Sir, in the three days' debate there were contributions made by many people, representing practically all parties, from my hon. friend, for instance, Dr. Khare; he spoke, and he said that he did not like the Bill. Why? Because he said he wanted both to be punished. The same attitude was taken by an hon. lady Member, Shrimati Uma Nehru. She said she liked the Bill quite all right. But she said: for God's sake do not punish the boy.

The Bill as it stands—I may not be misunderstood—is a rather curious attempt on the part of my hon. friend Pandit Bhargava to meet the opposite opinion.

You see, the offence is called technically by a bad name, rape, criminal assault. The very basis is, leaving aside the question of ages, that this should be against the will and without the consent of the opposite party. If there is no will, no consent, then the age may be anything, twentyfive, thirtyfive, fortyfive—does not matter. And the woman being an unwilling party to this transaction, a rape is committed. The sentence is ten years, twelve years, may be transportation for life.

Now, up to sixteen the law is there, consent or no consent. The idea is that up to the age of sixteen a girl is of an impressionable age, of immature judgment—not so much the age as immature judgment—and therefore she must be protected against herself.

Here we come now to a rather new theory. The new theory is that between sixteen and eighteen—if there is no consent you need no Bill; there is no necessity for protection of unwilling women, irrespective of age; they are protected—but my hon. friend says out of tenderness of his heart, well,

in the case of sixteen to eighteen years of age there shall be a plea open that the girl was a consenting girl. Very well. The moment that plea is taken, if consent is established, what happens? Number one, the offence becomes compoundable. Secondly, punishment is reduced from ten years to two years. And thirdly, it is non-cognizable, and it is bailable.

The gravity is reduced. Out of ten hon. Members who spoke on this subject, one or two were supporters. There was some direct opposition from my friend Shri D. D. Pant. Others like Dr. Khare wanted to punish both. Shrimati Uma Nehru wanted to punish neither. Look at it from the practical point of view. What would happen? Speaking from personal knowledge and with some experience, I tell you that almost in 99 per cent. of cases, the court would be willing to assume consent. The circumstances of the case would indicate it. Much was said by my hon. friend himself about the change in society, co-education and the girls being employed and so on and so forth. They are dealing with facts, with life. The girl would be a consenting party. I do not want to put it very high but almost in 99 cases out of 100. Now you want to protect her. The man goes. In the first place, as someone said on the 11th December, it is very difficult to say who was to be blamed. If he is a man of 25, of course, he might be blamed. He might be able to see the girl but you may have a case of the other kind, a boy aged 18, 19 or 20 and it is very difficult to say as to who was in the realm of morals, the greater sinner. You say that the girl is off and the boy comes in.

One of the speakers on the last occasion said it opens a vista on an enormous scale of blackmailing a woman of town. It is a field for social welfare workers. The elder Members are aware of it. I am interested myself. I know it. You have to go into one of the big cities and see what is happening to girls below 18, 16. Conditions are horrible. Depraved men take advantage of these things. They say "very well, either put down Rs. 10,000 or Rs. 20,000 otherwise we are going to prosecute you. We are going to induce the girl to say that she is below 18 years." There is consent, quite all right but it is of this offence. Every girl who carries on her profession below the age of 18 in any city throughout India can be used as a wild instrument for blackmailing charge.

सेठ गोविन्द दास : पर यह बात तो १६ वर्ष की उम्र के लिये भी हो सकती है।

Bill

Dr. Katju: I am very reluctant to go into details but such a case every month makes a difference. My hon. friend will understand me what I am meaning here. He puts it down below 16 but 16, 16½, 16 years and 7 months, 17, 17½, but I cannot go on further than this. You understand what I mean otherwise you might say below 10. The only difference between myself and my hon. friend Seth Govind Das is that he has moved in a world of poetry, in a world of imagination of his own. Unfortunately I have moved in, what shall I say, moral words where the atmosphere is unclean. Therefore, you catch hold of a young man and say "put down so much cash". Otherwise, how to go? If the person is a decent girl, consider her life. My hon. friend quoted from Manu. I have read it and I call myself a Hindu whether he would accept it or not. It is all gone. It was 3,000 years ago. Now, if a case is brought against such a girl, realise that you ruin her life. She cannot get a job. She will not be able to settle down anywhere. Nobody would be prepared to marry her. You would be driving her to a life of impropriety.

I ask my hon. friend Mr. Bhargava. Have you got any statistics about this matter? Or is it only purely sentimental because 18 is there for a kidnapping case, 18 is there for an abduction case, and 18 is there for the law of majority. There is some sort of a charm associated with the figure of 18. Therefore, you put 18. If you go to England, you will see that the age of majority is 21. The age of consent in England is 15. I say with great confidence but nevertheless with insistence that this introduction of an intermediate stage, something hovering between rape and non-rape or no offence is something unusual. It should not be done. Either you have it as rape or finish with it. This element of tenderness, making it compoundable, making it non-cognisable, making it bailable, will, I tell you, destroy the whole effect of it. My hon. friend says that if it is non-cognisable, the police will not take note of it but non-cognisable means giving an instrument in the hands of blackmailers. They just send a letter and then say "Well, you put down hard cash or I will take him" if a boy is prosecuted. I am not defending any boy. I am under the impression that I am a very austere man myself but if you prosecute young men, university boys, you ruin their lives. If young boys and girls reading in B.A. fall a victim, you sentence them for two years. The boy cannot enter in Government service. He will be chucked out from

everywhere. You will be making him a criminal. After all we have got to take human nature into consideration. I remember very well one famous case argued by Mr. Norton. He said "You say that he seduced her. I put it to you that she seduced the other party". That often happens.

My respectful submission, therefore, is that on various grounds, this Bill should not be proceeded with. I repeat once again with all sincerity that we want private Members should pursue the cases dear to their hearts with the insistence with which my friend is pursuing, but at the same time, time should be allowed to elapse and there should be a little readiness to bow to public opinion. This matter was fully discussed as I said in 1948 and he himself said in his opening speech that he acted very diplomatically. He said "I got my object in raising the inter-marital age and therefore I kept quiet". I say, it is not a question of yielding to anything; I think he yielded to his impulse of acting rightly that this matter should not be further proceeded with. Let us see how things develop. Meanwhile, if I may venture,—I will not call it advice,—to request, let my hon. friend devote some attention to the number of cases that we have got. None. There are very few cases. For God's sake, do not make law an instrument of torture and destruction of human lives. This is the way in which the matter presents itself to my mind and to the Government as a whole. Really there is no material for taking this step. All these things have been fully considered. But, the opposite consequences would be very dangerous and would result in great human suffering. While you are speaking about the necessity of protection to our daughters and young sisters, I admit that. But, at the same time, consider the matter as a whole. The social evil is not so grave as to preponderate the evil consequences which will follow. There will be so much ruination in every case.

I do not want to take any more of the time of the House. I would only say this much. In cases like this every month makes a difference; every three months make a difference. The magistrate may not listen readily to this question of consent in the case of a girl of 15 or 16. He may even discourage the accused from putting forward that plea and the advisers of the accused may think that nobody would listen to this and would treat this as an absolutely false plea. The higher you go, particularly between the ages of 17 and 18 or 16½ and 18, the court would start the case with

the assumption that there was consent. If it is consent, there is lesser punishment, compoundability, bailability, this and that. The whole matter seems to be a bit complex.

I may remind the House of one thing. We are now discussing this matter after three months. The House has got two motions before it: one, the motion made by my hon. friend that the Bill be taken into consideration; and I think I am right, in saying there is another motion that the Bill be circulated for public opinion by Mr. N. P. Sinha. We are considering that amendment also.

Mr. Deputy-Speaker: There is a motion for circulation also.

Dr. Katju: The motion was that the Bill be circulated for public opinion to come back by the end of March 1953. Inasmuch as that amendment could not be put to the House and the matter is still pending, I do not know what the procedure would be today.

Mr. Deputy-Speaker: The time may be extended if that is accepted.

Dr. Katju: On all these grounds that I have ventured to state and in view of the very great difference of opinion which has become apparent on all sides of the House, I would suggest to my hon. friend that he may consider introducing this Bill at least 10 years later. I have got the notes here. I may just give the names and show how the divergence of opinion has arisen. Mr. N. P. Sinha, has moved this amendment for circulation. Mr. Nandlal Sharma, one of our great Pandits, opposed it. Mr. D. D. Pant, a modern man...

Pandit Thakur Das Bhargava: He only said that both should be convicted. It means he has accepted the principle.

Dr. Katju: He opposed on psychological and biological grounds, tooth and nail.

Pandit Thakur Das Bhargava: She those grounds you do not oppose.

Dr. Katju: Then, Shrimati Uma Nehru said, do not punish the boy. That is an euphemistic way of saying, do not proceed with the Bill.

Pandit Thakur Das Bhargava: She said, she does not oppose. I can read the speech.

Dr. Katju: Will you please hear? I revere the hon. Member; he is a great jurist. She supported, but she implored to make a provision in the Bill not to punish the boy. Am I right?

or am I wrong? The hon. Member is here.

Shrimati Uma Nehru (Sitapur District, Kheri District—West): You are right.

Dr. Katju: She supported; but said, do not punish the boy, do not punish the girl, but pass the Act.

Pandit Thakur Das Bhargava: And you rely on that opinion.

Dr. Katju: Then my hon. friend, a lawyer from Bombay said that he is thoroughly opposed. Mr. Tek Chand opposes and favours circulation. Then, Mr. Narasimhan from Guntur supported. He said, I am speaking on behalf of the Communist party. The Communist Party supports the Bill. Pandit Munishwar Datt Upadhyay supports extension, but opposes compoundability. I have said about Dr. Khare. He was very aggressive against the aggression of maidens. He said, punish both. He was loudly complaining about lipsticks and all that. Mr. S. V. Ramaswamy, a Barrister from Salem, Rajaji's birth place, delivered a long speech opposing it tooth and nail. Mr. Rajabhoj, representative of the Scheduled Castes Federation, opposed it. Mr. Somanna from Coorg, supports but says that the consent will be invalid. My hon. friend said that consent will be valid with reference to the punishment. He said, consent is not valid and he should be punished completely. Babu Ramnarayan Singh, who was actually speaking, made a delightful speech and a very wise speech. He said, I came into the House rather determined to support, but after hearing the speeches, I have now come to the conclusion that the Bill is very bad and ought to be opposed. That is the divided state of opinion in the House itself.

I say that only four years ago this matter was thrashed out. Then, I have ventured to address a few words on what I may call the merits of the Bill, and the divided state of opinion in this House. I submit that the matter should not be proceeded further and as you have said, we have 25 Bills before the House; Private Members may have some other chances.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, मैं ने आनरेबिल होम मिनिस्टर साहब का स्पीच बड़े गौर से सुनी । जो कुछ वह फ़रामते हैं वह हर एक मंम्बर का तबज्जह के क़ाबिल है और मेरे तो

[पंडित ठाकुर दास भार्गव]

एहताराम के काबिल है लेकिन मुझे स्पीच को सुन कर बड़ी मायूसी हुई और उसकी बज्जहात भी साफ़ हैं। दो बज्जहात हमारे आनरेबिल मिनिस्टर साहब ने हाउस के सामने पेश की हैं जिन में से बड़ी बज्जह तो यह है कि चार वर्ष हुए इस हाउस ने जो पहला बिल था उस के अन्दर जो बात दर्ज थी वह कबूल नहीं की थी। और अब उन्होंने इस पीरियड के हवाले से अपनी स्पीच में मुझे हिदायत की है, मुझे सलाह दी है कि दस वर्ष के बाद जब वह और मैं शायद दुनिया में न हों, उस वक़्त यह बिल इस हाउस में आये, ताकि वह बिल को पास होते न देख सकें।

डा० काटजू : मैं सलाह वापस लेता हूँ।

पंडित ठाकुर दास भार्गव : मेरी जनाब वाला अदब से गुजारिश यह है कि सन् १९२९-३० में यह रिपोर्ट जो आई वह मुत्तफ़िका रिपोर्ट थी जनाब आनरेबिल होम मिनिस्टर साहब ने सिलेक्ट कमेटी के चन्द आदमियों के नाम पढ़ कर सुनाये हैं और हम को बतलाया है कि उस वक़्त की सिलेक्ट कमेटी इतनी अच्छी थी। मैं उस वक़्त उस सिलेक्ट कमेटी का मੈम्बर था। मैं नहीं चाहता कि उन के बारे में एक लफ़्ज़ भी बरखिलाफ़ अर्ज करूँ। लेकिन उन्होंने कुछ नाम बतलाये थे कि गवर्नमेंट ने जिन १० आदमियों को मुकरर किया था वे सारे देश में फिरे और राय हासिल की। उन्होंने आठ हजार स्टेटमेंट्स हासिल किये, ४०० विटनेसेज के बयान लिये और राय उन गांवों में और शहरों में गये। लेडीज गांवों में गई और औरतों की राय लाई। और मैं इस हाउस की खिदमत में अर्ज करना चाहता हूँ कि। और सब की यूनिमस राय सन् १९२९ में यह थी कि इस उम्र को १८ साल बढ़ा दिया जाय।

बाज मेरी तबज्जह दिलाई जाती है चार साल के एक मामले की तरफ। मैंने इस बारे में अपनी स्पीच में बड़ी कोशिश की जो बड़ी लम्बी थी और जिस को बज्जह से चन्द मੈम्बरान ने शिकायत भी की कि वह बड़ी लम्बी थी। मैं ने सिर्फ़ एक बात के लिये कोशिश की थी कि मैं आनरेबिल होम मिनिस्टर साहब को यकीन दिलाऊँ कि हाउस ने उस सवाल पर क़तई तबज्जह नहीं की थी। हाउस के सामने मैं ने इस सवाल को पेश ही नहीं किया। चुनावे सिलेक्ट कमेटी की रिपोर्ट जब आई तो मैं ने उसका भी जिक्र किया। क्योंकि उस वक़्त भरहम सरदार पटेल साहब ने यह फ़रमाया था कि यह दोनों बिल जो मैं ने पेश किये थे, ओवरड्यू हैं। लेकिन होम मिनिस्टर साहब के महकमे की गलती से जो राय आई थी उनके बारे में गलत नोट पेश किया गया और कहा कि कुछ लोग इस के बरखिलाफ़ थे। मैं ने इस बात की तरफ तबज्जह दिलाई। मैं ने यहां तक किया कि हाउस के सामने जो ओपिनियन थीं उनका खुलासा पढ़ कर सुनाया। इस में कितनी स्टेटमेंट्स की भी राय थी कि १८ वर्ष कर दी जाय। मैं क्लेम करता हूँ कि हिन्दुस्तान के ९९ फ़ी सदी आदमी इस बिल के हक में हैं। आनरेबिल होम मिनिस्टर साहब जो कुछ चाहें फ़रमायें। उन को हक़ हासिल है और हर एक आदमी की हर एक मामले को अपने स्थान से देखने का हक़ है। उनका जो भी तजुर्बा हो उस की बिना पर जो चाहें कहें। मैं भी उनके तजुर्बों की क़द्र करता हूँ। लेकिन मैं अदब से अर्ज करना चाहता हूँ कि इस बारे में एक आनरेबिल होम मिनिस्टर साहब का तजुर्बा इस मामले में एक अदने आदमी के तजुर्बों से ज्यादा ब़रात नहीं रख सकता।

इस के अन्दर जो हर एक की इंडीवीजुअल राय है वह काउन्ट करती है। जहां तक कोर्ट्स में प्रैक्टिस के तजुबों का सवाल है मैं निहायत अदब से अर्ज करना चाहता हूं कि मेरा तजुर्बा होम मिनिस्टर साहब से कुछ कम नहीं है। उम्र में भी शायद एक दो वर्ष होम मिनिस्टर साहब से ज्यादा होऊं। मैं ने बहुत केसेज ऐसे देखे हैं और मैं निहायत अदब से अर्ज करना चाहता हूं कि सोशियल लेजिस्लेशन में हर एक मॅम्बर को अपनी राय से काम लेना चाहिये और इस बात की परवाह नहीं करनी चाहिये कि हमारे होम मिनिस्टर साहब की यह राय है कि मौजूदा हालात में यह बिल पास नहीं होना चाहिये।

मैं इस की बजूहात भी आप साहबान को खिदमत में अर्ज करता हूं। जब यह मामला चार साल हुए हाउस में आया तो मैं ने एक अमेंडमेंट रखी और उस को विदड़ा कर लिया। मैं ने उन हालात को हाउस के सामने रखा था कि क्यों मैं ने उस को विदड़ा कर लिया था। मैं उन को दोहराना नहीं चाहता। तीन चौथाई जो इस बिल का असेंस था वह मुझ को मिला। जनाब को थाद होगा कि १४ वर्ष की उम्र १६ हो गयी और १३ की १५ हो गयी। मैंने मुनासिब नहीं समझा कि जो कामयाबी सोशल लेजिस्लेशन में बहुत जल्द हो रही थी उसको पार करूं और मैं ने यह कह कर कि मैं इस मामले को यहां पर फिर लाऊंगा उस को प्रैस नहीं किया। इसलिये हाउस को यह हरगिज ख्याल नहीं करना चाहिये कि हाउस ने सन् १९४८ में इस के बरखिलाफ राय जाहिर कर दी। हाउस के सामने मामला पेश ही नहीं हुआ। पहली मर्तबा यह मामला हाउस के सामने आया तो मैं ने हाउस को बतलाया कि जो प्रोटैक्शन हमें गलस को जो छोटी उम्र की है

देनी चाहिये थीं नहीं दी है। इस को रैड हैरिंग मान लेना और कहना कि हाउस की राय इस के खिलाफ थी, ठीक नहीं है। हाउस ने यह कैंपला नहीं किया था कि उम्र १८ साल ज्यादा होगी।

अब मैं दूसरी बात की तरफ तबज्जह दिलाना चाहता हूं जो हमारे होम मिनिस्टर साहब ने इस बारे में फरमायी। इस हाउस की राय को जिस पैराए में उन्होंने फरमाया वह दुरुस्त नहीं था। इस हाउस में अब तक १६-१७ मॅम्बरों ने हिस्सा लिया है। मैं आनरेबिल होम मिनिस्टर साहब की खिदमत में निहायत अदब से अर्ज करना चाहता हूं कि हाउस में जो ओपीनियन ज.हिर हुए उस का अप्रीसियेशन ठीक तौर पर नहीं किया गया इस हाउस में काफी मॅम्बर ऐसे हैं जिन की तादाद बहुत ज्यादा है, जिन्होंने पूरे तौर से इस बिल को सपोर्ट किया है। दो मॅम्बर साहबान ने तो आज इस बिल को पूरे जोर से सपोर्ट किया। हमारे सेठ गोविन्द दास साहब ने और श्री जोशी साहब ने बड़ी लम्बी तक्रारों में फरमाया कि वे इस बिल के हक में हैं। उन का चूँकि ताजा मामला था, होम मिनिस्टर साहब ने गिना ही नहीं। इस के अलावा मैं अदब से अर्ज करना चाहता हूं कि जो राय अब तक इस बिल के बारे में आई वह निहायत मुझे हौसला देने वाली है। मैं उम्मीद करता हूं कि अगर इस हाउस से राय ली गयी तो यह हाउस मेरे हक में राय देगा। चुनांचे सब से अब्बल जो साहब बोले उन की स्पीच को मुलाहत्ता फरमायें। उन्होंने यह फरमाया और यह कहा कि इस को सरक्युलेशन के बास्ते भेज दिया जाय। उन्होंने एक लफ्ज भी बिल के बरखिलाफ नहीं कहा। शायद उन को नहीं मालूम था कि मेरे हाथ में सारे देश की ओपीनियन्स मौजूद थीं। उन को शायद नहीं मालूम

[पंडित ठाकुर दास भार्गव]

था कि ११ महीने तक मैं रात और दिन यह काम इस देश में १९२९ में करता रहा था। मैं ने वह राय पढ़ कर सुनाई। सिर्फ राय पढ़ कर ही नहीं सुनाई, बल्कि उनकी तादाद भी बतलाई। एक मੈम्बर ने भी उस राय के बरखिलाफ एक लफ्ज भी नहीं फरमाया। होम मिनिस्टर साहब ने भी उन रायों के बरखिलाफ नहीं फरमाया। मैं ने नम्बर भी बताया था, ८० राय थीं, जिन में से सिर्फ २९ ऐसी थीं कि जो डाउटफुल थीं, बाक़ी आम तौर पर राय इस के हक़ में थीं।

डा० काटजू : आम तौर पर तो सभी वह राय देंगे, बग़ैर सभस।

पंडित ठाकुर दास भार्गव : आपने क्या कहा ?

