

Par. 821152

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Thursday,  
4th August, 1955

# PARLIAMENTARY DEBATES

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## HOUSE OF THE PEOPLE

### OFFICIAL REPORT

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PARLIAMENT SECRETARIAT  
NEW DELHI

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# LOK SABHA DEBATES

Dated 06.02.20/

## (Part I—Questions and Answers)

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### LOK SABHA

Thursday, 4th August, 1955

*The Lok Sabha met at Eleven of the Clock.*

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Central Social Welfare Board

\*419. **Shri Radha Raman** : Will the Minister of Education be pleased to state:

(a) whether the Central Social Welfare Board have introduced any scheme for the prevention of immoral traffic in women and children; and

(b) if so, the nature of the scheme and other schemes introduced by the Central Social Welfare Board during the current year?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das)** : (a) No, Sir.

(b) Does not arise.

**Shri Radha Raman** : May I know if the Central Social Welfare Board has set up any committee in order to make necessary enquiries about this social evil which is prevalent in the country?

**Dr. M. M. Das** : Yes, in December, 1954, the Central Social Welfare Board set up an Advisory Committee which will investigate into the matter and submit its report.

**Shri Radha Raman** : May I know what is the personnel of that Committee, and whether the Central Social Welfare Board has set apart any amount for the expenditure which will have to be incurred by this Committee?

**Dr. M. M. Das** : The personnel of the Committee is as follows :

- (1) Shrimati Dhanvathi Rama Rao
- (2) Shrimati Shanti Kabir.
- (3) Dr. Shrimati Maitrayee Bose.
- (4) Shrimati Vimalabai Deshmukh.
- (5) Shrimati Parijatham Naidu.
- (6) Shri V. V. Sastri.

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No amount as such has been earmarked for this Committee, but its touring and other expenditure, if any, will be borne by the Board.

**Shri Radha Raman** : May I know if the Board has recognised some Homes for maintaining the women and children who are detected and rescued by the police or by social agencies, and whether any of these Homes are being given grants by the Central Social Welfare Board?

**Dr. M. M. Das** : There are large number of welfare organisations strewn all over the country which are receiving grants from the Central Social Welfare Board. So far as I remember I cannot commit myself—I think some of the Homes as the ones mentioned by the hon. Member get some grants from the Central Social Welfare Board.

श्री भक्त बर्मान : सेंट्रल सोशल वेल्-  
फेयर बोर्ड ने जो समिति नियुक्त की है, क्या  
उस को एक यह भी आदेश दिया गया है  
कि जिन स्थानों से बेच्यारों आती हैं या इस  
तरह के दूसरे बच्चे आते हैं, वह अधिकांशतः  
गरीबी के कारण आते हैं और इस गरीबी  
को दूर करने के भी प्रयत्न किये जाने  
चाहिये ?

**Dr. M. M. Das** : This Advisory Committee that has been set up by the Central Social Welfare Board will tour round the country, hold discussions with representatives of the State Governments and other organisations that are working in the field, and they will produce their report and submit it to the Board.

**Mr. Speaker** : Next question.

**Shri M. L. Dwivedi** : One supplementary. It is an important one.

**Mr. Speaker** : Every question is important from the questioner's point of view.

**Shri M. L. Dwivedi** : This supplementary....



**Khadi for Uniform**

\*420. **Shri D. C. Sharma** : Will the Minister of Defence be pleased to state :

(a) whether any Khadi is purchased for the uniforms and liveries for the employees under the Defence Ministry ; and

(b) if so, the quantity and value of Khadi purchased in 1953 and 1954 ?

**The Minister of Defence Organisation (Shri Tyagi)** : (a) and (b). Khadi is not being purchased for the uniforms of members of the Armed Forces, but the question of purchase of Khadi for the uniforms and liveries of civilian employees is under the consideration of Government.

**Shri D. C. Sharma** : May I know since when this matter came under consideration, how long it has been under consideration and how long it will continue to be under consideration ?