Dr. Katju : I withdraw what I said.

पंडित ठाकुर दास भार्गव : इस के अलावा जो उन मੈम्बर साहब की राय थी वह यहां तक की नहीं थी कि इस बिल के बरखिलाफ हो, बल्कि उन्होंने एक तरह से इस बिल के प्रिंसिपल को सपोर्ट किया।

दूसरे साहब जिनकी तकरीर हुई वह तकरीर थी मिस्टर नन्द लाल शर्मा की। श्री नन्द लाल शर्मा की और श्री राम नारायण सिंह साहब की तकरीर के बारे में मैं अदब से भर्ज करना चाहता हूँ कि उन्होंने क्या कहा, उन की राय ऐप्रीशियेट करने के वास्ते इन की तकरीरों को पढ़ना चाहिये। उन दोनों की तकरीर के मुताबिक हिन्दुस्तान में क्या हिन्दू और क्या मुसलमान, सारे हिन्दुस्तान में यह बात मायूब समझी जाती है कि कोई औरत किसी सूरत में भी कनसंट का डिफेंस ले कर यहां पर आप के सामने आये।

श्री नन्द लाल शर्मा के अनुसार अक्कूज के भी यह कहने का हक़ नहीं है कि इस औरत ने रजामन्दी दे दी, क्योंकि इस देश के अन्दर प्रथा यह चली आई है, सभी औरतों की शादियां होती रही हैं, और कोई कभी गवारा नहीं करता कि औरत को इस तरह का हक़ है। आप जानते हैं कि श्री नन्द लाल शर्मा ने क्या फरमाया कि ला आप कनसंट में कनसंट ही न हो तो मैं हक़ में हूँ। श्री रामनारायण सिंह और श्री नन्द लाल शर्मा क्या फरमाते हैं ?

Shri Nand Lal Sharma (Sikar): On a point of order, Sir, I am being misinterpreted here. Sorry, I never said this, that a woman has got no authority to give her own consent, but in cases of rape, i.e., immoral connections, the consent should not be allowed.

Pandit Thakur Das Bhargava: Supposing a husband has access to his wife,—that is not the question here—The question is about non marital relations which are regarded as immoral.

Shri Nand Lal Sharma: It is not rape, Sir.

Pandit Thakur Das Bhargava: I do not understand.

Mr. Deputy-Speaker: The hon. Member does not agree. There is no good trying to convert the hon. Member now.

Pandit Thakur Das Bhargava: I am not converting. I am only quoting from his speech.

मैं इस में से पढ़ कर सुनाता हूँ कि उन्होंने क्या कहा। उन्होंने ने यह फरमाया कि दोनों को सज़ा देनी चाहिये। What does it mean in plain English? दोनों को सज़ा मिलनी चाहिये, इस के माने यह हैं कि जुर्म हो गया इस में से वह कैसे भाग सकते हैं ? क्या इससे निकल सकते हैं ?

उसी तरह मिस्टर रामनारायण सिंह ने फरमाया कि दोनों को सज़ा होनी चाहिये

एक मिनट में तबदील हो गये, आखिर क्या आतकी राय है? कोई भी उम्र हो आप हर एक उम्र में Consent का डिफेंस नहीं देना चाहते, उन्होंने ऐसा कहा। मैं अब अदब से अर्ज करना चाहता हूँ कि अगर लोग अपनी राय का मतलब लाजिकली नहीं समझते तो इसमें मेरा क्या कसूर है। मेरी अदब से गुंजायिश है कि जिन अश्लास ने ऐसी राय दी : They have accepted and consented. मैं इन दोनों साहबान को छोड़ कर जनाब की खिदमत में आगे चलता हूँ। इसके आगे एक साहब मि० पंत जिनकी राय अगर मैंने सही समझी तो वह तो सारे पेनल कोड को ही खत्म कर देना चाहते हैं, वह दुनिया के अन्दर ला आफ्र दी जंगल देखना चाहते हैं, उनके ब्याल के मुताबिक यह फ्रिजिकल और नेचुरल अर्जेंट हैं और इनमें किसी किस्म की कोई रुकावट नहीं होनी चाहिए, वह मेरिज को एक रिसट्रिक्शन समझते हैं, उनकी राय को मैं या कोई भी आदमी बक्रअत नहीं दे सकता क्योंकि वह हवाई दुनिया में रहते हैं और मौजूदा दुनिया से कोई तास्लुक नहीं रखते।

मेरी बहिन श्रीमती उमा नेहरु ने अपनी राय में कहा कि मैं इस बिल को अपोज नहीं करती, उम्र बढ़ जानी चाहिये, लेकिन साब ही चूंकि वह एक माता का दिल रखती हैं इसलिये वह कहने लगीं कि उस पर किसी को सजा नहीं होनी चाहिये तो मैं उन की खिदमत में अर्ज करूँ कि पेनल कोड में ऐसा कोई क्लॉज नहीं जिसके अन्दर अगर जुर्म हो तो सजा न दी जाय, अगर जुर्म होगा तो सजा का प्राविजन तो होगा ही, ताहम मैंने उन्हीं के ब्याल से यह राय रखी थी कि ऐसे लड़कों को आपस में अगर वह चाहें कोर्ट की इजाजत से कम्पाउन्ड कर लें तो हमारी बहिन की राय भी हमें मालूम हो गई जब

उन्होंने यह कहा कि मैं बिल को बिल्कुल अपोज नहीं करती और उम्र बढ़नी चाहिये। इसके बाद जिन साहब ने अपनी राय दी, वह एक खास क्लास को रिप्रेजेंट करते हैं और मुझे उनसे कोई झगड़ा नहीं है वह हैं बम्बई के बैरिस्टर मिस्टर कनाबडे पाटिर, उनकी राय और बम्बई के श्री एस० वी० रामास्वामी की राय इस बिल के पक्ष में नहीं हैं, इस वक्त मैं उनकी मैरिट्स पर कुछ नहीं कहूँगा क्योंकि हर एक आदमी को हक है कि इस नतीजे पर पहुँचे कि किस उम्र में एक औरत मेंटली और फ्रिजिकली इस काबिल हो सकती है कि कंसेंट दे सके। वह साहब १९ वर्ष तक सेशन कोर्ट बम्बई में वकालत कर चुके हैं और उनकी राय यह है कि १३ और १४ वर्ष की उम्र में औरत फ्रिजिकली और मेंटली कौम्बल हो जाती है, यानी वह चाहते हैं कि जो पुराने जमाने का कानून है वह फिर वापिस आ जाय और कंसेंट की उम्र तेरह साल कर दी जाय, मेरे ब्याल में अगर उनकी यह राय हाउस को पसन्द हो कि यह किया जाय तो उनकी राय को बक्रअत दी जाय, बरना उनकी राय को कोई बक्रअत नहीं दी जानी चाहिये और मुझे पूरा भरोसा है और यकीन है कि इन दोनों साहबान को छोड़ कर कोई भी ऐसा सदस्य नहीं होगा जो यह राय रखता हो कि १३, १४ वर्ष की उम्र में कोई औरत मेंटली और फ्रिजिकली इस काबिल हो जाती है कि वह अपनी कंसेंट दे सके। अपनी राय देते हुए वह फरमाते हैं कि हमारा १९ वर्ष का बैरिस्टरी का तजर्बा है, तो मैं उनको बतलाऊँ कि अगर प्यादा नहीं तो कम से कम करीब ४३ वर्ष मुझ को भी वकालत करते हों गये, लेकिन मेरे नोटिस में कोई केस आज तक ऐसा नहीं आया जिसमें १३-वर्ष की उम्र में कंसेंट का सबाल उठा हो। वह साहब फरमाने लगे कि अगर कोई ओवरवर

[पंडित ठाकुर दास भार्गव]

कर दे तो वह एटेन्डेड रेप हो जाता है, अब मैं उनकी राय की कहां तक कद्र करूं, खैर हाउस के सामने उन दोनों साहबान की राय मौजूद है कि उम्र १३, १४ होनी चाहिये, मैं उन दोनों साहबान से इतना ही अर्ज करूंगा कि वह हाउस से इस कानून को फिर बदलवाने की कोशिश करें ताकि जो वह कहते हैं कि चौदह वर्ष या पन्द्रह वर्ष की उम्र में जिस लड़की के खाबिन्द नहीं होता तो : She is unhappy she must have a partner or a husband मैं तो इस राय को सुनकर हैरान हो जाता हूं और मैं उसके बारे में आपसे यही कहना चाहूंगा कि : For what it is worth accept और मैं हाउस की राय दूंगा कि उसको एक्सेप्ट नहीं करना चाहिये। जनाब मुलाहिजा फ़रमायेंगे कि श्री टेक चन्द कम्पाउंडिंग के खिलाफ़ हैं लेकिन नरसिमन साहब उसको सोलह आने सपोर्ट करते हैं।

Shri Nambiar: That is a disqualification, because we supported the hon....

Pandit Thakur Das Bhargava: There is no disqualification in the matter of a social legislation like this. He supports the principle of the Bill.

Shri Nambiar: The Home Minister finds it a disqualification to support it.

Pandit Thakur Das Bhargava: He never said that. He does not find it, as a disqualification.

श्री मुनीश्वर दत्त इस बिल को सपोर्ट करते हुए कहते हैं :

He said he is in favour of the Bill. Only he does not agree on the question of compounding, to which I shall come later.

इसके आगे जनाब मुलाहिजा फ़रमायेंगे कि श्री राजभोज की राय है, मैं ने उनकी राय को कई मंतां पढ़ा लेकिन मैं कुछ भी नहीं समझ

पाया, वह फ़रमाते हैं कि आपको चाहिये कि आप कम्पलसरी एज्यूकेशन का बिल लायें, बतलाइये मैं इस राय का क्या करूं, यह राय जो उन्होंने दी है वह इस मौजूदा बिल से ताल्लुक नहीं रखती, मैं इसलिये उसके बारे में कुछ भी नहीं कह सकता कोई हेडटेल ही उसका नहीं है। राघवैया साहब ने इस बिल को सोलहों आने सपोर्ट किया, श्री सोमानी ने भी इस बिल को सपोर्ट किया और यही नतीजा निकलता है कि उस बिल को सब मेम्बर सपोर्ट करते हैं और सिवाय उन दो साहबान के सब इस को मानते हैं कि सोलह से अट्ठारह तक उम्र बढ़ा दी जाय, सिर्फ़ दो साहब ऐसा समझते हैं कि तेरह चौदह की उम्र काफी है। जनाब-वाला, इसके अन्दर एक चीज और है जिसके ऊपर हमारे होम मिनिस्टर साहब ने बहुत जोर दिया है और मैं उसके बारे में दो लफ़्ज़ - जनाब की इजाजत से कहना चाहता हूं और वह यह है कि यह बिल एक तरफ़ जुर्म बनाता है दूसरी तरफ़ compounding की इजाजत देता है।

जनाबवाला, इस बिल में दफ़ा दो सब सं बड़ी दफ़ा है जिसके अन्दर १६ के बजाय १८ साल की उम्र सबस्टीट्यूट की जाने वाली है और जहां तक दफ़ा दो का ताल्लुक है इन सोलह आदमियों में से दो के सिवाये कोई तीसरा शक्श इसके बरखिलाफ़ नहीं है। जहां तक क्लाज़ तीन का सवाल है किसी साहब ने क्लाज़ तीन के खिलाफ़ अपनी आवाज़ नहीं उठायी। सवाल रह गया सिर्फ़ क्लाज़ चार के बारे में। मैं अदब से अर्ज करना चाहता हूं कि इस को होम मिनिस्टर ने भी काफी मुश्किल और बहुसतलब माना है लेकिन हमें तो इसका हल निकालना है। होम मिनिस्टर साहब भी इस को मुश्किल समझते हैं।

[SHRI PATASKAR in the Chair]

मैं उसको कोई छिपाना नहीं चाहता, मैं ने वह सारा का सारा सेंटेंस भी रिपोर्ट में से हाउस के सामने पढ़कर सुनाया और एक स्टेट आसाम की मुश्किलात बयान कीं। एक स्टेंट में यह चीज आयी कहीं भी यह पेश आये, यह ठीक है कि यह सबाल मुश्किल से खाली नहीं इसलिये क्या हमारा यह फ़र्ज नहीं हो जाता कि हम इस सबाल का फ़ैसला करें और मैंने रक्खा है इस को कम्पाउन्ड करें और हाउस अगर चाहे तो कोर्ट की सेंक्शन से कम्पाउन्ड करने की इजाजत रख दे। मैं सारा मामला हाउस के सामने पेश करता हूँ और हाउस खुद इस नतीजे पर पहुंचे कि जो मैं अर्ज कर रहा हूँ वह मुनासिब है कि नहीं।

आज इंडियन पेनल कोड में इस कानून के अन्दर किडनैपिंग का जो जुर्म है वह रेप के मुकाबले में बहुत छोटा है। रेप के जुर्म के बास्ते जो सज़ा मुकर्रर है वह ट्रान्सपोर्टेशन फ़ार लाइफ़ है। लेकिन ३६१ के बास्ते और दूसरी बफ़ा के बास्ते एक सज़ा मुकर्रर है और वह सिर्फ़ दस साल है। यह सबाल बहुत पेचीदा नहीं है, सिर्फ़ थोड़ा कानून का सबाल है लेकिन पेचीदा नहीं है। मैं आप की तबज्जह एक मिसाल पर दिलाना चाहता हूँ ताकि यह सबाल हाउस के सामने अपने पूर्ण रूप से पेश हो। एक लड़की को एक शक्स भगा कर ले जाता है, भगाने के बाद उस को कहीं ले जाय और उस से रेप का जुर्म करे तो वह शक्स उस लड़की को भगा ले जाने के बास्ते मुजरिम है अगर लड़की की उम्र १८ साल से कम है क्योंकि उस में कंसेंट का कोई सबाल पैदा नहीं होता। लेकिन अगर यह जुर्म उस के साथ हो उस की रजामन्दी और उस की उम्र १८ साल की हो तो यह जुर्म नहीं है। मैं ने एक

मिसाल दी थी। १९०८ में पंजाब हाई कोर्ट का फ़ैसला है। एक लड़की ने एक शक्स को रात के बारह बजे अपने घर पर आने की बात दी। लड़की की उम्र थी सत्तरह साल। वह शक्स उस के घर पर पाया गया। उस का बालान हुआ। लेकिन अदालत ने करार दिया कि उस का कोई जुर्म नहीं था। एक शक्स एक नौजवान लड़की के यहाँ चला जाय जिस की उम्र १६ साल से ज्यादा है और उस के साथ इन्टर्कोर्स वगैरह करे, यह जुर्म नहीं है। मैं पूछना चाहता हूँ कि क्या आप आप चाहते हैं कि लड़कियों को यह अधिकार दे दिया जाय उस के यहाँ कोई शक्स चला जाय अगर उस की उम्र १६ साल से ज्यादा हो कोई शक्स उस लड़की के गार्जियन के घर में चला जाय जहाँ वह रहती हो तो क्या यह जुर्म नहीं होगा। मैं कहता हूँ कि ग़लत है, सोसायटी के नुक्ते निगाह से, उस लड़की के नुक्ते निगाह से और खानदान के नुक्ते निगाह से। अगर आप बफ़ा ३६१ से बफ़ा ३७५ तक का मुलाहिज़ा करेंगे तो आप पर रोशन हो जायगा कि कानून के अन्दर जो उम्र है वह १८ साल है। ३६१ में १८ साल है। ३६६ में १८ साल है। यह लिखा है कि अगर कोई शक्स लड़की को सङ्गूस करने के बास्ते ले जाय तो उस को सज़ा हो सकती है बशर्ते लड़की की उम्र १८ साल से कम हो। लेकिन अगर वह १८ साल से ज्यादा है तो रजामन्दी की सूरत में कोई सज़ा नहीं हो सकती। अगर आप कानून के मकसद को देखें और यह देखें कि हम को क्या करना चाहिये तो मैं निहायत अदब से अर्ज करना चाहता हूँ कि यह नौजवा कानून ग़लत है और इस को दुरुस्त करने का एक ही तरीका है कि आप ३७५ में एज १८ साल की बढ़ा दें। अभी हमारे होम मनिस्टर साहब ने फ़रमाव,

[पंडित ठाकुर दास भार्गव]

और मुझे से दर्याफ्त किया कि मैं कोई स्टैटिस्टिक्स बतलाऊँ। उन का सवाल बड़ा बाजिब था। मगर गरीबनवाज़ इस में मेरा कोई कसूर नहीं है। अगर हमारे होम मिनिस्टर साहब स्टैटिस्टिक्स का कोई इन्तजाम नहीं करते तो सिर्फ़ उन की बनाई हुई लाइब्रेरी में जा कर स्टैटिस्टिक्स ढूँढ सकता हूँ, बना नहीं सकता। मैंने वहाँ जा कर इस बात की कोशिश की कि मुझे स्टैटिस्टिक्स मिल जायें लेकिन वहाँ कोई स्टैटिस्टिक्स मौजूद नहीं थीं। लेकिन मैं उन से कहना चाहता हूँ कि अगर वह पुरानी स्टैटिस्टिक्स देखना चाहें तो मैं उन को बतला सकता हूँ कि "एज आफ़ कन्सेन्ट कमेटी" की रिपोर्ट के सन् १९४४ पर स्टैटिस्टिक्स दी हुई हैं जिस में वह कमेटी इस नतीजे पर पहुँची है कि यह उम्र १६ से १८ कर दी जाय। कहा जाता है कि कोई केस ज्यादा ऐसे होते नहीं हैं। अगर नहीं होते हैं तो दिल हिलाने वाला नक्शा जो हमारे होम मिनिस्टर साहब ने आप के सामने रखा कि इस तरह से प्रोस्टिट्यूट्स नौजवानों को बरबाद कर देंगी, उन्हें ब्लैकमेल करेंगी, वह कहाँ तक जायज़ है। अगर उन के इरूम में कोई केस नहीं हुआ, अगर उन के ब्याल से यह स्टैटिस्टिक्स का सारा ब्याली माहोल है, यह दुस्त नहीं है तो मैं बड़े अदब के साथ अर्ज करना चाहता हूँ कि कोई कानून ऐसा नहीं है जिस की रु से सज़ा दिलाई जा सके। लेकिन अगर यह उम्र १६ से १८ कर दें तो मेरा दावा है कि देश के अन्दर एक साइकालीजिकल इम्प्रूवमेंट होगा। मैं कहना चाहता हूँ कि आखिर कानून सिर्फ़ इस बजह से तो नहीं बनता कि किसी आदमी को सज़ा दे अगर वह जुर्म करे। कानून हमारे सामने एक आइडियल रखता है, जिस से सारी नेशन प्रान्स करती है। मैं अदब से अर्ज करना चाहता हूँ कि इस

देश ने तो सब तरफ़ तरक्की है। लेकिन मैं कहता हूँ कि जो कुछ यहाँ हो चुका है मैं उस को बयान नहीं कर सकता। यहाँ की औरतों ने अपनी चैस्टिटी की बचाने के लिये अपनी सारी दुनिया बरबाद कर दी, अपनी जिन्दगी बरबाद कर दी। हमारे मुल्क के अन्दर क्या नहीं हुआ। इसी चैस्टिटी को कायम रखने के सवाल ने देश के अन्दर सतीपना चला दिया, इस ने देश के अन्दर छोटी उम्र की शादी को चला दिया। इस देश में यह माना गया कि औरत को किसी किस्म का ग़ैर आदमी के साथ रजामन्दी देने का हक़ ही नहीं दिया जा सकता है। मैं कहूँगा कि अगर आप चाहते हैं कि इस देश के अन्दर प्रास्टिट्यूशन बन्द हो जाय, तो यह पहला कदम है। हमारे महात्मा जी ने चम्पारन में फरमाया था, कितने दर्द भरे अल्फाब हैं, उन्होंने कहा कि प्रास्टिट्यूट्स हैं वह हमारी बहनें हैं, हमें उन की मदद करनी चाहिये। आज मैं यहाँ पर सुनता हूँ कि यह कानून प्रास्टिट्यूट्स के लिये दुस्त न होगा। जो लोग इन खराबियों से बाकिफ़ हैं वह सब चाहते हैं कि यह कानून फौरन बने। हम से कहा जाता है कि १६ साल और १८ साल की बीच की उम्र में चन्द महीनों का फर्क मालूम नहीं किया जा सकता। यह दुस्त है चंद महीनों का फर्क नहीं मालूम हो सकता, कोई डाक्टर आज के दिन यह फैसला नहीं कर सकता कि फलां लड़की १५ वर्ष आठ महीने की है, या १५ वर्ष ११ महीने की है या १६ वर्ष दो महीने की है। कभी भी इस का फैसला नहीं हो सकता। लेकिन मैं निहायत अदब से कहना चाहता हूँ कि यह कोई बजह नहीं है कि हम अपना कानून ठीक न बनायें। हम को अपनी औरतों का प्रोटेक्शन ठीक और मुनासिब तरीके से करना चाहिये। यह सब चीजें जितनी हैं वह ऐसी हैं जिस पर मैं इस बक्त

Bill

ज्यादा बहस नहीं करना चाहता देश के अन्दर ऐसी हालत है या नहीं है, देश के अन्दर ब्लैक मेलिंग का इमकान है या नहीं, अगर पहले कमी रहा है तो आज भी हो सकता है।

यह बिल इस ब्यारु से पेश किया गया है कि प्रास्टिट्यूशन को भारत से हटाया जाय आज जो गिरी हुई हालत है उस को ठीक करने की कोशिश करनी चाहिये। मैं ने हाउस का ज्यादा वक्त ले लिया है और अब ज्यादा वक्त नहीं लेना चाहता। मेरे एक दोस्त ने इस बिल के लिये एक सर्कुलेशन मोशन पेश किया था। मैं उस के बारे में कुछ अर्थ करना चाहता हूँ। इस के बारे में मैं अर्थ करना चाहता हूँ कि उस को सर्कुलेट किया जा चुका है। सारी ओपीनियन्स आ चुकीं। मुझे अफसोस है कि उन ओपीनियन्स पर गौर नहीं किया गया। हमारे होम मिनिस्टर साहब ने उन को पढ़ा तक नहीं। उन्हें मैं ने हाउस के सामने पढ़ा, लेकिन मुझे डर है कि उन ओपीनियन्स को ठीक से पढ़ा नहीं गया। गवर्नमेंट में। मेरा दावा है कि उस वक्त ओपीनियन मेरे हक में थी। लेकिन मिनिस्ट्री ने एक नोट जारी किया जिस की वजह से सारी गड़बड़ हो गई। सरदार पटेल ने खुद कहा था कि इस तरह का कानून ओवरड्यू है, लेकिन उन को यह नोट दिया गया कि पब्लिक ओपीनियन इस के हक में नहीं है। उन्होंने कहा मैं क्या करूँ। हाउस ने न पहले इन रायों को पढ़ा और न अब पढ़ा है। आज जो राय मेरे खिलाफ कही जाती है मैं उन्हीं को चैलेंज कर के कह सकता हूँ कि वह मेरे हक में है। उन मेरे खिलाफ रायों की बिना पर जो सारी की सारी बातें मेरे खिलाफ कही गई हैं इस के लिय मैं आनरेबिल होम मिनिस्टर साहब की खिदमत में अर्थ करना चाहता

हूँ कि वह उन ओपीनियन्स को एक दस्त पढ़ तो लें पेशतर इस के कि वह उन को मेरे खिलाफ कहें।

श्री तेलकीकर (नानदेड़) : मैं जनाब भार्गव साहब से यह दर्याफ्त करना चाहता हूँ कि यह सही है कि उम्र के बढ़ाने के सिलसिले में कोई एतराफ किसी को नहीं है लेकिन आनरेबिल मेम्बर को लड़के को सजा दिलाने में क्यों इसरार है महज इस बास्ते कि लड़की की उम्र १८ साल से कम है और १६ साल से ज्यादा है? १६ और १८ साल के दरम्यान बाबजूद राजाभन्दी के सजा दिलाने के क्या असबाब हैं। इस के दो ही जुजू हो सकते हैं। एक जुजू जो १८ साल तक के बढ़ाने का है उस के मुताबिक तो शायद किसी को ज्यादा एतराफ नहीं है क्योंकि शायद इस से मुल्क का कुछ फायदा हो सकता है, लेकिन लड़कों को सजा दिलाने का जो दूसरा जुजू है उस का क्या भक्तसद है, अगर यह जाहिर हो जाय तो ज्यादा बेहतर होगा।

5 P.M.

पंडित ठाकुर दास भार्गव : जनाबवाला, मैं जिस चीज को अर्थ कर रहा था उसकी मेरे लायक दोस्त ने और ज्यादा तार्ईद कर दी। इसके मानी यह है कि हाउस इस बात को तो मानने को तैयार है कि उम्र १६ से बढ़ा कर १८ कर दी जाय मगर यह जो कम्पाउंडिंग या सजा कम कर सकने की बात है उसको नहीं मंजूर करना चाहता। मैं अर्थ करूंगा कि अगर आप सन् १८६० से अब तक इस कानून की हिस्ट्री को देखें तो आपको मालूम होगा कि इसमें कई बार तबदीलियां हुई हैं। आज अगर कोई अपनी औरत से भी अगर वह १२ से १५ वर्ष के बीच में हो इंटरकोर्स करे तो उसको सजा हो सकती है। सजा सिर्फ दो साल की हो सकती है क्योंकि वह शादीशुदा है।

डा० काटजू : आजकल शादी १५ साल से पहले होती ही कब है।

पंडित ठाकुर दास भागंब : आप के कानून बनाने से क्या १५ साल से कम की शादियां रुक गयीं। मैं हाउस से अदब से अर्ज करूंगा कि अब भी बहुत ज्यादा शादियां कम उम्र में होती हैं। दो दो और चार चार साल की लड़कियों की शादियां होती हैं। मैं ने पिछली दफा भी अर्ज किया था और आज भी कहता हूं कि खारदा ऐक्ट से शहरों में तो फायदा हुआ है मगर गावों में वही हालत है। मुझे ताज्जुब है कि हमारे होम मिनिस्टर साहब यह क्रमते हैं कि यह जुर्म तो हो ही नहीं सकता है। फिर आपने कानून क्यों बनाया है। आज हजारों शादियां इस तरह की होती हैं। आप मद्रास और बंगाल में जा कर हालत देखें। मैं हैरान हो गया यह देखकर कि इस देश में यहां तक हालत पहुंच गयी है। बंगाल में और मद्रास में १५ और १४ से औरतों के मैसेज की एज १२ और १३ हो गयी है। हमने अपने पापी कर्मों से नेचर तक को बदल दिया है। हमारे देश में जो मनु जी ने लिखा था मैस्ट्र-ऐशन के तीन साल के बाद के बारे में तो वह १८ वर्ष की लड़कियों के लिये था। और अब तो १२ और १३ साल तक की उम्र में ही मैसेज हो जाता है। तो मैं अदब से अर्ज करूंगा कि आज भी बहुत सी शादियां बारह साल और कम उम्र में जो होती हैं या उससे कुछ ऊपर की उम्र में होती हैं उनमें यह जुर्म हो सकता है। जब हमन प्री प्युवरटी कमेटी की रिपोर्ट लिखी तो हमने इस पर बहुत विचार किया और उसके बाद हम इस नतीजे पर आये कि १६ से १८ कर दिया जाय। इस पर बड़ा झगड़ा हुआ। आज १७ बरस बाद हमारे होम मिनिस्टर साहब कहते हैं कि दस बरस और इन्तजार करो।

श्री के० सी० सोबिया (सागर) : एक बात मुझे पूछनी है। एज आफ कंसेंट क्या हो जायगी इस बिल के पास होने से।

पंडित ठाकुर दास भागंब : यह एज आफ कंसेंट दो तरह की है। एक तो शादी शुदा अवस्था में और एक गैर शादीशुदा अवस्था में। जहां तक शादीशुदा का सवाल है उसमें आज के दिन १५ साल है और उसमें कोई तबदीली नहीं चाहता अपने मुल्क की हालत को देखते हुए। मैं अगर कर सकता तो शादी की उम्र को भी १६ कर देता। दूसरा सवाल जो वह गैर शादी शुदा का है। अगर कोई शक्स किसी औरत को राजों से ले जाय और ले जाने के बाद उसके साथ जुर्म करे तो आज के दिन अगर किसी लड़की की उम्र १६ के और १८ के दरमियान है तो उसको उठाकर लेजाने पर तो जुर्म है लेकिन उसके साथ उसकी रजा मन्दी से इंटरकोर्स करने पर कोई जुर्म नहीं है।

श्री के० सी० सोबिया : आपके कहने से मेरा समाधान हो गया।

पंडित ठाकुर दास भागंब : यह आपकी मेहरबानी है। मैं आपसे यह अर्ज करूंगा कि अगर हमको अपने देश की उन्नति चेस्टिटी के लिहाज से करनी है तो हमको इस बिल को सपोर्ट करना चाहिये। मैं यह बात मानने को तैयार हूं कि आप इसमें तबदीली कर दें और इसको कम्पाउंडेबिल न रखें। इस में यह खराबी होगी कि जिन नौजवानों की शादी हो सकती है, उनके रास्ते में यह कानून आवेगा। इस-लिये मैं चाहता हूं कि आप इसको कम्पाउंडेबिल विद दी कंसेंट आऊ दी कोर्ट कर दें। लेकिन अगर आप इसको ऐबसोल्यूट ही बनाना चाहते हैं

तो मैं मानने के लिये तैयार हूँ इस वजह से कि इससे कम ईविल होगा बनिस्वत इसके कि उम्र १६ रली जाय। अगर १८ की कंसेंट की लिमिट कर दी जायेगी तो कम ईविल होगा। इसलिये मैं अर्ज करूंगा कि इसकी दफा २ और ३ से तो हाउस मुत्तफिक है। सिर्फ दफा ४ से जिसमें इसको कम्पाउंड करने के लिये कहा गया हाउस को इत्तिहाक नहीं। उसमें अगर हाउस कोई तब-दीली भी कर दे तो मुझे कोई आपत्ति नहीं है। मैं तो यही चाहता हूँ कि यह उम्र किसी तरह से १६ साल से १८ साल हो जाय। मेरे दूसरे दोस्त अपने बिलों पर बोलना चाहते हैं मैं उनके वक्त को नहीं लेना चाहता। मैं अदब से अर्ज करना चाहता हूँ कि इस वक्त सवाल यह है कि कालिजों में लड़कियां पढ़ती हैं, फैक्टरी में काम करती हैं, आफिसेज में जाती हैं। आप क्या करना चाहते हैं। क्या आप उनको प्रोटेक्शन नहीं देना चाहते। यह सवाल प्रोटेक्शन का है। मैं अदब से अर्ज करना चाहता हूँ कि हमारे होम मिनिस्टर साहब चाहते हैं कि प्रोटेक्शन दिया जाय। अगर उनको डर है कि दफा ४ की वजह से ब्लैक मेल किया जा सकता है तो उसको अलाहिदा कर दिया जाय। मैं हाउस से नम्रता से अपील करना चाहता हूँ कि वह इसे

स्वीकार कर ले। हाउस के सामने जब पहले १६ वर्ष का मामला आया, तो गवर्नमेंट ने उसको डिफीट कर दिया था। लेकिन अब पुरानी गवर्नमेंट नहीं है। गवर्नमेंट सब इसी तरह की होती हैं कि वह कंजरवे-टिव चीजों को सामने रखती हैं। जब मैंने १४ से १५ वर्ष उम्र शादी के लिये बढ़ानी चाही थी तो गवर्नमेंट की तरफ से गाइगिल साहब ने उसको अपोज किया था लेकिन यहां हाउस ने उसको मंजूर कर लिया। मैं अर्ज करूंगा कि हाउस प्राप्रेसिव है। मुझे उम्मीद है कि हाउस इस बात का सबूत देगा और इस बिल को ऐक्लेमेशन के साथ पास करेगा।

Mr. Chairman: To the original motion moved by the hon. Pandit Thakur Das Bhargava, I find there is an amendment which was moved by the hon. Shri N. P. Sinha. I shall first put that amendment to vote.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of March 1953."

The motion was negatived.

Mr. Chairman: The question is:

"That the Bill further to amend the Indian Penal Code (XLV of 1860) and the Code of Criminal Procedure (V of 1898), be taken into consideration."

The House divided. Ayes, 55; Noes. 129.

Division No 4

Achint Ram, Lala
Achuthan, Shri
Agarwal, Shri H. L.
Amjad Ali, Shri
Anandchand, Shri
Basappa, Shri
Basu, Shri K. K.
Bhargava, Pandit Thakur Das
Birbal Singh, Shri
Chowdary, Shri C. R.
Das, Shri Sarangadhar
Deb, Shri S. C.
Dholakia, Shri
Digambar Singh, Shri

AYES

Govind Das, Seth
Gurupadaswamy, Shri
Iyyunni, Shri C. B.
Jangde, Shri
Jayaashri, Shrimati
Joshi, Shri Lladhar
Joshi, Shri M. D.
Kamble, Shri
Lotan Ram, Shri
Malvia, Shri B. N.
Malviya, Shri Motilal
Mascarene, Kumari, Annie
Mathew, Prof.
Mishra, Pandit S. C.

5-10 PM

More, Shri S. S.
Nambiar, Shri
Narasimham, Shri S. V. L.
Nayar, Shri V. P.
Neewi, Shri
Pannalal, Shri
Raghabachari, Shri
Raghavaiash, Shri
Randaman Singh, Shri
Saha, Shri Meghnad
Raytyawadi, Dr
Singh, Shri B. N.
Singhal, Shri S. C.
Srnatak, Shri

the Code of Criminal
Procedure (Amendment)
Bill

Sodhia, Shri K. C.
Somana, Shri N.
Sundaram, Dr. Lanka
Tandon, Shri P.