**Shri Tyagi** : I do not know when we started considering the matter, but the matter is actually under consideration. I have a paper in my hand where my sister Ministry, the Ministry which deals with Supply and Disposals, have intimated to me that the All India Khadi Industries Board has communicated to them that the maximum supply they can make in a year is to the tune of Rs. 28·7 lakhs—Rs. 28 lakhs worth of khadi alone, and not more. If the Armed Forces adopt the khadi uniform, probably the requirements will be much greater. And as some other Ministries are trying this khadi uniform, for instance in the Railways and P & T. I am afraid it will not be possible for the khadi industry to supply the full demand of the Armed Forces.

**Shri D. C. Sharma** : May I know for what category of employees khadi uniform will be supplied and for what category of employees khadi liveries will be supplied ?

**Shri Tyagi** : It is difficult for me to speak for the whole of the Government of India.

**Shri D. C. Sharma** : I am talking about the Defence Ministry, not about the whole of the Government of India.

**Shri Tyagi** : As regards the Defence Ministry, there is one uniform for all the Armed Forces ; those who come under the Armed Forces Regulations put on the uniform of three different colours, one for the Army, another for the Navy and a third for the Air Force. That is the uniform required for them. As regards Class IV employees employed in various offices as peons, etc., and other civilian

employees, because they are not armed personnel, their uniform can be of any colour or any variety of cloth.

**सेठ गोविन्द दास** : अभी माननीय मंत्री जी ने कहा कि खादी बोर्ड २८ लाख रुपये से अधिक की खादी नहीं दे सकता । मैं यह जानना चाहता हूँ कि २८ लाख रुपये की खादी जो खादी बोर्ड दे सकता है उस के उपयोग करने में क्या दिक्कत है और अब तक क्यों उसे नहीं लिया गया है ?

**Shri Tyagi** : May I correct the figures I gave just now ? I find in the note it is said that Rs. 28 lakhs worth of order was placed with the Khadi Board last year, and they said their capacity to supply was Rs. 33·25 lakhs worth of khadi but they have not been able to supply even to the tune of Rs. 28 lakhs, against the order that was placed last year.

**Shri Chattopadhyaya** : May I know if it is a fact that the Chiefs of Staff of the Army, Navy and the Air Force recently advised Government that khadi is most unsuitable for uniforms for the various Forces ?

**Shri Tyagi** : Their opinion is that khadi will not give an absolutely uniform colour or quality of cloth, which is very essential for all the Armed Forces. It is very difficult for one soldier to put on one shade of cloth and for another to put on another shade. And the same thing applies to quality also. As khadi is produced in cottage industries everywhere by individuals, it is not possible to have the same quality for all the supplies of uniforms.

**Stock Verification**

\*424. **Shri Gidwani** : Will the Minister of Defence be pleased to state :

(a) whether the attention of the Government has been drawn to the remarks of the Public Accounts Committee on page 5 of their Ninth Report with regard to para. 17 (iii) (a), Audit Report, 1952 about the recording of wrong certificate of cent per cent, stock verification in Engineer Park, Allahabad.

(b) if so, what action has been taken against the defaulting officers ; and

(c) what steps have been taken to avoid the recurrence of such cases in future ?

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

(b) No such certificate of 100 per cent verification was recorded by the Engineer Park, and as such no action is called for.

The mistake in reporting incorrect facts to audit was attributable to the Defence Accounts Department. Disciplinary action against the individual has been finalised by the Controller General of Defence Accounts, and it has been taken.

(c) Necessary instructions have been issued to MES as well as to the internal accounting department with a view to avoid recurrence of such cases in future.

**Shri Gidwani :** May I know whether there are any accounts maintained to show the quantity and value of stores lying in the Engineer Park, Allahabad ?

**Sardar Majithia :** Yes, there is an accounting system and we know what stores are lying.

**Shri Gidwani :** May I know whether any shortage of stores was noticed after check ?

**Sardar Majithia :** For that I require notice.

**Shri V. P. Nayar :** I find from the particular paragraph referred to in the question that, although a claim of ninety per cent stock verification was made, when records were called for by Audit, even records to show that ninety per cent stock verification had been made was not submitted for audit scrutiny. May I know what are the reasons for this ?

**Sardar Majithia :** Government has seen that a ninety per cent check was made, and the facts as alleged by the hon. Member have not come to the notice of Government. But as the hon. Member has now made that statement on the floor of the House, it will be duly looked into.

**Shri V. P. Nayar :** I wanted to know why, even though the Public Accounts Committee reported that in spite of the fact that Audit called for the records to establish that ninety per cent stock verification had been made Government did not submit the records—I did not refer to the Public Accounts Committee—but Government did not submit them even for audit scrutiny. It is very clear in this particular paragraph on the basis of which I hope the Minister has stated this.

**Sardar Majithia :** I have already replied to that question that instructions have been issued and that in future no such mistakes will be committed.

#### Part C States

\*425. **Shri Nanadas :** Will the Minister of Home Affairs be pleased to state :

(a) whether it is a fact that the Chief Ministers of Part C States met in Delhi

in May, 1955 and submitted a memorandum to the Central Government for the enhancement of the financial powers of Part C States ; and

(b) if so, what are the points of the memorandum and what action has been taken thereon ?

**The Deputy Minister of Home Affairs ( Shri Datar ) :** (a) Chief Ministers of some Part C States met in Delhi in May 1955. Government have not received any memorandum of the nature mentioned in the question.

(b) Does not arise.

**Shri Nanadas :** May I know whether they have informally asked for enhancing their financial powers ?

**Shri Datar :** There is no question of informally asking for powers. The memorandum as I understand from the papers, is not yet ready.

**Shri M. L. Dwivedi :** As the Ministry of Home Affairs is also concerned with the administration of Part C States, may I know whether the States Reorganisation Commission has consulted that Ministry in connection with the future of Part C States, and if so, whether Government has given its views to the Commission ?

**Shri Datar :** It is entirely for the States Reorganisation Commission to consult any Ministry that they like.

**Shri M. L. Dwivedi :** Did they consult the Home Ministry ?

**Shri Datar :** So far as I am aware, they have not consulted the Home Ministry as such, but they have consulted the Home Minister.

**Shri Chattopadhyaya :** May I know if there is any point in enhancing the powers of Part C States when in all likelihood they will be merged in the adjoining Part A or Part B States ?

**Mr. Speaker :** Order, order. It is a question of opinion.

#### Agricultural Loans

\*426. **Shri Dabhi :** Will the Minister of Finance be pleased to state whether in view of the fact that at many places farmers are not getting loans from apex banks at reasonable rates, as stated by him in the House on the 16th April, 1955, Government have taken any steps to see that out of the money lent to the apex banks by the Reserve Bank of India, farmers get loans at reasonable rates ?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) :**

The finance made available by the Reserve Bank of India gets merged into the resources otherwise available to the Co-operative Societies and Banks and it is quite impracticable to operate a system of two distinct types of loans, that pertaining to the Reserve Bank's finance being at a different rate of interest from the other pertaining to the other resources of the Co-operative Banks and Societies. The Reserve Bank satisfies itself that the advantage of the concessional rate at which it provides finance is *not* utilised by the Banks and Societies concerned for objects such as increased dividends or extravagant administrative expenditure and goes towards a general lowering of the ultimate lending rates to the agriculturists.

The Reserve Bank of India has been advising the Co-operative Banks to enable them to effect reduction in the rates of interest. Some improvement is noticed in this regard. The situation is, however expected to improve materially after the recommendations of the Rural Credit Survey are fully implemented. With the strengthening of the Co-operative structure that would ensure much larger financial accommodation should be available from the Reserve Bank with a significant lowering of the general rate of interest charged to the agriculturists.