Thimmalah, Shri
Thomas, Shri A. M.
Tiware, Shri B. S.
Upadhyaya, Shri S. D.

Vaishnav, Shri H. G.
Vallatharas, Shri
Varma, Shri B. B.
Vyas, Shri Radhela
Wodeyar, Shri

NOES

Agarwal, Prof.
Alagasan, Shri
Altekar, Shri
Amrit Kaur, Rajkumari
Asthana, Shri
Azad, Maulana
Balasubramaniam, Shri
Banerjee, Shri
Barupal, Shri
Bhagat, Shri B. B.
Bhargava, Pandit M. B.
Bhatt, Shri C. S.
Bhawani, Shri
Bheekha Bhai, Shri
Borooah, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Bragachain, Shri
Chanda, Shri Anil K.
Chandak, Shri
Chandrasekhar, Shrimati
Chatterjee, Shri N. C.
Chaturvedi, Shri
Chinaria, Shri
Chaudhri, Shri M. Shafiee
Das, Shri B. K.
Das, Shri K. K.
Das, Shri Ram Dhan
Das, Shri N. T.
Deshpande, Shri G. H.
Deshpande, Shri V. G.
Dhusiya, Shri
Dube, Shri Mulchand
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Elayaperumal, Shri
Gadgil, Shri
Gandhi, Shri M. M.
Ghulam Qader, Shri
Girdhari Bhol, Shri
Gohain, Shri
Gounder, Shri K. P.
Guha, Shri A. C.

Hari Mohan, Dr.
Hazarka, Shri J. N. J
Iyyani, Shri E.
Jayaraman, Shri
Jena, Shri K. C.
Jena, Shri Niranjan
Jethan, Shri
Kakkan, Shri
Katham, Shri
Katju, Dr.
Kasmi, Shri
Khare, Dr. N. B.
Kirolikar, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Kureel, Shri P. L.
Majhi, Shri Chaitan
Majhi, Shri B. C.
Malaviya, Shri K. D.
Malliah, Shri U. S.
Masuodi, Maulana
Mehta, Shri B. G.
Minimata, Shrimati
Mishra, Shri L. N.
Mishra, Shri Lokenath
Mishra, Shri M. P.
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri S. P.
Mukne, Shri
Musafir, Giani G. S.
Muthukrishnan, Shri
Namdhar, Shri
Naskar, Shri P. S.
Nehru, Shrimati Uma
Pandey, Dr. Natabar
Paragi Lal, Ch.
Pataskar, Shri
Pawar, Shri V. P.
Prasad, Shri H. S.
Rachiah, Shri N.
Raghubir Sahai, Shri

Rai, Shri M. D.
Raj Bahadur, Shri
Ram Subhag Singh, Dr.
Ramanand Shastri, Swami
Ramasubrahmaniam, Shri
Ramaswamy, Shri S. V.
Ranbir Singh, Ch.
Rao, Shri B. Shiva
Rao, Shri Seehagiri
Reddi, Shri Ramachandra
Roy, Shri B. N.
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Sanganna, Shri
Satish Chandra, Shri
Sen, Shrimati Suahama
Sewal, Shri A. B.
Shah, Shri B. B.
Shakuntala, Shrimati
Sharma, Shri Nand Lal
Sharma, Shri B. C.
Shobha Ram, Shri
Singh, Shri H. P.
Singh, Shri T. N.
Sinha, Shri A. P.
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri N. P.
Sinha, Shri Satya Narayan
Sinha, Shri Singh, Shri
Suresh Chandra, Dr.
Swaminadhan, Shrimati Ammu
Swamy, Shri N. R. M.
Syed Ahmed, Shri
Syed Mahmud, Dr.
Telikar, Shri
Tiware, Shri B. S.
Tudu, Shri B. L.
Vaishya, Shri M. B.
Varma, Shri B. B.
Wilson, Shri J. N.
Zaidi, Col.

The motion was negatived.

[MR. DEPUTY-SPEAKER in the Chair]

Shri K. C. Sodhia: I want to put one question: how many have remained neutral?

Mr. Deputy-Speaker: We have not counted.

BUSINESS OF THE HOUSE

Shri Nambiar (Mayuram): In the list of Business circulated there are nineteen Bills to be introduced. But, unfortunately, as the rules stand at present they cannot be introduced. Therefore, something must be done to give the private Members an opportunity to introduce their Bills. I

would, therefore, request you to consider that as in the House of Commons at least one day every week may be allotted for Private Members' business and in regard to Private Members' Bills a Standing Committee may be appointed to scrutinise them, in the first instance. The time-limit for discussion may be fixed for each party so that all hon. Members may get an opportunity to represent their case, to introduce Bills and canvass opinion. Otherwise it is a very difficult thing. Therefore, I would request you to consider and refer this matter to the Rules Committee and see that some advantage is given to us in that respect.

संठ गोविन्द दास (मंडला-जबलपुर दक्षिण):

एक बात में आप से निवेदन करना चाहता हूँ। वह कई बार उठ भी चुकी है कि गैर सरकारी दिन जो विधेयक केवल प्रस्तुत करने के लिये हैं वे पहले प्रस्तुत कर दिये जायें। इस पर मैं आप को यह भी स्मरण दिलाना चाहता हूँ कि श्री मावलंकर जी ने शायद एक बार आश्वासन भी दिया था कि इस पर विचार किया जायगा। तो यह तो मैं समझता हूँ कि बिल्कुल उचित बात होगी कि जहाँ तक विधेयकों के प्रस्तुत करने का सवाल है नियमों में इस तरह परिवर्तन किया जाय कि वह पहले रखे जायें। जहाँ तक समय का मामला है कि इन विधेयकों के लिये कुछ न कुछ समय निश्चित हो मैं समझता हूँ कि यह उचित नहीं है, क्योंकि विधेयकों के लिए हमने कभी समय निश्चित नहीं किया है। विधेयक पर हर एक को बोलने का अधिकार है, जितना चाहे बोले। बहस समाप्त करने का प्रस्ताव बराबर लाया जा सकता है, लेकिन जहाँ तक विधेयकों को प्रस्तुत करने का मामला है, मैं समझता हूँ कि इस तरह का परिवर्तन नियमों में होना चाहिये कि जिस दिन गैर सरकारी विधेयक हों, उन को पहले प्रस्तुत किया जाय और बाद में उन पर विचार हो।

Mr. Deputy-Speaker: It is no doubt true that in the Order Paper there

are 18 Bills which have already been introduced and are standing for consideration. There are as many as nineteen Bills which have still to be introduced. For two or three sittings the one Bill which has just now been disposed of has blocked the other Bills. So far as even motions for Bills to be introduced are concerned, they cannot be made until all the Bills for which notice of consideration has been given are disposed of. Therefore, there is no possibility really of any of the other Bills to be introduced at all.

This is really a hardship. As our rules stand at present, to avoid any priority being given, all motions for consideration of Bills are put together and put to ballot: those Bills that have to be introduced are put to ballot separately. If there are 18 Bills for consideration, an hon. Member in whose name a Bill stands, will have a chance of one in eighteen for his Bill being taken into consideration. If, on the other hand, the other Bills which have to be introduced are also put in the same list, his prospects of getting a chance will be reduced from one in eighteen to one in thirty-seven. That is the difficulty envisaged, for which the present rules provide.

However, this is a genuine difficulty. In exceptional cases the House has always given priority of consideration for a Bill. If a particular Bill standing in the name of an hon. Member is considered to be of exceptional importance in the public interest and if all the hon. Members in whose names motions for consideration stand are agreed the House can agree to its prior consideration and on two or three occasions during a whole period of thirty years such a permission has been given. This is a real difficulty. I shall find out whether this matter cannot be referred to the Rules Committee with a view to mitigating the difficulty by hedging the time or limiting the time for some of the Bills. Even if permission is granted to their introduction they should rank along with others for priority—they should stand in the queue in the order of introduction. To that extent they will not compete with the others; at the same time their difficulty will be obviated.

I believe this is not a matter which can be disposed of off-hand. I welcome the suggestion that has been made that this may be referred to the Rules Committee. I shall consider its reference to the Rules Committee and they may make a report to the

[Mr. Deputy-Speaker]

House as early as possible after taking into consideration all the difficulties that have been expressed.

Shri Nambiar: You may also refer the question of increase of time allotted to private Members.....

Mr. Deputy-Speaker: That is a matter which has to be considered not by the Rules Committee, but by the Government. If the Bills are so important that is a matter which the Chair will consider in consultation with the Leader of the House.

Shri K. C. Sodhia (Sagar): Can we not consider that the Private Bills should not be allowed altogether?

Mr. Deputy-Speaker: The House will now take up the Muslim Wakfs Bill standing in the name of Shri Syed Mohammed Ahmad Kazmi.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

MUSLIM WAKFS BILL

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West): I beg to move:

"That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them in India, be referred to a Select Committee consisting of Dr. Syed Mahmud, Shri M. Hifzur Rahman, Shri Ahmed Mohiuddin, Shri Gurmukh Singh Musafir, Pandit Krishna Chandra Sharma, Shri Hira Vallabh Tripathi, Maulana Mohammad Saeed Masuodi, Col. B. H. Zaidi, Shri Mohanlal Saxena, Chaudhri Hyder Husein, Shri Amjad Ali, Shri Syed Ahmed, Dr. N. M. Jaisooriya, Shrimati Subhadra Joshi, Shri C. C. Biswas, Shri S. V. L. Narasimham, Shri Atma Singh Namdhari, Shri Piare Lal Kureel Talib, and the Mover, with instructions to report by the last day of the second week of the next session."

Mr. Chairman: I do not find in the copy of his motion before me any mention of the second week of the next session.

Shri Kazmi: Instead of 8th May I am moving "the last day of the second week of the next session".

Mr. Chairman: Very well.

Shri Kazmi: This Bill was with the permission of the House circulated for eliciting opinion. At the time I moved for eliciting opinion I had given a short summary of the Bill. I may just say that this Bill as a matter of fact is the result of a study of all the Wakf Acts which are in force in various States. But there is a large number of States which have got no Wakf Act at all. And it was for the purpose of co-ordinating the various States in the matter of supervision of Mutawallis in the administration of Wakfs that it was considered proper to have a Central Bill which can be applied to any of the States in which there is no Wakf Act at the present time. As a matter of fact for that very reason Delhi, U. P. and Bihar were exempted from the operation of the provisions of this measure in so far as they had Wakf Boards already constituted in those places.

Now, a very large number of opinions has been received. Some of them have already been circulated to hon. Members of this House. And hon. Members will find that the majority of them, with the exception of those that oppose it on sentimental ground, are in favour of the Bill and in favour of the principle of the Bill.

The only comments adverse to the Bill are in connection with the constitution of the Central Board, that it may prove to be an expensive one. But as a matter of fact, if you, Sir, will look to the scheme of the Bill, probably the Central Board will be the least expensive and will do probably very useful work.

In addition to the opinions that have already been circulated to the hon. Members there is a very large amount of opinion that has been received by the Government, which has not been published but which has been placed in the Library of the House. And from that it appears that a very overwhelming majority of people is in favour of the constitution of Boards of Management to look to and supervise the activities of Mutawallis in various States of India. For this reason I do not think it is necessary for me at this stage to deal with the various points that have been raised, because it is for the Select Committee to consider them.

Mr. Chairman: Motion moved:

"That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them in India, be referred to a Select Committee con-

sisting of Dr. Syed Mahmud, Shri M. Hifzur Rahman, Shri Ahmed Mohiuddin, Shri Gurmukh Singh Musafir, Pandit Krishna Chandra Sharma, Shri Hira Vallabh Tripathi, Maulana Mohammad Saeed Masuodi, Col. B. H. Zaidi, Shri Mohanlal Saksena, Chaudhuri Hyder Husein, Shri Amjad Ali, Shri Syed Ahmed, Dr. N. M. Jaisooriya, Shrimati Subhadra Joshi, Shri C. C. Biswas, Shri S. V. L. Narasimham, Shri Atma Singh Namdhari, Shri Piare Lal Kureel Talib, and the Mover, with instructions to report by the last day of the second week of the next session."

شرعی ایم - ایچ - رحمان (مراد آباد
ڈسٹرکٹ—کنٹرول) : مسٹر چیمبرمین -
مسٹر کاظمی نے جو مسام وقف پٹھن
کہا ہے میں اسے بہت ہی اعم اور
ضروری سمجھتا ہوں - جہاں تک مجھے
یاد ہے اس سے پہلے مختلف صوبوں
اور پرائنٹوں میں اس بات کی ضرورت
محسوس ہوئی کہ لاکھوں کروڑوں
روپیہ کا وقف جو لوگوں نے مسجدوں -
قبرستانوں - خانقاہوں کے لئے کہا ہے
تو اس میں کوئی ایسا قانون ہونا
چاہیئے جس سے متولی صاحبان جو
اپنی ذاتی فرض پوری کرنے کے لئے
اس وقف کا ناجائز استعمال کرتے
ہیں ان کو ویسا کرنے سے روکا جائے
اس کا صحیح طور پر استعمال ہو سکے -
ابھی ابھی مسٹر کاظمی نے چار صوبوں
اور پرائنٹوں کا ذکر کیا - وہاں اس بل
کی ضرورت کو محسوس کرتے ہوئے
انہوں نے اپنے یہاں ایکٹ بلاتے
لیکن اس زمانے میں بھی ہم ایسی
کمزوریاں اور خامیاں محسوس کرتے
ہیں جس سے پوری طرح وہ کنٹرول نہ

ہو سکا جو ہونا چاہیئے - پہلے میں
جس زمانے میں آزادی کی جنگ
لڑی جا رہی تھی تو جہاں ہم نے
ملکہ کی آزادی کا مسئلہ اور بہت
سی باتیں لوگوں کو بتلائی تھیں تو
ان میں مذہبی حیثیت سے اس
بات کی طرف توجہ دلائی گئی کہ
جب ہماری قومی حکومت قائم ہو
تو ہم اوقاف کے بارے میں ایک
ایسا انتظام حکومت کے ذریعہ سے
کرائیں گے جس سے کروڑوں روپیہ جو
نہک کام کے لئے لوگ وقف کر چکے
ہیں وہ متولوں کے ہاتھوں تباہ نہ
ہو اور اس کا صحیح استعمال ہو
سکے - اس کے لئے کسی بڑی تقریر
کرنے کی ضرورت نہیں ہے - میں
محسوس کرتا ہوں کہ جس وقت
یہ بل رائے عامہ حاصل کرنے کے لئے
شائع کیا گیا اس وقت جتنے متولی
اور ان کے ایجنڈے تھے ان کی
معمولی مخالفت کے علاوہ پورے ملک
نے بلنہادی طور پر اس کو ویلکم کیا
اور خیر مقدم کیا اور اس کی ضرورت
کو محسوس کیا - ہاں کچھ چھوٹی
چھوٹی باتوں میں اختلاف بھی پٹھن
کہا ہے اور وہ ہونا بھی چاہیئے -
مختلف رائے جو حاصل ہوئی اس
کے ساتھ ساتھ سلوک کمیٹی کو
بھجوانے کی جو سفارش ہے تو وہاں
جب وہ چیز جائے گی تو وہ تمام
باتوں پر جن میں وہ چھوٹے چھوٹے
اختلاف بھی ہیں ان پر پوری طور

[شرعی ایم ایچ رحمان]

سے اور صحیح طور سے فیرا کر لیا جائے گا اور رائے بنائی جائے گی - ان لئے بجائے اس بات پر زور دیا جاتا کہ اس بل کو پاس کر لیا جائے بہتر طریقہ یہی سمجھا گیا کہ اس کو ابھی سلیمت کمیٹی میں جانا چاہیئے تاکہ وہاں ہمیں ان سب باتوں پر مشورہ کرنے اور ان سے فائدہ اٹھا کر اپنا فیصلہ کرنے میں بہت مدد ملے گی -

لیکن اس ضرورت کو محسوس کرنا یقیناً ہاؤس کے ذمہ ہے - اس وقت ایسے حالات میں بہت سے اہم ادارے درگاہوں کے تمام معاملات - مسجدوں کے معاملات اور بہت سے یتیموں اور یتیموں کے معاملات - آپ کو اندازہ ہوگا کہ کس قدر خراب اور برباد ہیں - اور وہ محض متولوں کی وجہ سے - اور وہ لوگ آج بھی بڑی بھاری بھاری رقمیں خرچ کر کے کوشش کر رہے ہیں کہ یہ بل نہ بلایا جائے - اور ان کو اس کی کھلی چھوٹ مل جائے کہ وہ جس طرح سے چاہیں ایذا کا کام جاری رکھیں - اس لئے اس بل کا مقصد صرف ایک ہی ہے - بعض اوقات لوگوں میں یہ غلط فہمی پیدا کرنے کی کوشش کی گئی کہ درحقیقت یہ وقف بل اس لئے نہیں لایا گیا ہے کہ گورنمنٹ ان اداروں پر زبردستی قبضہ

کر لے گی - اگر ایک آدمی بھی اس کا غلط مقصد کے لئے استعمال کرتا ہے میں سمجھتا ہوں کہ ہاؤس میں یہ بات کچھ زیادہ کہنے کی نہیں تھی - لیکن باوجود اس کو بار بار اس کو کہا گیا - میں ان لوگوں کو مطمئن کرنا چاہتا ہوں کہ اس بل کی جتنی بھی دفعات ہوں اگر ایمانداری کے ساتھ ان کو دیکھا جائے تو معلوم ہوگا کہ اس میں ایک جملہ بھی ایسا نہیں ہے کہ جس میں وقف کرنے والے نے جس مطلب سے وقف کیا ہے اس کو ادھر ادھر کرنے کی گنجائش رکھی گئی ہو - اور اگر کسی کو کسی قدر شک و شبہ بھی ہو تو یہ بل جس وقت اویں ہون حاصل کرنے کے لئے بھیجا گیا تھا کہ اگر کسی صاحب کو ایسا محسوس ہو رہا ہو کہ اس بل میں کوئی دفعہ ایسی ہے کہ جس میں وقف کرنے والے نے جس مقصد کے لئے وقف کیا ہے اس میں ادھر ادھر کیا گیا ہے تو میں بتلایا جائے اور ہم اس تجویز کو منظور کریں گے - لیکن چونکہ ایسی کوئی چیز نہیں تھی اس لئے اس تمام پراپیگنڈے کا کوئی غلط نتیجہ نہیں ہوا - اس لئے میں سمجھتا ہوں کہ جو ہماری قومی پارلیمنٹ ہے اس کو اخلاقی طور پر اس بل کے پاس کرنے میں ہماری مدد کرنی چاہیئے تاکہ اس طرح کا بل اہمیت کی شکل

میں ملک میں جاری ہو - اور جتنے پرائنٹ اور صوبے ہیں جن میں ایسا وقف ایکٹ نہیں ہے ان میں بھی اسی روشنی میں وقف ایکٹ بن سکیں اور جہاں یہ وقف ایکٹ بنے ہوئے ہیں ان میں جو کمزوریاں اور خامیاں ہیں ان کو دور کیا جا سکے - اور اس ایکٹ میں جتنی پرنسپل کی باتیں آئی ہیں ان کی مدد لے کر اس کو وقف ایکٹ کی شکل دے سکے - میں ان چند الفاظ کے ساتھ اس بل کی حمایت کرتا ہوں -

بہت سی ایسی مثالیں ہیں جہاں مسجدوں میں - خانقاہوں - مدرسوں اور پڑھم خانوں میں بڑھوس اور بھولوں کی تعلیم کے بارے میں لوگوں نے روپے خرچ کئے ہیں اور مہولی لوگ ان میں کڑ بڑ کر رہے ہیں - اس کو بہتر بنانے کے لئے جو بل آپ کے سامنے پیش ہے اس کو آپ منظور کریں تاکہ قانون کی صورت میں وہ آئے اور عام پبلک اس چیز کو متحسوس کر سکے کہ قومی حکومت کے ذریعہ ہمیں سہولت اور مدد ملی ہے جو کہ ہماری اخلاقی زندگی کو بہتر اور کامیاب بنا سکے -

ان الفاظ کے ساتھ میں اس کی تائید کرتا ہوں -

مولانا مسعودی (جسوں ایلڈ کشمیر) :

جنگاب والا - وقف بل کی ضرورت کے بارے میں متحرک نے اور مولانا حنف

الرحمن صاحب نے بہت تفصیل کے ساتھ کہا ہے - میں سمجھتا ہوں کہ اس مرحلے پر مزید کسی لمبی بحث کی کوئی خاص ضرورت نہیں - اس لئے میں اس بل کو سلیکٹ کمیٹی کے سپرد کئے جانے کی تائید پر ہی اکتفا کرتا ہوں -

(English translation of the above speech)

Shri M. H. Rahman (Moradabad Distt.—Central): Mr. Chairman, I regard the Muslim Wakfs Bill introduced by Mr. Kazmi as very important. As far as I remember, various States have felt the need of a law which should prevent the *Mutawallis* from misusing the Wakfs running into crores of rupees made for mosques, graveyards and shrines, for serving their own personal ends and which should ensure their proper use. Mr. Kazmi referred to four States, where such Acts were enacted. But even at this time, we find certain loopholes on account of which the desired control could not be exercised. During the struggle for independence, along with other things we also drew the attention of the people to the fact that after the establishment of our National Government, we would urge the Government to make arrangements so that crores of rupees which have been given by the people as Wakf for noble causes should not be wasted by the *Mutawallis* but should be used properly. There is no need to make any big speech for this purpose.

I feel that when this Bill was published for the purpose of eliciting public opinion thereon, the whole of the country, ignoring the feeble opposition offered by the *mutawallis* and their agents, welcomed it in principle and expressed the need for such a measure. Of course, there are minor differences of opinion, which are inevitable. When the Bill goes to the Select Committee all these minor points on which there is difference of opinion will be considered and a correct decision will be taken thereon. Therefore, instead of pressing for its passage, it was thought fit that for the time being it should be referred to the Select Committee, so that all the different opinions should be considered before arriving at any conclusion. At this time the affairs of many important institutions, shrines and mosques are in a mess and the condition of many orphans and widows is pitiable and for all this the

[Shri M. H. Rahman]

mutawallis are responsible. These people are even today trying not to let this Bill be placed on the Statute Book by spending large amounts of money. They want that they should be free to go their own way. Therefore, this Bill has only one objective. Sometimes a wrong impression has been sought to be created among the people that through this Wakfs Bill, Government wants to take over these institutions forcibly. I would like to assure these people that if viewed honestly, it would be seen that in the whole of the Bill there is not a single clause which leaves any scope for the object of the Wakf to be interfered with or changed. As there was no such objection to this effect when the Bill was circulated for eliciting public opinion, all this propaganda has not yielded any untoward results. For this reason, I think that our National Parliament should extend its moral support for passing this Bill so that there should be a model Act in the country, and in those States which have no Wakf Act, such an Act may be enacted in the light of this Act and in others which do have a Wakf Act, their loopholes and shortcomings may be removed. With these words, I support this Bill.

There are many examples in which people have invested money on mosques, shrines, schools, orphanages and on the education of orphans and widows but where the *mutawallis* are trying to commit irregularities. This Bill is before you to improve the state of affairs. You are urged to pass it so that it may become a law and the general public may be able to realise the Government's desire to improve the tone of our moral life. With these words I support the Bill.

Maulana Masuodi (Jammu and Kashmir): Sir, the mover and Maulana Hifzur Rehman have dwelt at length on the necessity of this Bill. I think there is no need to discuss this matter any further at this stage. Therefore, I would just support the motion for referring this Bill to the Select Committee.

The Minister of Law and Minority Affairs (Shri Biswas): If Muslim Members of this House desire that the Bill should be referred to a Select Committee, I cannot possibly raise any objection but for the information of the House, I should like to place before it a statement which I have prepared. It does not accord with what my hon. friend, Shri Mohammed Kazmi stated that opinion was overwhelmingly in favour of the Bill. It does not appear to be so according to the information which has

been placed before me. That information is this. The Bill has generally not found favour with important States. Take the Part A States first. Punjab is the only State which welcomes the Bill, and the other States are opposed to it. The opposition is based on more than one ground. It is opposed because in many of the States, they already have or are going to have Wakf Acts and they do not want this. Those Acts are functioning well and they do not want that there should be Central legislation now and those Acts should be repealed. The States of U. P., Bombay, West Bengal, Madhya Pradesh and Assam definitely declare that they do not want Central legislation. They are of opinion that each State should be left to promote legislation according to its own needs. Even if an all-India Bill finds favour with the House, those States will prefer to be exempted from its operation, and left to themselves to be governed by the Acts which they have already got. The working of this Act for the last few years in many of the States has revealed some shortcomings, and in some of these States, steps have been taken, in other States steps are being taken or will be taken, to correct those defects. Take, for instance, the U.P. Muslim Wakfs Act of 1936. A Committee of Enquiry was constituted under the Chairmanship of a former Judge of the Allahabad High Court, Mr. Niamatullah. That Enquiry Committee has submitted its report and the U.P. Government have brought forward an amending Bill making extensive amendments in the existing Act. They have added a new chapter regarding control to be exercised on the Wakfs' Board by the State. They do not want this new Bill because it will hamper their own amending Bill. Private opinions received from Uttar Pradesh are divided.

The State of Bombay is totally opposed to this Bill. They do not want the Bill to apply to that State. In 1950, the Bombay Public Trusts Act (Bombay Act XXIX) of 1950 was passed. It is applicable to all public, religious or charitable Trusts including a temple, a mosque or any other religious or charitable endowment irrespective of the religious character of that endowment. It is considered that it would be a retrograde step to make the present Bill applicable to Bombay. That is the opinion of the Government of Bombay.

Private opinions are also mostly opposed to the Bill in Bombay.

In the State of West Bengal, they have got the Bengal Wakfs Act, 1934 and they do not consider that there is any need for a Central Board. That Act has been functioning quite effectively and satisfactorily for the last few years since 1934. The scheme of the present Bill is considered much too cumbersome, and they particularly object to the vesting of judicial or quasi-judicial functions in the Central Board. If there is to be some authority to exercise judicial functions, that should be a *de facto* judicial authority. Private opinions received in West Bengal are also mostly opposed to the Bill. The State of Madhya Pradesh is opposed to the Bill. They are also of the opinion that each State should be left to legislate for itself.

Shri Syed Ahmed (Hoshangabad): In Madhya Pradesh, they have not legislated.

Shri Biswas: Therefore they say that each State should be left to legislate for itself.

Shri Syed Ahmed: I may inform the hon. Minister that about three years ago, a Wakf Bill was brought before the Madhya Pradesh Legislative Assembly. The Hon. Minister Mr. D. K. Mehta said that it was not their concern to control and regulate wakfs in the province and that it should be done privately. They refused to entertain this Bill.

Shri Biswas: This is what is stated in the opinions which have been received from the States and which have been circulated. I do not know what happened in Madhya Pradesh three years ago. They say that the scheme of the Bill is too cumbersome and that the wakfs cannot contribute towards the expenses of the Central organisation. If you read the Bill, you will see that there is a provision that wakfs from the States will have to contribute to the central fund for the purpose of maintaining the Central Board. Private opinions from Madhya Pradesh are also divided.

The State of Assam is opposed to the Bill. It agrees with the opinions of two Judges of the High Court, and both of them oppose the Bill.

As regards Bihar, opinion was received only the other day, and there also opinion is against the Bill. Madras has made no comments. But the Board of Revenue of Madras is definitely opposed to the Bill. The opinions received from private persons and associations are divided, but the majority are against the Bill. Orissa is opposed to the Bill and is contemplating separate legislation of its own with reference to the peculiar needs of the wakf properties in that State.

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Coming to Part B States, PEPSU, Rajasthan and Saurashtra have no comments to make. Madhya Bharat is the only State which favours the Bill. Hyderabad, Travancore-Cochin and Mysore are opposed. In Hyderabad, there is a uniform law governing Muslim and Hindu endowments. Therefore, they do not welcome the present Bill. Their own Act is working satisfactorily and the present Bill, it is said, will have the effect of promoting sectarianism. The States of Travancore-Cochin and Mysore do not want All India legislation; or at any rate, they would like to be left outside the scope of this Bill if it is passed.

As regards Part C States, Bhopal and Coorg agree with the principle of the Bill. But, the other States have no comments to make. So, among the States, it would not be correct to say that there has been a warm or enthusiastic welcome to this measure. A very large number of letters and telegrams have been received in the Ministry from private persons; that number is very large. It is said that the Bill is a Jamiat-ul-Ulema group's move. (Some Hon. Members: No, no.) I do not know, I am not expressing any opinion; I am only stating the opinions which have been received in the Ministry. From these opinions it is gathered that the Sunni Mohammedans consider that too much prominence has been given to Shias in this Bill. Many say that no distinction should be made between Sunnis and Shias. Those Muslims who belong to the Deoband school of thought or are associated with the Jamiat-ul-Ulema group, support the Bill.

As I said, most of the States who have opposed the Bill have considered that except very rich wakfs, wakfs generally will not be able to contribute to the expenses of the Central organisation. A uniform levy of 5 per cent is provided for in the Bill. In Bombay and U.P. the charges are not more than 2 per cent. Even then the wakfs find it very difficult to pay. Therefore, the only suggestion that I am making is,—possibly, it will be advisable to ascertain the probable expenses of the Central organisation. The paying capacity of the wakfs in general should also be ascertained, before a scheme like that proposed in the Bill is promoted.

The other objection to which I have also referred to is that the scheme is considered to be cumbersome. It is said that a body of 30 or 32 persons will constitute the Central body. If there is to be any scheme, many of

[Shri Biswas]

the States want a common scheme for all Muslim wakfs, without any distinction between Shias and Sunnis. Hyderabad, as I said, goes further and wants a common law for endowments of all classes, not merely Muslim, but Muslim, Hindu and so on. That is the position.

It is proposed now to refer the matter to a Select Committee. If my Muslim friends want it let them have it. Having regard to the facts....

Shri S. S. More (Sholapur): On a point of order, Sir, the hon. Member has been repeatedly saying that if the Muslim Members want that the Bill should go to the Select Committee, he has no objection. Is it an exclusive matter for the Muslims alone or for the whole House? Will that be consistent with the Constitution?

Mr. Chairman: On this ground the hon. Minister has not stated so far whether he is opposed to the Bill or agreeable to it. He is only stating the facts. He has yet to say whether the Government is agreeable to this or not. If he says that Government is agreeable, he is perfectly entitled to say it.

Shri Biswas: What I was suggesting was that Government do not take up a definite attitude one way or the other.

Shri S. S. More: Why not?

Shri Biswas: I have placed this summary of opinions before the House. It will be for the House to consider what action it should take: whether it should support the motion for reference to a Select Committee or oppose it. So far as the Government are concerned, they want to maintain an absolutely detached view.

Shri S. S. More: Non-committal.

Shri Biswas: That was what I was saying. As a matter of fact, if the House so desires, they may refer the Bill to a Select Committee. Speaking personally, if you ask my personal opinion and if I am at liberty to express my opinion, I do not think that on the materials which have already been placed before the House and the opinions which have been circulated, there is any case for referring the Bill to a Select Committee. I would rather suggest to my friend that he might withdraw this Bill and prepare a better Bill. As a matter of fact, he had framed a Bill at an earlier stage. That was very defective. It was examined in the Ministry and the present Bill no doubt incorporates

many of the suggestions which the Ministry had made on that occasion.

Shri Kazmi: No all the suggestions.

Shri Biswas: As I said, there are two matters which ought to be examination. The question as to the capacity of the State wakfs boards to contribute should be examined. It is no use laying down that 5 per cent. shall be paid, or alternatively reducing it to, say, 3 per cent. It is a matter for investigation. More time is necessary for that purpose. If Central legislation is promoted, it will be much better to carry the States with us. That attempt has not been made. We have the opinions of the States which are opposed to Central legislation. Therefore, if my hon. friend will withdraw this Bill—that is only a suggestion that I can make; nothing more than a suggestion—and take time to consider all these aspects, it is possible a better Bill may be introduced, if all the States agree to Central legislation. That is all I have got to say.

Shri S. S. More: Will it not be possible for Government to give their consideration to this matter and come out with legislation covering all religious endowments, irrespective of religion, because such a measure is absolutely necessary? If Government can take the initiative, they can push through the Bill easily.

6 P.M.

Shri Syed Ahmed: I am entirely in favour of that provided Government do not take too much time. They may take 20 years.

Shri Biswas: But, I may inform the House....

Shri S. S. More: Why not two months? Such a measure is absolutely necessary.

Shri Biswas: As soon as I came to know about this, I at once issued instructions to my Ministry to collect materials and facts for a comprehensive Bill on endowments. As a matter of fact, you will see I have before me here a book on endowments, both Hindu and Muslim. My object is to promote a Bill which will cover endowments of all kinds. But then, this Private Member's Bill has been introduced, and, therefore, all I could do was to place before the House the opinions I have received. As a matter of fact, Government will do its duty. If I am here, I shall certainly bring forward a Bill which I consider satisfactory, dealing not merely with

Muslim endowments or Hindu endowments, but all kinds of endowments. It is very necessary. I feel that, I have felt it all along. The materials are being collected.

Shri S. S. More: Such a measure will be consistent with our secular character.

Shri Biswas: I cannot promise that. I shall be in a position to bring it forward in the course of this year, but certainly next year it will be before the House.

श्री अलगू राय शास्त्री (जिला आजम गढ़—पूर्व व जिला बलिया—पश्चिम): अध्यक्ष महोदय, मैं यह निवेदन करना चाहता हूँ कि यदि ला मिनिस्टर का यह विचार है कि वह इस तरह का एक व्यापक विधेयक यहाँ पेश करेंगे तो फिर इस में समय लगाना बेकार होगा, खासकर इसलिये कि यह एक अलग अलग धार्मिक भावनाओं को ले कर कोई विधेयक आया तो वह अच्छा नहीं है, एक व्यापक विधेयक आया तो अधिक अच्छा है।

Mr. Chairman: Order, order. The motion was placed before the House and the hon. Minister has replied to it. This is not the occasion for allowing fresh speeches. I will put the motion before the House.

मैसٹر آف ایجوکیشن اینڈ نیچرل

ریسورسز اینڈ سائنٹیفک ریسرچ

(مولانا آزاد) : مگر میں

سمجھتا ہوں معاملہ کی حیثیت

صاف ہو جانی چاہئے اس لئے

میں آپ کی اجازت سے چند الفاظ

کہنا چاہتا ہوں - میرے دوست

مئسٹر نے بتا دیا ہے کہ گورنمنٹ کا

طرز عمل اس بارے میں کیا ہے -

اگر ہاؤس کے مسلمان ممبروں کی

مجاہدتی اس بل کو آگے بڑھانا

چاہتی ہے، تو گورنمنٹ ان کی راہ

میں نہیں آئے گی - باقی دہی وہ

بات جسے انہوں نے اپنی ذاتی رائے کی شکل میں ظاہر کیا ہے، یعنی ایک نیا بل گورنمنٹ تیار کرے، تو اس بارے میں یہ بات ہمیں یاد رکھنی چاہئے کہ اس طرح کا کوئی فیصلہ ابھی گورنمنٹ نے نہیں کیا ہے اور نہیں کیا جا سکتا کہ گورنمنٹ اس طرح کا کوئی فیصلہ ابھی کر سکے گی یا نہیں - اگر آگے چل کر کوئی ایسا بل پارلیمنٹ کے سامنے آیا جس کے ذریعہ ہندو، مسلمان، جہلموں اور سکھوں کے تمام اوقاف کی حفاظت و نگرانی کا انتظام کیا جائے گا، تو ظاہر ہے کہ کہ موجودہ بل اس کی راہ میں حائل نہیں ہوگا اسے پارلیمنٹ منظور کر کے اس ایکٹ کو ختم کر دیگی۔

اس میں شک نہیں کہ اس بل میں بہت سی باتیں ایسی تھیں جن پر مزید غور ہونا چاہئے لیکن اگر سلیکٹ کمیٹی میں یہ چلا گیا تو امید ہے کہ ان پر پوری طرح غور کر لیا جائے گا اور پھر پارلیمنٹ کو پورا موقع ملے گا کہ اپنا فیصلہ صادر کرے۔

[English translation of the above]

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): I want the position to be clarified. Therefore I would like to say a few words with your permission. My friend, the Law Minister has explained the attitude of Government in this regard. If the majority of Muslim Members of the House want to pursue this Bill, Government would

[Maulana Azad]

not come in their way. Regarding the point, which he has expressed in the form of his personal opinion i.e. Government should frame a new Bill, we should bear in mind that no such decision has been made by the Government as yet and it is too early to say whether it will be able to make such a decision. If in future a Bill seeking to preserve and administer all the Wakfs belonging to Hindus, Muslims, Jainis and Sikhs comes before Parliament, the present Bill, it is clear, would not prove an obstruction. By passing this Bill, Government would repeal this Act.