**Shri Dabhi :** May I know the present maximum rate at which the agriculturists are given loans and the likelihood of a decrease in this maximum rate ?

**Shri A. C. Guha :** When the question first came before the House, the rate of interest was ranging even upto about 20 per cent, but now the rates more or less range from 6 1/4 per cent to 9 per cent and the maximum in some States is 12 per cent.

**Shri M. S. Gurupadaswamy :** May I know whether the Ministry is aware that in certain States where these agricultural loan operations have begun, a new business Community has arisen which arrange for these loans and take a middleman's commission ?

**Shri A. C. Guha :** Nothing like that has come to the notice of Government as yet, but I can assure the House that if any case of this nature is sent to the Government due action will be taken.

**Shri M. S. Gurupadaswamy :** Has it come to the notice of the Ministry that particularly in my State, the Mysore State, before loans are granted to the loanes, middlemen come and take commissions varying from 6 to 12 per cent ?

**Shri A. C. Guha :** As I just stated, no such report has come to the notice of Government. Anyhow, as the allegation is made, we shall make proper enquiries in the matter.

**Shri N. B. Chowdhury :** May I know the amount of agricultural loan granted by the Reserve Bank of India during 1954-55 ?

**Shri A. C. Guha :** Rs. 21.21 crores have been sanctioned ; I do not know exactly what amount has been drawn till the end of this year, but I think it would be nearabout Rs. 20 crores on the basis of the average that we can work out from our experience of previous years. In the previous year, only Rs. 16.43 crores were sanctioned and the amount drawn was Rs. 14.71 crores. In this year 1954-55, the amount sanctioned was Rs. 21.21 crores and we expect that the amount drawn would be between Rs. 19 and Rs. 20 crores.

**Pandit D. N. Tiwary :** The Minister has said that previously the interest charged at some places was about 20 per cent. May I know whether the interest accumulation at the rate of 20 percent will be written off when it is found that it is still due ?

**Shri A. C. Guha :** That is a very ticklish question and I cannot give any assurance on that point. That will depend solely on the capacity of those co-operative banks to make any concession.

**Russian Aid**

**\*427. Dr. Ram Subhag Singh :** Will the Minister of Finance be pleased to state :

(a) whether it is a fact that the Government of the U.S.S.R. have offered technical aid to India in the form of tractors agricultural processing machinery, insecticides etc. ; and

(b) if so, whether the Government of India have considered and accepted that offer ?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat) :** (a) No, Sir.

(b) Does not arise.

**Dr. Ram Subhag Singh :** May I know whether it has come to the notice of Government that recently an expert delegation of engineers has gone to Russia and they also stated that the Government of the U.S.S.R. has offered technical aid to this country ?

**Shri B. R. Bhagat :** There is some misconception about this. The Government of U.S.S.R. made a contribution of four million roubles to the United Nations Expanded Programme, and under this Programme, the arrangement for assistance is not between the two countries bilaterally, but it is routed through the United Nations Technical Assistance Board.

Under that the offer is there and the Government of India is considering it.

**Dr. Ram Subhag Singh:** May I now the value of technical aid which we are receiving through the Fund which the Government of U.S.S.R. has contributed to the United Nations?

**Shri B. R. Bhagat:** We have not yet received anything. We have sent a team of senior officers. They have gone there now and their report is expected. Only after we know the possibilities, we can proceed further with this.

**Dr. Ram Subhag Singh:** On what basis those senior officers were sent to the U.S.S.R.? Did the United Nations approach the Government of India to send those officers or were they sent at the invitation of the Government of U.S.S.R.

**Shri B. R. Bhagat:** This too was arranged through the United Nations Technical Assistance Board.

#### Lead Deposits

\*428. **Shri C. R. Chowdary:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that large quantities of lead deposits have been discovered near Hospet in the Bellary District?