There is no doubt that this Bill contains many things which require further consideration, but if it is referred to the Select Committee, it is hoped these will be fully considered and then Parliament will have ample opportunity to pass its verdict.

श्री राधेलाल व्यास (उज्जैन) : माननीय सभापति जी, जो बिल हमारे सामने आया है उस के सम्बन्ध में अभी कई राज्यों की राम हमारे सामने आई है। मेरा ऐसा ख्याल है कि अभी इस बिल को सिलेक्ट कमेटी को सपुर्द करने में हाउस को जल्दबाजी नहीं करनी चाहिये। पहले तो सवाल यह है कि हिन्दुस्तान में केवल मुस्लिम वक्फ्स की ही हालत खराब हो ऐसी बात नहीं है, बल्कि हिन्दू वक्फ जितने हैं उन की भी वैसी ही हालत है। इस के अलावा और भी दुसरी कम्युनिटी हैं। उनके जितने वक्फ हैं उन की भी हालत वैसी ही है। वाकई में जब ऐसी स्थिति है तो मैं गवर्नमेंट से यह निवेदन करूंगा कि उन को इन सब वक्फ की हालत को सुधारने के लिये और इनका पैसा फिजूल खर्च न हो, इस का दुरुपयोग न हो, लोग बेजा फायदा न उठावें, इस के लिये एक मुकम्मिल कानून मेंट्रल गवर्नमेंट को सारे हिन्दुस्तान के लिये जल्दी से जल्दी लाना चाहिये। यह प्रश्न इस तरह का नहीं है कि जिस को हम टुकड़ों में तय करें। इसलिये इस में और भी पेचीदगियां होंगी।

अभी ला मिनिस्टर साहब ने फरमाया कि बम्बई गवर्नमेंट ने एक ऐसा कानून बनाया है कि जो सभी जाति के लोगों के वक्फ को सामने रखता है और वह एक सा सब के लिये लागू होता है।

مولانا آزاد - لاگو نہیں ہوتا - مگر
اس کو ایسا انہوں نے بنایا ہے کہ جو
کامیونٹی خود اپنی خوشی سے چاہیگی
تو اس پر لاگو ہو جائے گا۔

[English translation of the above]

Maulana Azad: It does not apply to all, but it has been so formulated that it may be extended to any community which likes to have it.

श्री राधेलाल व्यास : ती इसी तरह का एक कानून हमारे यहां भी बनाने की जरूरत है।

एक और भी बात है कि इन वक्फों के सम्बन्ध में जहां तक हो, अदालतों को उन के साथ ज्यादा सम्बन्ध रहे। कोई भी मुत्वल्ली हो, और किसी तरह का भी उसका प्राचीन हो वक्फ का कि किस तरह से वह खर्च किया जायगा, किस काम में खर्च किया जायगा, जैसा कि ट्रस्ट ऐक्ट के अन्दर एक तरीका बतलाया गया है, लेकिन उस के अनुसार कार्रवाई होती है या नहीं, यह अधिकार अदालतों को ही प्राप्त होना चाहिये। जिस तरह से कि बोर्डस वगैरह की बात इस में सुझाई गयी है, मेरा ऐसा ख्याल है कि उस से आगे चल कर कोई अच्छा नतीजा नहीं निकलेगा बल्कि अलहदा अलहदा काम्युनिटीज के उन की जात के बने हुए बोर्डस कायम होंगे।

Shri Raghunath Singh (Banaras Distt.—Central): The Judge has got the right still.

श्री राध लाल व्यास : जज को राइट न साथ ही

श्री संघबहादुर अहमद (होशंगाबाद) :
यह बगैर पढ़े ही बोलने लगे।

श्री राबेलाल व्यास : जी हां, आपने पढ़ा है, आपने सुने बगैर ही कह दिया। मेरे पास निशान लगा हुआ है।

एक माननीय सदस्य : पेज क्या है ?

श्री राबेलाल व्यास : पेज ४, संकशन ८। तो इस तरह का इस का कांस्टीट्यूशन है :

Clause 8: "The Board shall consist of,—

(a) four members to be elected in the manner prescribed by Muslim members of the respective State Legislatures,

(b) four members to be elected in the manner prescribed by the Muslim members of the district boards, Municipal Boards, Town area and Notified area Committees of the respective States,

(c) four members to be elected in the manner prescribed by the Jamiat-ul-Ulema and the teachers of the Sunni Madarsas Arabia.

मेरा ऐसा ख्याल है कि जहां ऐसे वक्फ़ के सवाल हों वहां इस तरह के जातियों के आधार पर बोर्ड्स बनें, यह कोई एक अच्छी प्रथा नहीं है। यह बात जरूर है कि पुराने ज़माने में ऐसी प्रथा रही है। जितने हिन्दू वक्फ़ हैं उन में हिन्दुओं को ही उन्होंने रखा है। लेकिन मैं यह भी कह सकता हूँ कि अभी कुछ ऐसे भी वक्फ़ मिलेंगे कि जिस में हिन्दू वक्फ़ में मुसलमान भाई भी शामिल हों। मैं आप को मिसाल के तौर पर कहता हूँ कि मध्य भारत में यह चीज़ है। मध्य भारत सरकार की तरफ से जरूर इस बिल के पक्ष में राय आई है और मैं मध्य भारत का प्रतिनिधि हूँ। लेकिन मैं अपनी निजी राय आप के सामने रखना चाहता हूँ। श्वालयर स्टेट में वक्फ़ का कानून था और वह कानून औकाफ़ जो था वह केवल हिन्दुओं से ही सम्बन्ध नहीं रखता था, बल्कि मुसलमानों के या और किसी के जितने भी औकाफ़

थे, चाहे मन्दिर हों, मस्जिद हों, गिरजा हो, हर एक धार्मिक स्थानों से बराबर उस का सम्बन्ध था। औकाफ़ कमेटी होती थी, उस में हिन्दू, मुसलमान, सभी रहते थे। उस औकाफ़ कमेटी के सामने जब कभी भी दाखिल खारिज के मामले आते थे वह बराबर उन को तय करती थी। जिला औकाफ़ कमेटियां भी थीं। इनाम कमिशनर बगैरह भी थे। वहां तक मामला जाता था। तो वक्फ़ दो तरह के हो सकते हैं, धार्मिक भी हो सकते हैं और दूसरे लोगों को मदद पहुंचाने के लिये, उन की पढ़ाई लिखाई के इन्तज़ाम के लिये, इस तरह के वक्फ़ भी हो सकते हैं।

तो मैं चाहता तो यह हूँ कि इस तरह की कमेटी बने, सारे देश में, कि जो सभी तरह के जितने भी वक्फ़ हों, उन को एडमिनिस्टर करे। उन को देखे और उन की देखभाल करे। उस का इन्तज़ाम करने के लिये समय समय पर उचित कार्रवाई करे, उस के नियम बने। मैं इस के डिटेल में तो नहीं जाना चाहता। लेकिन जबकि हिन्दुस्तान में अब आज़ादी बाद यह बात हो रहा है तो जो पिछली चीज़ें हैं, जिनका ज़िक्र स्टेटमेंट आफ आब-जैक्ट्स एंड रीज़न्स में है, कई तरह के वक्फ़ ऐक्ट में थे जो उस जमाने में बनाये गये थे जब हम आज़ाद नहीं थे लेकिन अब हमें मौजूदा स्थिति के अनुसार उन में अमेंडमेंट करने की जरूरत है। मैं हाउस से यह गुज़ारिश करूंगा कि आज़ादी के बाद मैं जबकि हम जातीयता के आधार पर कोई भी काम नहीं करना चाहते, बल्कि सब के लिये समान व्यवहार करना है, तो जबकि सभी वक्फ़ों की हालत खराब है तो एक ऐसा बिल गवर्नमेंट सामने लाये जोकि सभी की हालत को सुधारे। इस तरह छुट पट एक एक करने में गवर्नमेंट का भी काम बढ़ेगा। वह मुसलमान भाईयों के लिये एक बोर्ड बनाये,

[श्री राधेलाल व्यास]

हिन्दुओं के लिये दूसरा बोर्ड बनाये और फिर सरकार सिक्खों के लिये एक अलग बोर्ड बनाये और ऐडमिनिस्ट्रेशन चलाये, तो इससे तो सारे देश भर में बहुत काम फैल जायगा और मैं समझता हूँ कि ऐसा करने में गवर्नमेंट का बहुत समय जाया होगा और साथ ही पैसा भी खर्च होगा अलग २ बोर्ड कायम करने में इसलिये मेरा यह नम्र सुझाव है, वैसे में मौजूदा बिल के उसूल के खिलाफ नहीं हूँ और मैं चाहता हूँ कि इसके लिए वाकई कोई माहूल इन्तजाम होना चाहिये, क्योंकि हमारे देश का करोड़ों रुपया ऐसे कामों में लगा हुआ है और लोग उससे बेजा फायदा उठाना चाहते हैं और उठा रहे हैं और पैसे का दुरुपयोग हो रहा है, इसलिये गवर्नमेंट को जल्द से जल्द कोई ऐसा कानून सामने लाना चाहिये कि एक दम सारे देश भर में से वह इस बुराई को खत्म कर सकें, इस बेसिस पर और इस बिल के जो उसूल और प्रिंसिपल्स हैं, उनके आधार पर मैं इस बिल का विरोध नहीं करना चाहता हूँ।

डा० सैय्यद महमूद (चम्पारन पूर्व) :

मुझे बहुत ताज्जुब हुआ कि ऐसे इन्फोर्मेंट बिल के मुताल्लिक यहां पर इस कदर बहस मुबाहिसा हुआ। जहां तक मुतबल्लियों की राय का ताल्लुक है, वह तो इसके खिलाफ जायगी ही क्योंकि यह तो उनको इस तरह लोगों का जो रुपया लगा हुआ है, उसका नाजायज इस्तेमाल करने से रोकेगा, मुझे पूरा इल्म है कि मुतबल्लियों ने इस बिल के खिलाफ कितने तार भिजवाये, यह तो कोई ताज्जुब की बात नहीं है, वह लोग हजारों रुपया इस तरह के प्रोपेगेंडा पर खर्च कर सकते हैं और हजार पांच सौ तार भिजवा दिये, लेकिन आपको समझना चाहिये कि यह तार और रिप्रेजेंटेशन्स सारे इन्हीं मुतबल्लियों द्वारा भिजवाये गये हैं और आप यह न

समझ बैठें कि राय आम इस बिल के खिलाफ है। बाक़ी जहां तक कि अदालत के मुताल्लिक कहा गया है, तो मैं आपको बतलाऊँ कि वहां पर यह होता है कि एक बड़ा fraud होता है और एक आदमी किसी बक्फ पर मुकदमा लाता है और कुछ दिन मुकदमा चलता है, उसके बाद वह मुतबल्ली उससे आपस में समझौता कर लेता है और बात मान लेता है और लाख, दो लाख रुपया या पचास हजार, जितना भी रुपया तय हो जाता है, मुद्दई और मद्दालय खा जाते हैं और कम्प्रोमाइज़ डिग्री पास हो जाती है। मुझे इस तरह के बिलों को पास कराने का काफ़ी तजुर्बा है, हिन्दू चेरिटेबिल इंडाउमेंट ऐक्ट को पास कराया, रिलीजस इंडाउमेंट के मुताल्लिक दो वर्ष लग गये, सिक्खों और जैनियों ने बहुत मुख़ालफ़त की, जैनियों ने बहुत शदीद मुख़ालफ़त की, दोनों दिगम्बरों और श्वेताम्बरों के सम्प्रदायों ने मुख़ालफ़त की, सिक्खों ने भी मुख़ालफ़त की और उसके पास कराने में दो वर्ष लग गये और किसी तरह राजी नहीं होते थे कि हिन्दू रिलीजस इंडाउमेंट ऐक्ट में शामिल किये जाय। आज जो यह बिल पेश है, उसका मक़सद सिर्फ़ इतना है कि जो रुपया जाया हो रहा है, उसकी निगरानी की जा सके, मैं जानता हूँ कि जब हिन्दू रिलीजस इंडाउमेंट बिल वहां पास किया जा रहा था तो इसी तरह जो रुपया ट्रस्टीज के द्वारा जो महन्त आदि होते थे, खर्च होता था, उन लोगों ने भी ऐसे बिल की सख्त मुख़ालफ़त की थी और पास न होने देने के लिये काफ़ी रुपया खर्च किया, और कांग्रेस गवर्नमेंट ने बड़ी मुश्किल से इसको पास किया, इसलिये मेरा कहना है कि आज जब हम यह मुस्लिम बक्फ़ ऐक्ट पास करना चाहते हैं तो मुतबल्लियों की तरफ़ से यह तार और मुख़ालफ़त कुदरती है क्योंकि वह जो रुपया जाया कर रहे हैं,

उस पर सरकार रोक लगाने जा रही है, इसलिये मेरा तो कहना यह है कि इसको मेहरबानी करके सेलेक्ट कमेटी में जाने दीजिये ताकि यह जल्दी पास हो और जिससे आज जो इतना रुपया वक्फ का जाया हो रहा है वह बचाया जा सके, जो लोग इसके बदले दूसरा बिल लाने की सोच रहे हैं उनसे मैं कहना चाहूँगा कि इसको सेलेक्ट कमेटी में जाने दीजिये, क्योंकि काफी देर हो चुकी है और इसको पास कराने में अब देर न होनी चाहिए, एक साल से यह बिल पेश है और इसमें कोई ऐसी चीज़ नहीं है जिसके बाकी कोई भी खिलाफ हो, हाँ वेस्टेड इंटेरेस्ट वालों की मुखालफत और परेशानी तो समझ में आने वाली चीज़ है। अलबत्ता जब यह बिल सेलेक्ट कमेटी को जा रहा है तो वहाँ हम सब मिल कर इसपर खूब सोच विचार करेंगे और इसको और बेहतर बनाने की कोशिश करेंगे, मुझे उम्मीद है कि हाउस इस मामूली और इन्सैंट चीज़ पर और ज्यादा मज़ीद बहस न करके इसको सेलेक्ट कमेटी में भेजने की सिफारिश करेगा, वहाँ से लौटने के बाद हाउस को फिर इस पर गौर करने का मौका होगा। लेकिन इस वक्त इसको सेलेक्ट कमेटी में भेजा जाय और मुझे उम्मीद है कि हाउस को इसमें कोई उधर नहीं होगा।

श्री टंडन (जिला इलाहाबाद पश्चिम) :

अध्यक्ष महोदय, मैं इस बिल पर अधिकार के साथ तो कुछ कह नहीं सकता। लेकिन जो बातें मैं ने अभी सुनी उनके आधार पर मुझे कोई ऐसी बात नहीं लगती जिससे इस बिल के सेलेक्ट कमेटी में जाने में हम बाधक बनें। यह ठीक है, और मैं भी इसका स्वागत करूँगा, कि एक ऐसा बिल आवे कि जो देश भर के सब दानों के लिए लागू हो, लेकिन मैं अपने दोस्त डाक्टर महमूद से सहमत हूँ, कि मुमकिन है कि इस तरह का बिल आने में

बहुत वर्ष लगे। मुझ को भी अपने सूबे में कुछ तजुर्बा है कि वहाँ इस बात की कोशिश हुई कि धर्मादि और मठों आदि के पास जो जो सम्पत्ति है उसका ठीक २ उपयोग किया जाय। परन्तु हमारे रास्ते में बहुत कठिनाई आई। अगर हमारे मुसलमान भाईयों ने अपने वक्फों का ठीक इन्तजाम कराने के लिये एक रास्ता सोचा है, तो महज़ इस वजह से कि वह सिर्फ मुसलमानों के लिये है और उस में सब शामिल नहीं हो सकते, हम उसमें रुकावट डालें यह बात मुझको बिल्कुल गलत मालूम होती है। आखिर मज़हबी रास्ते पर काम पुराने समय से है; वह बहुत जल्दी तो नहीं बदल जायेंगे, हिन्दुओं के लिये भी तो आप उनके ब्याह शादी के मतालिक एक अलग कानून बनाने का यत्न कर रहे हैं। वह बिल हिन्दू नाम से आ रहा है कुछ हिन्दू शादियों के लिये एक कानून को ज़रूरत पड़ जाती है; वैसे मैं पसन्द करूँगा कि जहाँ तक हो सके अलग २ मज़हबों के ऊपर हमारे कानून न बनें, लेकिन वह चीज़ एकबारगी तो हो नहीं जायगी। मुस्लिम वक्फ बहुत पुराने वक्त से चले आ रहे हैं और यह भी मुझ को अन्दाज़ा हो रहा है कि मुतबल्ली लोग उनका ठीक इन्तजाम नहीं कर रहे हैं और उनका विरोध इस बिल के बारे में ठीक उसी प्रकार से है जैसे हमारे कुछ महन्तों ने हिन्दू धर्मादि और मठ सम्बन्धी प्रस्तावित कानून का विरोध किया था। इस बिल के पास होने से यह होगा कि वह पैसा जो अब तक मुतबल्लियों द्वारा बेजा तौर से खर्च होता है वह पैसा अब गरीब भाईयों के काम में आयगा। इसलिये मुझे तो कोई ऐसी वजह नहीं मालूम होती कि हम महज़ इस बिना पर कि यह सिर्फ मुस्लिम वक्फ के लिये है; विरोध करें। जब एक मिली जुली चीज़ हमारे सामने आयेंगी तब हम उसका स्वागत करेंगे।

[श्री टंडन]

अभी मौलाना अबुल कलाम आज़ाद साहब ने फ़रमाया था कि यह चीज़ कोई स्कावट नहीं डालेगी। मुझ को भी कोई बुरी बात इस में समझ नहीं पड़ती। यह भी सदा कहा जा सकता है कि ज़रूरत होने पर यह कानून समाप्त किया जाय। हमारे एक भाई ने कहा कि बम्बई में कोई इस तरह का कानून है जो हिन्दू मुसलमान दोनों पर लागू होता है और शायद उस पर इस का असर अच्छा न पड़े। अगर ऐसी शंका हो भी तो सेलेक्ट कमेटी में इस पर गौर कर लिया जायगा। मगर हम इस बिल को सेलेक्ट कमेटी में न जाने दें यह बात मुझको सही नहीं मालूम होती। मैं इस बिल को यह सहारा देना चाहता हूँ कि यह बिल सेलेक्ट कमेटी के हवाले किया जाय और वहाँ पर इस में जो परिवर्तन ज़रूरी समझे जायें किये जायें।

Shri Pataskar (Jalgaon): I had no desire to speak on this Bill because I am not opposed to its being referred to a Select Committee. But I want to bring to the notice of the House one matter about which I would like to place some information before them. In the State of Bombay sometime in the year 1948 or so a Committee was appointed presided over by an eminent High Court Judge to formulate proposals to enquire into all possible religious Trusts, whether Muslim, Jain or otherwise. That Committee made a detailed report and in conformity with that report they have passed the Bombay Public Trusts Act XXIX of 1950. I was a member of the Bombay Legislative Assembly when that Act was passed and I can, therefore, say that clause 13 of Section 2 of that Act makes it applicable to all trusts, whether they are Jain, whether they are Muslim, whether they are Hindu or whether they are of any variety. Not only that, but Charity Commissioners have been appointed.