(b) whether the ore has been analysed by the National Laboratories; and

(c) the estimated quantity of lead available therein?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) to (c). A statement giving the required information is laid on the Table of the House [See Appendix III, annexure No. 43]

**Shri C. R. Chowdary:** In view of the fact that we are importing large quantities of sulphur and lead every year to meet the internal demand, may I know whether the Government will take steps to expedite the investigations and prospecting of lead and sulphur on a commercial scale in the Second Five Year Plan period?

**Shri K. D. Malaviya:** It is true that there is a large demand for both sulphur and lead here, but it has not yet been proved that this discovery is likely to give us any appreciable quantity of lead.

**Shri C. R. Chowdary:** May I know, subject to the availability of required quantity of ore, whether the ore is found fit for processing lead and sulphur academically on a commercial scale?

**Shri K. D. Malaviya:** It has not yet been proved that it is worth while trying

to have commercial exploitation of this mine, because so far only superficial pockets of lead have been discovered. Now some pit mining will be resorted to. Such detailed prospecting alone can tell us whether there is sufficient quantity and quality of lead present there.

**Shri V. P. Nayar:** May I know whether Government have made any comprehensive survey of the resources which might yield lead in this country? May I also know whether, subsequent to the publication of the geological memoirs, Government have any records to show that they have made an exhaustive enquiry into the subject?

**Shri K. D. Malaviya:** Yes, to a certain extent but so far, an exhaustive survey for lead and sulphur has not been made as suggested by my hon. friend, but we have in our programme a very exhaustive programme for these two important mineral ores. It is also true that we have discovered certain important pockets of lead and sulphur.

#### Adult Blind Training Centre

\*429. **Shri Ibrahim:** Will the Minister of Education be pleased to state:

(a) the nature of trade and vocations which are taught to the adult blind at the Training Centre for the Adult Blind, Dehra Dun, and

(b) the number of students who completed their courses in the Centre during the year 1954-55?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) A statement giving the required information is placed on the Table of the House [See Appendix III, annexure No. 44].

(b) 80.

**Shri Ibrahim:** May I know the annual expenditure on this school?

**Dr. M. M. Das:** The expenditure was Rs. 1,68,730 for the year 1952-53, Rs. 1,87,047 for 1953-54 and Rs. 2,77,455 for 1954-55.

**Shri Ibrahim:** How many successful candidates had been provided with Government service?

**Dr. M. M. Das:** So far 27 ex-trainees had been employed in different industries.

**Sardar A. S. Saigal:** May I know whether it is a fact that a centre for women is going to be opened?

**Dr. M. M. Das:** There is a proposal for opening a centre for women.

### Colombo Plan

\*431. **Shri Jhulan Sinha** : Will the Minister of Finance be pleased to state the amount of aid received and assistance given by India under the Colombo Plan during the year 1954-55 ?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat)** : The amount of aid received in the shape of materials and equipment by India during 1954-55 under the Colombo Plan was Rs. 2.76 crores. During the same period assistance by India to Nepal under the Colombo Plan amounted to Rs. 2,44,16,840.

**Shri N. B. Chowdhury** : May I know whether it is a fact that some of these projects in India are held up due to the non-receipt of the technical assistance under the Colombo Plan in time ?

**Shri B. R. Bhagat** : I am not aware of anything. If the hon. Member has any specific instance, he can point it out.

**Shri L. N. Mishra** : May I know if every year a part of the aid received under the Colombo Plan remains unutilised in India and, if so, the reason thereof ?

**Shri B. R. Bhagat** : As explained the other day, there is always a time lag between the commitment and the utilisation.

### Museums

\*432. **Shri Bibhuti Mishra** : Will the Minister of Education be pleased to state :

(a) whether Government have prepared a scheme for the reorganisation and development of museums in India ; and

(b) if so, whether Government have made any expert survey in this regard ?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das)** : (a) The Government of India are considering the general question of the reorganisation and development of museums in India.

(b) No, Sir.

**श्री बिभूति मिश्र** : क्या सरकार को पता है कि बहुत से गांवों में लोगों के पास पुराने सिक्के और पुराने सामान हैं ? वह लोग इन चीजों को म्यूजियम में दें, क्या स के लिये सरकार कोई प्रोत्साहन देने की बात पर सोच रही है ?

**Dr. M. M. Das** : Government is fully aware of this fact and it is trying to take steps by which this can be properly utilised.

**श्री बिभूति मिश्र** : क्या सरकार गांवों में यह प्रचार करने की कोशिश करती है कि जिन लोगों के पास पुराने सिक्के या दूसरे पुराने सामान हैं उन को वे लोग अपने डिस्ट्रिक्ट मजिस्ट्रेट के मार्फत या सीधे ही क्यूरेटर के पास भेज दें ।

**Dr. M. M. Das** : The proposal for reorganisation of the museums in India has been taken on hand and it is expected that something will be done in the near future.

### High Altitude Research

\*434. **Shri Bhagwat Jha Azad** : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether any Symposium on High Altitude Research was held in Kashmir in May, 1955 ;

(b) if so, the names of the participants ; and

(c) the decisions arrived at ?

**The Minister of Natural Resources (Shri K. D. Malaviya)** : (a) to (c). A statement giving the required information is laid on the Table of the House. [See Appendix III, annexure No. 45]

**Shri Bhagwat Jha Azad** : May I know whether in this symposium a desire was expressed that high altitude research should be vigorously pursued, and if so what attempts are being made by the Government of India to pursue this matter ?

**Shri K. D. Malaviya** : Certain matters were discussed in this symposium. They are not before the Government of India in any specific form for implementation. There are certain proposals apart from the proceedings of this symposium and they are under consideration by the Government of India.

**Shri Bhagwat Jha Azad** : In what way is the Government of India associated with the Gulmarg Research Observatory ?

**Shri K. D. Malaviya** : So far as I remember, the Government of India is giving some help to the Aligarh University for this Observatory.

**Shri Bhagwat Jha Azad** : Do Government propose to set up some observatory in the Himalayan region in the near future ?

**Shri K. D. Malaviya** : The proposal is under consideration by the Government of India.

**Shri N. M. Lingam** : May I know if any decision has been taken with regard

to the fixing of the permanent location of the laboratory for high altitude research ?

**Shri K. D. Malaviya :** That matter too is under consideration of Government. Gulmarg is one of the places where this matter of locating a high altitude observatory is being considered.

### छावनी की भूमि

\*४३५. श्री भक्त बर्षन : क्या रक्षा मंत्री १८ मार्च, १९५५ को दिये गये तारांकित प्रश्न संख्या १२०१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या छावनियों की भूमि सम्बन्धी नियमों में संशोधन करने के विषय में कोई निर्णय किया गया है ; और

(ख) यदि हां, तो क्या सरकार संशोधित नियमों की एक प्रति सभा-पटल पर रखने की कृपा करेगी ?

**रक्षा उपमंत्री (सरदार मजीठिया) :**

(क) सरकार अभी भी प्रस्तावों पर विचार कर रही है ।

(ख) यह प्रश्न नहीं उठता ।

श्री भक्त बर्षन : क्या यह सत्य है कि आज से लगभग आठ महीने पहले माननीय रक्षा-संगठन मंत्री जी ने डिफेंस कंसल्टेटिव कमेटी के मेम्बरों को चाय पिलाने के बाद यह अनुरोध किया था कि वे जल्दी से जल्दी अपने सुझाव भेज दें क्योंकि रिपोर्ट प्रकाशित होने में ज्यादा देरी नहीं थी । इस का क्या कारण है कि अब इतनी देरी हो गई है ?