Mr. Chairman: Is there no option?

Shri Pataskar: No option. I will, therefore, quote the opinion which the Bombay Government have forwarded.

"I am to state that the Government of Bombay have already en-

acted a law known as the Bombay Public Trusts Act (Bom. XXIV of 1950). This Act is made applicable to all public trusts which are defined in clause (13) of section 2 to mean, express or constructive trusts for either a public, religious or charitable purpose or both and include a temple, a math, a wakf (a dharmada) or any other religious or charitable endowment etc.

Accordingly by section 85 of the Act, the Mussalman Wakf Act 1923, as amended by Bombay Act No. XVIII of 1935 ceased to apply to wakfs in the State of Bombay."

Not only that, but they have also said that the Muslim Wakfs Act has not remained applicable to wakfs so far as Bombay State is concerned, because they have introduced uniformity in all this legislation. Not only that. Some people took up this matter to the High Court of Bombay saying that this Act came in the way of certain fundamental rights, but even then it has been upheld by the High Court of Bombay. In their opinion the Bombay Government has also stated:

"The Bombay Public Trusts Act has been upheld by the Bombay High Court as constitutional in its entirety and it is, therefore, apparent that none of the freedoms guaranteed by the Constitution are in the least affected".

Of course, I do realise that it may not be possible just now to pass a legislation applicable to the whole of India and applicable to all the communities thereof. It might take some years. I do not also want to stand in the way of the Muslims of any particular part having an Act passed so far as they are concerned, because subsequently it may be repealed. But so far as the Bombay State is concerned, there is already an Act existing.

Shri Kazmi: We have already exempted places which have got their own Acts, such as Uttar Pradesh and Bihar, and if the Select Committee thinks it necessary, we can very well exempt others also on that ground.

Shri Pataskar: My point is a little different. I would, therefore, like to read in full again, to bring it to the notice of the House, the opinion of the Government of Bombay. It is clearly mentioned there. They have a better legislation, a legislation which is in conformity with article 44 of the Constitution, a legislation which is already in operation, a legislation whose validity had been challenged and established in

the High Court of Bombay and which is already working whatever controversy there might have been before the Act was passed as regards Jains, Hindus, Christians etc. I would therefore like to bring to the notice of the House that whatever they do, they should not try to make this present legislation applicable only to the Muslims of Bombay, because we are already advanced. So far as Bombay is concerned, we have already an Act which is made applicable to all sections, irrespective of any distinction of religion. And after all possible tests, controversies and opposition that Act is already working very smoothly and there are now no complaints. Therefore, I would suggest that in any case, it should not apply to Bombay, because this Bill when passed, being a Central legislation, might supersede the Bombay Act which is a legislation by a State, and unnecessary conflicts would arise. Therefore, I would appeal to the Members of the Select Committee and to the hon. Mover of this Bill—'Whatever you do, please see that under no circumstances will this Act be made applicable to the State of Bombay which has already got a legislation which is better and which is more in conformity with the Constitution. (Interruption). I will again quote it:

"Accordingly by section 85 of the Act, the Mussalman Wakf Act, 1923, as amended by Bombay Act No. XVIII of 1935 ceased to apply to wakfs in the State of Bombay".

That is the present position legally, as the Government itself has communicated to us in their opinion.

"In enacting this law the Government of Bombay have followed directive principle contained in article 44 of the Constitution, namely, that the State shall endeavour to secure for the citizens a uniform Civil Code throughout the territory of India. The problems concerning control of administration of the property of religious trusts, be they wakfs, temples or any other kind of religious trusts, are the same and ought to be dealt with in the same manner consistent with the freedom guaranteed by articles 25 and 26 of the Constitution. The Bombay Public Trusts Act has been upheld by the Bombay High Court as constitutional in its entirety and it is, therefore, apparent that none of the freedoms guaranteed by the Constitution are in the least affected. Moreover, sufficient provision has been made in the Bombay Public Trusts Act of 1950 to see that in-

ternal management and even the control by the Charity Commissioner on the administration of property etc. is effected in accordance with public opinion of the religion concerned".

They have taken all possible steps. Therefore, I gave the history of this legislation. They had appointed a very strong Committee presided over by an eminent High Court Judge and they spent a good deal of money over this. That report was published. It was circulated for eliciting public opinion. All possible objections were raised. Then the Bill was passed and now that legislation, which I think is more consistent with the principles of our Constitution and about which now there is no complaint and it is smoothly working, should not in the least be disturbed by anything which we might choose to do in this House.

I realise the force of the argument that if a Bill on the lines of the Bombay Act was to be passed and made applicable to the whole of India, probably it might lead to so many complications and might mean only delay of this legislation. So in the meantime, I do not mind it. But they have got their own separate legislation which is uniform. So far as Bombay is concerned, they have taken all possible steps in this matter and have got in their Statute book a law which is consistent with the Constitution and which is far better from every point of view. So I do not think it would be desirable and proper for our House in any way to give ground for upsetting that piece of legislation which is working so very well and smoothly. If any one has any doubts on the matter, he can easily get the information from the Government of Bombay.

But, as I have said, the fact is—and the fact has been admitted by the Government of Bombay—that there is an Act which is applicable to all, which has passed through all possible tests, and it would not be proper on any ground whatsoever to disturb the state of law as it exists there. Therefore the Bombay State should be naturally excluded from the operation of any Act or provisions which the Select Committee or this House might itself pass subsequently.

श्री रघुनाथ सिंह : समापति जी, जो कुछ हमारे राजपि जी ने कहा है मैं उसका हृदय से समर्थन करता हूँ। हमें उसूल को देखना है। जैसा कि हमारे व्यास जी ने कहा इसमें जाति की कोई बात नहीं है। उनको यह

[श्री रघुनाथ सिंह]

समझना चाहिये कि जाति और धर्म में फर्क है। हिन्दू धर्म में भी भिन्न भिन्न जातियाँ हैं। धर्म एक मीलिक चीज है। जब हम इस देश में रहते हैं तो यहां तो हिन्दू भी हैं, ईसाई भी हैं और मुसलमान भी हैं, और दूसरी जातियों के लोग भी हैं। हमको हर धर्म के लोगों को यह अधिकार देना चाहिये कि वह अपनी धार्मिक वस्तुओं का प्रबन्ध कर सकें। आप काशी में चलिए, गाजीपुर में चलिए, बलिया में चलिए मैं आपको दिखाऊंगा कि वहां बड़ी बड़ी इमारत खड़ी हैं, लाख लाख रुपये की एक एक इमारत खड़ी है, लेकिन उनका कोई प्रबन्ध नहीं है। लोग उन के ईंट पत्थर को उठा उठा कर ले जाते हैं। इस वास्ते हमको कुछ न कुछ इस तरह का युनीफार्म ला सारे हिन्दुस्तान के लिये बनाना चाहिये ताकि इन इमारतों का प्रबन्ध हो सके। कहा गया है कि कई एक स्टेटों में इस प्रकार के कानून हैं। अगर कई स्टेटों में इस प्रकार के कानून हैं तो फिर इसमें क्या हर्ज है कि एक केन्द्रीय नियम सारे हिन्दुस्तान के वास्ते बन जाय कि जहां तक वक्फों का सबाल है युनीफार्मिटी हो जाय। इस वास्ते में इस बिल का समर्थन करता हूं, और केवल इस बात पर नहीं कि इससे जातिवाद को किसी प्रकार का प्रोत्साहन मिलेगा। अगर हमारे किसी हिन्दू भाई के दिल में इस तरह का सन्देह हो तो वह इसको निकाल दे। मैं एक उदाहरण दूँ। मैं खुद चाहता हूँ कि काशी के लिए ऐसा बिल हो। काशी विश्वनाथ जी का जो मन्दिर है उसको बनवाने वाली अहिल्या बाई थीं। अब वह मन्दिर न उनके या उनके खानदान वालों के हाथ में है और न किसी खास आदमी के हाथ में है। वहां दो सौ बरस से लिटीगेशन होता आ रहा है और जो आमदनी आती है, उसे सब लोग खा जाते हैं। इसी प्रकार से

काशी विश्वनाथ के मन्दिर में एक ज्ञानवापी की मास्क है। वह बहुत पुरानी मास्क है लेकिन उसका इन्तिजाम कोई नहीं करता। लेकिन जिस मसजिद में चार बैसों की आमदनी हो जाती है उसके वास्ते हंर तरह के लोग तैयार हो जाते हैं। इसलिये अगर कोई इस प्रकार का सेंट्रल ला बन जाय तो इससे हिन्दुस्तान का बहुत उपकार होगा।

दूसरे हमारे भाई व्यास जी ने सेक्शन ८ का हवाला दिया। जौ लोग बकालत करते हैं, और हम भी करते हैं, वह जानते हैं कि आजकल अदालतों में मसजिदों और मठों के बहुत मुकदमे चलते हैं। खासकर जब से यू० पी० में जमींदारी एबोलिशन कानून बन गया है तब से सिविल कोर्ट्स में मठों और मास्कों के बहुत ही ज्यादा मुकदमे चलने लगें हैं। इससे बहुत परेशानी हो रही है। इसलिये इसी तरह का कोई न कोई बिल हिन्दुओं के लिये भी होना चाहिए। इसमें धर्म का कोई प्रश्न नहीं है। जिसकी जो चीज अच्छी हो उसको मान लेना चाहिए। खास करके जब व्यास जी को और पाटस्कर जी को यह मंजूर है कि कानून होना चाहिए। ऐसी हालत में इसको सिलेक्ट कमेटी में जाने दें और उसके सम्बन्ध में जो उनके सुझाव हों, उनको वह उसके पास भेज दें। उसमें अमेंडमेंट हो जायगा। व्यास जी ने जज के अधिकार के बारे में कहा। इस बिल में भी जज के अधिकार महफूज हैं। इस वास्ते महफूज है कि अगर कोई मुतबल्ली चार पैसे की भी चोरी करता है तो यह मामला अदालत में ले जाया जा सकता है। आज हम क्या कर सकते हैं। आज कुछ भी नहीं कर सकते इस वास्ते हमारी प्रार्थना है कि इस बिल को सिलेक्ट कमेटी में जाने दें और जो कुछ सुझाव उस पर हों उनको आप सिलेक्ट

कमेटी के पास भेज दें खासकर ऐसी अवस्था में जबकि इस बिल को लाने वाले मेम्बर भी इसको मंजूर करते हैं, पाटस्कर जी भी मानते हैं और ब्यास जी भी मानते हैं। इस बास्ते मेरी प्रार्थना है कि इसको सिलेक्ट कमेटी में जाने दें और जिस वक्त यह हाउस में आवेगा तो जो संशोधन करना होगा कर दिया जायगा।

Lala Achint Ram rose—

Mr. Chairman: It has been sufficiently discussed. Does the hon. Member want to press any new point?

लाला अचिंत राम (हिसार) : मुहतरिम सदर जी, मैं एक बात दरियाफ्त करना चाहता हूँ कि सिलेक्ट कमेटी के अन्दर यह मामला जायगा उस वक्त अगर कोई साहब यह संशोधन पेश करना चाहें कि जो बम्बई का एक्ट है उसी को एक्सटेंड कर दिया जाय तो क्या वह ऐसा कर सकेंगे। यह कह कर तो उसको नामंजूर नहीं कर दिया जायगा कि वह तो मुस्लिम वक्फ की चीज है। तो मैं यह जानना चाहता हूँ कि अगर सिलेक्ट कमेटी में कोई यह तजवीज करना चाहे कि जो बम्बई का एक्ट है उसी को एक्सटेंड कर दिया जाय तो उस पर कोई एतराज तो नहीं होगा।

श्री रघुनाथ सिंह : यह कैसे हो सकता है।

Shri Biswas: That cannot be done.

Mr. Chairman: If the hon. Member does not want to make a reply he need not.

श्री काजमी : बम्बई के एक्ट के एक्सटेंशन का सवाल होगा तो उसके लिए तो दूसरा लैजिस्लेशन आपको लाना पड़ेगा। बम्बई का एक्ट इस बिल की मार्फत तो नहीं ला सकते हैं।

Mr. Chairman: Order, order. The talk should not be between two Members.

Shri Kazmi: He wanted an explanation; I gave the explanation.

Mr. Chairman: Certainly, I wanted to give him an opportunity but the hon. Member did not stand up. May I take it that he does not want to give any further explanation?

Shri Kazmi: I am very sorry I gave a very wrong impression to the hon. Law Minister. There is an overwhelming majority of opinions in favour. My friend objects that the report regarding the opinions given to him does not say so. I have gone through the opinions very carefully and I have tried to understand them. The basic principle is that there should be some body to supervise the various wakfs. That is an axiom which is accepted by everybody. My friend quoted Uttar Pradesh as being opposed to the Bill. So far as the individual opinions from Uttar Pradesh are concerned, every one of them is in favour. So far as the Government is concerned, they say that by the creation of a Central Board the expenses will be doubled. Probably they have not fully considered the provisions of chapter III which provides only a co-ordinating Board. The apprehension of some of the gentlemen is that by creating a Central Board, the expenses of the Board shall be doubled. That is not so as we have tried our best not to invest the Board with any such functions that it will have to run a big office or anything like that. The Central Board will only be a sort of consulting body between the various State Boards so that there may be some supervision and some co-ordination. It is at the option of the Select Committee to accept it or not to accept it. It is only one chapter. Persons from West Bengal say that they are perfectly satisfied with our Act. Similarly Bihar was satisfied with their Act. The Bill says that its provisions shall not apply to Bihar. Everyone accepts that supervision is necessary but persons interested in the Boards say 'We have a Board and we are working it satisfactorily'. They say they are satisfied with the work, while persons not so connected say that they are absolutely dissatisfied. We also say, 'If you are satisfied, we do not want to disturb you.' It need not be followed in every province. Everyone agrees that legislation is absolutely necessary, but the difficulty is that when we start legislating, they begin to oppose it. Take, for example, Madras. Several attempts have been made to pass a wakf Bill, but they do not succeed due to the opposition of the Mutawallis. If we agree that there must be administra-

[Shri Kazmi]

tion and that there must be some body to look after and supervise the Mutawallis, where is the question of any opposition? Whether the Government brings the Bill or a private Member brings it, it should not matter. Various State Governments have already enacted similar Acts. As a matter of fact, in our work we have the guidance of at least four States. The fifth one is Bombay. Everything is before us. After all, you have these various Members in the Select Committee and they can put their heads together and come to a particular conclusion.

As far as the present Bill is concerned, after drafting it, I submitted a copy to the Ministry of Law. They made some suggestions and I incorporated them. The hon. Law Minister will preside over the Select Committee and will be the guiding spirit. Anything suggested by the Select Committee will come up before the House. I myself am not in a position to give any undertaking or to say anything, but I want to say only this, that there must be some body to supervise the Wakfs and let us know the various defects pointed out by various States or individuals. We shall consider them all and if we think that it is not a workable scheme, then we will leave it; otherwise, we shall go ahead. This is all that I have to submit.

Mr. Chairman: The question is:

"That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis' management of them, in India, be referred to a Select Committee consisting of Dr. Syed Mahmud, Shri M. Hifzur Rahman, Shri Ahmed Mohiuddin, Shri Gurmukh Singh Musafir, Pandit Krishna Chandra Sharma, Shri Hira Valabh Tripathi, Maulana Mohammad Saeed Masoodi, Col. B. H. Zaidi, Shri Mohanlal Saksena, Chaudhuri Hyder Husain, Shri Amjad Ali, Shri Syed Ahmed, Dr. N. M. Jaisooriya, Shrimati Subhadra Joshi, Shri C. C. Biswas, Shri S. V. L. Narasimham, Shri Atma Singh Namdhari, Shri Pyare Lal Kureel Talib, and the Mover, with instructions to report by the last day of the second week of the next session."

The motion was adopted.

ORPHANAGE BILL

श्री एम० एल० द्विवेदी (जिला हमीर पुर) : I beg to move:

"That the Bill to provide for bringing up, maintenance and education of children who have lost their parents and have no other person to look after them in proper manner, be taken into consideration."