**सरदार मजीठिया :** इस के बारे में तो मैं यही कह सकता हूँ कि सरकार के पास और बहुत सी चीजें हैं जो कि इन से ज्यादा जरूरी हैं । इसलिये उन पर पहले विचार हो रहा है और इसीलिये यह काम पीछे पड़ रहा है ।

श्री भक्त बर्षन : क्या मैं जान सकता हूँ कि इस समय जो विभिन्न कंटोनमेंट बोर्ड हैं उन के गैर-सरकारी सदस्यों की राय ली गई

है या ली जा रही है या इस बारे में कोई कार्रवाई की गई है ?

**रक्षा मंत्री (डा० काटजू) :** मैं दो शब्द अर्पण कर दूँ । कुछ नया मसाला जमा किया जा रहा है और मुस्तलिफ कंटोनमेंटों की पोजीशन जानने के लिये एक सर्वे भी हो रहा है । उस सब को देख कर आशा है कि संतोषजनक फैसला हो जायगा ।

**सेठ गोबिन्द दास :** क्या माननीय मंत्री जी को स्मरण है कि श्री त्यागी जी ने और उन से पहले और बाद में भी कुछ मंत्रियों ने इस बात का आश्वासन दिया था कि कंटोनमेंटों की जमीनों की निस्वत और कंटोनमेंटों के दूसरे कायदों के निस्वत भी एक विस्तृत विधेयक यहां पर उपस्थित किया जायगा, और क्या मैं जान सकता हूँ कि उस विस्तृत विधेयक के सम्बन्ध में अब तक क्या हुआ है ?

**डा० काटजू :** क्या कहा मैं समझा नहीं ।

**एक माननीय सदस्य :** विधेयक, यानी बिल ।

**डा० काटजू :** मैं माफी मांगता हूँ । यह जरा टेढ़ा शब्द था इसलिये समझा नहीं ।

**सेठ गोबिन्द दास :** यह शब्द तो आप के संविधान में इस्तेमाल हो चुका है ।

**डा० काटजू :** मुझे मालूम नहीं है । अगर बिल पेश करने की जरूरत समझी जायेगी तो बिल जरूर पेश होगा ।

### Ordnance Factories

\*436. **Pandit D. N. Tiwary :** Will the Minister of Defence be pleased to state :

(a) whether it is a fact that the production of goods for civil consumption in ordnance factories has considerably decreased since January, 1955 ; and

(b) if so, the reasons therefor ?



**The Minister of Defence Organisation (Shri Tyagi) :** (a) No, Sir.

(b) Does not arise.

**Pandit D. N. Tiwary :** What is the value of production of the ordnance factories for civil consumption during the last six months of 1955 and the corresponding period in 1954 ?

**Shri Tyagi :** Production for civil trade in the ordnance factories has ranged from Rs. 21.15 lakhs in the month of April, Rs. 30.47 lakhs in May, Rs. 36.86 lakhs in July—the average being Rs. 28.32 lakhs per month from April to December 1954. In the month of January it went up to Rs. 34.46 lakhs; in February, Rs. 41.28 lakhs, in March and April—they are lean months—production has slackened the value being Rs. 36.95 lakhs in March and Rs. 28.59 lakhs in April.

**Pandit D. N. Tiwary :** For how many working hours are these factories engaged in manufacturing goods for civilian consumption ?

**Shri Tyagi :** They are not completely engaged but wherever some spare capacity is available and it can be diverted towards production of civilian goods it is always taken into account and civilian goods are produced.

**Pandit D. N. Tiwary :** What was the total hour in 1954 ?

**Shri Tyagi :** In the year 1954 also some goods were produced. I have quoted just now he figures.

**Pandit D. N. Tiwary :** I want the working hour during which they were engaged in manufacturing goods for civilian supply.

**Shri Tyagi :** The normal working hours are there. But the whole factory is not to produce civilian goods. The part of the factory, the machines of which can be spared, is diverted towards production of civilian goods during the same period as the factory working hours.