सभापति महोदय, मैं सदन के सम्मुख

एक ऐसा बिल विचार करने के लिये रख रहा हूँ जिसके द्वारा इस बात का इन्तजाम किया जायगा कि वे बच्चे जिनके माता पिता स्वर्गवास कर गये हैं तथा जिनकी देखभाल करने के लिये संसार में कोई उचित व्यक्ति नहीं है, उनका इन्तजाम सरकार की तरफ से किया जाय। सदन को यह बताने की आवश्यकता नहीं है कि संसार में जितने देश हैं और जो सभ्य हैं, हर जगह ऐसे कानून बन चुके हैं, जहाँ पर इस क्रिस्म के बच्चों की तालीम, शिक्षा तथा भरण पोषण के लिये इन्तजाम किया गया है। इंग्लैंड में, अमेरिका में और बड़े बड़े मुल्कों में इस तरह के कानून मौजूद हैं जिनकी प्रतियाँ कुछ मेरे पास मौजूद हैं। जब तक हमारे देश का शासन अंग्रेजों के हाथ में था वह यह हालत गवारा कर सकते थे कि इस देश के बच्चे उपेक्षित रहें, क्योंकि इस देश के बच्चों की जागृति में और उन का उचित प्रबन्ध करने में उन को कोई विशेष दिलचस्पी नहीं हो सकती थी। ऐसा उन के लिये तो माना जा सकता है। लेकिन जब से हमारा देश स्वतंत्र हो गया है, हमने एक नया विधान बना लिया है, तो इस बात की अत्यन्त आवश्यकता है कि हमारे देश के ऐसे बच्चे जोकि बिल्कुल अनाथ हैं, जिनके भरण पोषण का कोई उचित प्रबन्ध नहीं है उन का उचित प्रबन्ध किया जाय और उचित व्यवस्था की जाय। मैं सदन का ध्यान इस ओर आकर्षित करूँगा कि आम तौर से देखा जाता है कि

जितने यतीमखाने हैं, और उसी तरह जितने अनाथालय हैं वह कुछ मिजी लोगों के हाथ में हैं। वहां हालत यह है कि अनाथों के नाम पर एक क्रिस्म का रोजगार चलाया जाता है, बाकायदा एक क्रिस्म का व्यापार है। छोटे छोटे बच्चों को या तो बंड बजाना सिखाया जाता है, या तरह तरह के गाने सिखाये जाते हैं। वह बाजारों में, ट्रेनों में, प्लेटफार्मों में, अनेक पब्लिक स्थानों में गाना गा-गा कर पैसे मांगते हैं। उन से जो पैसे आते हैं या धन आता है, वह यह नहीं कि इन अनाथों के फायदे के लिये खर्च किया जाय, कुछ खर्च होता है, लेकिन ज्यादातर देखने में यह आया है कि ऐसा जो भी रुपया आता है वह उन के मुन्तजिम या प्रबन्धक लोग खा जाते हैं और उन बच्चों का फायदा नहीं होता। आप सोच सकते हैं कि यह कोई शोभा की बात नहीं है, हमारे देश के लिये लज्जा की बात है कि हमारे नी निहाल बालक, जो होनहार बन सकते हैं, उन की ऐसी दशा हो।

इस वास्ते केवल अनाथालयों और यतीम-खानों की बात ही नहीं है कि जिसके लिये यह व्यवस्था करने की बात मैं ने कही है, इस सम्बन्ध में और भी बातें हैं। मैं ने कई जगहों पर इस सम्बन्ध में पता लगाया। एक भर्तबा में तिरुपती बालाजी गया था, जोकि हमारे उपाध्यक्ष महोदय के रहने का स्थान है। वहां पर मैं ने देखा कि हजारों की तादाद में बच्चे हैं कि जो भीख मांगने की वृत्ति अपनाये हुए हैं। मैं ने देखा कि वह बनावट करते हैं, झूठी बातें करते हैं, नकली हाथ बनाते हैं, टूटे हाथ होते हैं और चमड़े के हाथ बना लेते हैं और कहते हैं कि हमारा हाथ टूट गया, पैर टूट गया, और भिक्षा वृत्ति करते हैं। मैं ने ऐसे बच्चों से पूछा कि ऐसा क्यों करते हो तो उन्होंने कहा कि हम इस तरह करते हैं और कहते हैं कि हम अच्छे

हैं, हाथ पैर टूट गये हैं तो भिक्षा मिल जाती है।

एक माननीय सदस्य : बहुत से पेशेवर हैं।

श्री ऐम० ऐल० द्विबेदी : यहां पर मैं पेशेवरों की बात नहीं करता। मैं ऐसे अनाथ बच्चों की बात करता हूं जिन्होंने खुद मुझे बतलाया कि साहब हमारे माता पिता नहीं हैं, हमारे भरण पोषण का कोई इन्तजाम नहीं है, इसलिये हम संसार में कोई न कोई तरीका भीख मांगने का अख्तियार करते हैं। इस तरीके से लोग हमें भीख दे देते हैं और और तरीके से हमें भीख नहीं मिलती। ऐसी बातें देखने में आई हैं। इस सदन के बहुत से सदस्यों ने मुझे बतलाया है कि यहां दिल्ली में छोटी छोटी बच्चियां पकड़ी जाती हैं, और उनके जरिये से ब्रायेंस खोले जाते हैं और ऐसी गलत तरीके की बातें होती हैं। इस में जिन साहबान को शक हो, वे स्वयं इस बात को जा कर देख सकते हैं। अभी हाल ही में पुलिस ने कुछ ऐसी लड़कियां पकड़ी हैं, जिनकी इत्तिला अखबार में निकली है।

इसी तरह से लड़कों के साथ भी अनर्थ होता है। वे पकड़ लिये जाते हैं और बोरों में बन्द कर दिये जाते हैं। सालों तक इस तरह रखे जाते हैं कि जिससे उन के हाथ पैर सिकुड़ जाय। उन को अंग भंग भी कर देते हैं, किसी विशेष अंग को बढ़ा देते हैं या घटा देते हैं, ताकि वे आयन्दा जीवन में सिर्फ उन्हीं के आश्रित रह सकें कि जिन्होंने उन को इस प्रकार रखा है और बनाया है। वह इस प्रकार उन के द्वारा व्यापार चलाते हैं, रोजगार चलाते हैं। इस प्रकार से वह भीख मांगते हैं जिससे कि लोगों को उन पर रहम आ जाय। और उस भीख से उन्हीं का श्यादा लाभ होता है कि जिन्होंने ऐसा जुल्म उन के साथ

[श्री एम० एल० द्विवेदी]

किया है, इस किस्म का अत्याचार उन के साथ किया है। वे ही इस से फायदा उठाते हैं। तो इस तरह की चीजें हमारे देश में चल रही हैं।

यही नहीं अनेकों जगहों में देखने में आया है कि जहां अनाथालय सच्चे तरीके से भी चल रहे हैं, ईमानदार आदमी हैं, परन्तु उन की पूछ दुनियां में बहुत कम होती है। आजकल तो तड़क भड़क की दुनिया है, अगर झूठी बातें कह दो तो दया उत्पन्न होगी और भीख मिल जाएगी। लेकिन जहां पर लोग सच्चे होते हैं, सचमुच मुल्क की खिदमत करना चाहते हैं और बच्चों का भरण पोषण करना चाहते हैं उन को भीख देने के लिये रहम नहीं आता। मैंने ऐसे लोगों को भी देखा है कि जो सच्चे प्रबन्धक हैं, जो वास्तव में बच्चों के भरण पोषण के कार्य को महसूस करते हैं, लेकिन उन को रुपया नहीं मिलता ऐसा ही एक स्थान महोबा में है कि जहां पर श्री रामाधार जी कार्य करते हैं। उनको उम्र ८३ वर्ष की है। वह महात्मा गान्धी के साथ रह चुके हैं। उन के अनाथालय में २५-३० बालक हैं। वह ८३ वर्ष का बूढ़ा दरवाजे दरवाजे भीख मांगता है लेकिन उन बच्चों के भरण पोषण के लिये वह सच्चाई से इन्तजाम नहीं कर पाता, आप ही बतलाइये कि एक अनाथालय जो गाँधी जी के नाम पर चल रहा हो, उनके लिये पैसा न मिले। ऐसे ही और भी अनाथालय हैं, जहां हमारे देश के बाऊक हमारे देश के श. पी नागरिक बनने वालों का उचित प्रबन्ध नहीं हो पाता। इस सब की जिम्मेदारी सरकार के ऊपर है। जिन के मां बाप मौजूद हैं उन का ध्यान तो उन को रहता ही है और उनका इन्तजाम होता ही है। लेकिन जिनके मां बाप संसार में नहीं हैं और जिनकी मां बाप सरकार ही है, तथा जिनकी देख-

भाल करने के लिये कोई और नहीं है, इनका उचित प्रबन्ध नहीं होता है तो इस में दोष किस का है ?

इसमें दोष तो हमारा है, इसलिये आवश्यकता यह है कि हमको ऐसे कानून को पास करना चाहिये। यह मेरा जो बिल है यह बहुत साधारण बिल है और मैं समझता हूँ कि इस बिल को पास करके हम देश का बड़ा हित करेंगे। बिल का उद्देश्य ऐसे नौनिहालों को बचाना है जोकि गलत रास्ते पर चले जाते हैं और बर्बाद हो जाते हैं या वह किसी किस्म के दुराचारों में फँस जाते हैं या वह चोर दास बदमाश बन जाते हैं। असल में अगर हमें इस देश में जुल्म को बन्द करना है और देश में हो रहे बुरे कामों की बन्द करना है तो हमें यह देखना चाहिये कि सबसे पहला कानून जो होना चाहिये वह बच्चों के सुधार के लिये होना चाहिये, क्योंकि जब तक किसी मकान की नींव मजबूत नहीं होती है तब तक वह मकान अच्छा और मजबूत नहीं बन सकता है, इसी तरह जिस मुल्क की नींव कमजोर होगी, वह मुल्क लड़खड़ा कर गिर जायगा। हम देखते हैं कि हमारे देश में बहुत से कानून बनाये जाते हैं और उनके बनाने में लोग बड़ी २ लम्बी बहस करते हैं, लेकिन मैंने अभी तक ऐसा नहीं देखा कि सदन के अन्दर बच्चों की तालीम व सुधार के बारे में कोई उचित कानून कभी पेश किया गया हो और यह बड़े संतोष की बात है कि मुझे ऐसे बिल को पेश करने का यहां पर सौभाग्य प्राप्त हुआ है, इस बिल पर विचार होना जरूरी है, लेकिन मैंने यह भी देखा कि यह जो विधान है, तो विधान के निर्माताओं ने बड़ी होशियारी के साथ विधान तैयार किया है और उसमें दो धाराएं ऐसी हैं कि जिनमें बच्चों

का कुछ जिक्र आता है। एक धारा २४ है जिसमें लिखा है :

No child below 14 years shall be employed to work in any factory or mine or engaged in any other employment.

The States shall endeavour within a period of ten years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years.

तो यह दो धाराएं हमारे संविधान में मिलती हैं लेकिन इस विधान के अन्दर इस बात का कहीं उल्लेख नहीं मिलता कि ऐसे चौदह वर्ष के बालक जिनके माता पिता नहीं हैं और जिनका कोई प्रबन्ध करने वाला नहीं है और जिनकी जीविका का कोई साधन नहीं है, कोई काम उनको नहीं मिलता, तो वह क्या करें, सिवाय इसके कि वर्बाद हो जायं या बुरे काम में लग जायं या और तरीके अस्तियार करें और यह संयोग की ही बात है कि हमारे विधान निर्माताओं ने ऐसे असमर्थ अन्धे व लूले नागरिकों के प्रबन्ध की बात नहीं सोची, इसलिये आज सब से ज्यादा जरूरी है कि हम इस बिल को गौर करके पास करें। यह बिल पास किया जाना बहुत आवश्यक है, ताकि हम उसके द्वारा अपने उन अभाग्य नौनिहालों का भला कर सकें और इस प्रजातंत्र की इमारत को मजबूत बना सकें और नींव को और मजबूत कर सकें और अपने देश को उन्नति के पथ पर अग्रसर कर सकें। इसलिये यह आवश्यक है कि हम दूसरे देशों के कानूनों को पढ़ें और उनकी रोशनी में अपने देश की समस्याओं पर विचार करें और देश की समस्याओं पर ध्यान करते हुए ऐसा कानून बनाकर पास करें जिससे उन बच्चों की हालत दुरुस्त हो जाय।

सभापति महोदय, मैं अभी तक आपका ध्यान इन अनाथ बच्चों की दशा की ओर

आकर्षित कर रहा था जोकि हमारे देश में विद्यमान है। मैं आपका ओर सदन का ध्यान इस ओर भी दिलाना चाहता कि यह जो अनाथ बच्चे हमारे देश में हैं इनकी दिक्कतें आज इतनी विशाल हो गयी हैं कि अगर हम उनके सुधार करने में और देर लगायेंगे तो दशा बिगड़ती जायगी। मैंने अंग्रेजी कानून को देखा। उस में लिखा है कि जिन बच्चों की उम्र १६ वर्ष से कम है उनकी देखभाल के लिये सरकार एक लोकल अथारिटी को नियुक्त करती है और लोकल अथारिटी उन बच्चों का चार्ज ले लेती है और जो बच्चे लोकल अथारिटी के पास नहीं रहते हैं उनको मिनिस्टर आफ पेंशनस् के पास भेजा जाता है। इसलिये मैं समझता हूं कि इस प्रकार के कानून की हमारे देश में भी बहुत आवश्यकता है और इसको पास करने में बहुत वक्त नहीं लगना चाहिए और जल्द से जल्द इसको सदन को पास कर देना चाहिये। विधेयक विचार और पारित होने के लिये प्रस्तुत है।

Mr. Chairman: Motion moved:

"That the Bill to provide for bringing up, maintenance and education of children who have lost their parents and have no other person to look after them in proper manner, be taken into consideration."

श्री रघुबीर सहाय. (एटा जिला—उत्तरपूर्व व बदायूं जिला—पूर्व) :
जो बिल अभी मेरे मित्र द्विवेदी जी ने इस भवन के सामने उपस्थित किया है, उसके उद्देश्य से मैं पूरी २ अपनी सहमति प्रकट करता हूं। इस बिल के जरिये वह बच्चे जिनके माता पिता नहीं हैं और जिनकी तालीम का कोई प्रबन्ध नहीं हो सकता और जिनकी जीविका का भी कोई प्रबन्ध नहीं है उनकी निगरानी और रक्षा करने का कार्य वहां के राज्य को अपने हाथ में लेना चाहिये, इस उद्देश्य से मैं बिल्कुल सहमत

[श्री रघुबीर सहाय]

हूँ। मैं यह भी मानता हूँ कि आज जो हमारे यहाँ अनाथालय और यतीमखाने हैं वह उन लोगों के हाथ में हैं जिनको उन्हें चलाने का कोई शऊर नहीं है। ऐसी बहुत कम मिसालें हमारे मुल्क में हैं कि जहाँ पर यतीमखाने या अनाथालय गवर्नमेंट की ओर से चलाये जाते हैं। मेरे इल्म में सिर्फ एक ऐसी मिसाल बम्बई में चंमूर कैम्प की जरूर है जो कि गवर्नमेंट की ओर से चलाया जा रहा है। अभी द्विवेदी जी ने उन यतीमखानों और अनाथालयों की हालत के बारे में बतलाया उससे मैं बिल्कुल सहमत हूँ और यह वाक्या है कि वह अच्छी तरह नहीं चलाये जाते। यू० पी० गवर्नमेंट ने दो, तीन साल हुए एक आरफ़नेज और विडोस होम कमेटी बनाई थी, श्री टंडन जी, जो इस समय भवन में मौजूद हैं, वह उस ज़माने में यू० पी० असेम्बली के स्पीकर थे, और उन्हीं की मौजूदगी में ऐसी कमेटी बनायी गयी थी और मुझे भी सौभाग्य प्राप्त हुआ था उन कमेटी के मेम्बर होने का और कमेटी के एक मेम्बर की हैसियत से मुझे कई प्रान्तों में जाने का इत्तिफाक हुआ। मैं अपने तजुबों के बिना पर यह बात कह सकता हूँ कि हमारे यू० पी० में बहुत ही कम इने गिने ऐसे अनाथालय और यतीमखाने हैं जिनकी हालत ठीक बतायी जा सकती है बाकी ज्यादातर हालत बहुत ही खराब है और वह महज उन लोगों के फायदे के लिये चलाये जाते हैं जोकि अपने को उन संस्थाओं का मैनेजर या प्रबन्ध कर्ता कहते हैं। उनके सामने कोई उद्देश्य उन बच्चों को दुस्त करने का नहीं है, उनके सामने कोई भी प्लान

उन यतीमखानों और अनाथालयों को ठीक से चलाने का नहीं है। जिस तरीके पर यह बिल लाया गया है उसके जरिये से यह मांग की गयी है कि सरकार अपने हाथ में सभी अनाथालय और यतीमखाने जो आज चल रहे हैं उन का प्रबन्ध ले ले। मुझे इसमें बहुत दिक्कत और परेशानी मालूम पड़ती है।

7 P.M.

आज गालिबन इस सेंटर की गवर्नमेंट के सामने भी ऐसे आंकड़े मौजूद नहीं होंगें, न मैं समझता हूँ कि जिस वक़्त कि यू० पी० की कमेटी बनाई गई थी उस वक़्त उस के सामने वह फिगर्स मौजूद थे कि कितने अनाथ बच्चे प्रान्तों में मौजूद हैं और वह किस तरह पर बिखरे हुये हैं। अगर उन तमाम अनाथालयों को गवर्नमेंट अपने हाथ में ले लेगी तो उस में बहुत ज्यादा खर्चा करना पड़ेगा और उस के लिये बहुत ज्यादा इन्तज़ाम करने वालों की जरूरत पड़ेगी। यू० पी० की कमेटी ने जो खास खास सिफारिशों उस वक़्त की थी, उन में से दो तीन सभापति महोदय, मैं आप की इजाज़त से रखना चाहता हूँ।

Mr. Chairman: Is the hon. Member likely to take long?

Shri Raghubir Sahai: Yes, Sir.

Mr. Chairman: The hon. Member may make his speech thus on the next non-official day. The House stands adjourned till 2 p. m. on the 16th March.

The House then adjourned till two of the Clock on Monday, the 16th March, 1953.