**Mr. Speaker :** He does not want the working hours from day to day. He wants the total number of working hours during which the factory was engaged in manufacturing such goods.

**Shri Tyagi :** No such figures are maintained, Sir.

**Shri U. C. Patnaik :** May I know if this income is based upon calculations of pricing which are highly exaggerated ? For instance, we were discussing here last year about the cost of ammunition being three times the cost of imported ammunition

**Shri Tyagi :** In the case of civilian goods we are generally required to tender. Therefore, it cannot be based on that cost and it is generally approximate to the market price of the articles manufactured.

#### Nawab of Bhopal

**\*437. Shri Eswara Reddy :** Will the Minister of Home Affairs be pleased to state whether the Nawab of Bhopal has disclosed his foreign assets to Governments ?

**The Deputy Minister of Home Affairs (Shri Datar) :** His Highness the Nawab of Bhopal has made declaration of his foreign assets.

**श्री रघुनाथ सिंह :** क्या मैं जान सकता हूँ कि उन का डिक्लरेशन क्या है ?

**Mr. Speaker :** He has made declaration of his foreign assets.

**Shri Eswara Reddy :** May I now what is the amount of the assets ?

**Shri Datar :** It would not be in the public interest to disclose that amount.

**Shri Nanadas :** May I know whether the Government has got any control to see that these foreign assets are not wasted ?

**Shri Datar :** I believe the Government has sufficient control over all foreign assets.

#### Indian Navy

**\*440. Shri Raghunath Singh :** Will the Minister of Defence be pleased to state the steps that the Government propose to take for the expansion of the Indian Navy ?

**The Deputy Minister of Defence (Sardar Majithia) :** Government always has in mind the re-equipping of each arm in the context of the defence of our country. In regard to the Indian Navy, steps have been taken to—

1. acquire modern ships and to replace existing ships by new and better ones ;

2. provide better dockyard facilities for the growing Fleet ; and

3. improve training facilities for Naval personnel in India.

**Shri Raghunath Singh :** Is it a fact that the proportion of the Indian Navy is only 0.5 of the world Navy ?

**Sardar Majithia :** Probably, the hon. Member knows more about it.

**Shri Raghunath Singh :** Then, what is your figure ?

**Mr. Speaker :** Order, or c

**Shri U. C. Patnaik :** May I know if the Government has made any efforts to build up a National Volunteer Reserve and Naval Auxiliaries as has been contemplated for the last 8 or 10 years ?

**The Minister of Defence (Dr. Katju) :** Sir, the Navy is just in the beginning stages and we are taking most active steps to build it up. But, it can only be done by a gradual process.

**Shri Joachim Alva :** Is the Government aware that our Navy is incomplete without the possession of a single submarine ? If our naval officer have received anti-submarine warfare training may I know whether the Government propose to buy one submarine or many in the near future ?

**Dr. Katju :** That matter is under consideration for some time whether you buy many or you buy nothing.

#### Central Drug Research Institute, Lucknow

**\*443. Shri Ram Shankar Lal :** Will the Minister of Natural Resources and Scientific Research be pleased to state.

(a) the amount sanctioned for the Central Drug Research Institute, Lucknow for the current year; and

(b) the amount sanctioned during the years 1953-54 and 1954-55 ?

**The Minister of Natural Resources (Shri K. D. Malaviya) :**

	Recurring Rs.	Non- recurring Rs.
(a)	12,63,800	4,30,000
(b) 1953-54	10,12,566	2,07,000
1954-55	11,44,162	76,000

**श्री भक्त दर्शन :** क्या मैं जान सकता हूँ कि इस रिसर्च इंस्टीट्यूट ने अभी तक भारतीय औषधियों के बारे में कौन कौन से खास खास अन्वेषण के कार्य किये हैं ?

**श्री के० डी० मालवीय :** इस रिसर्च इंस्टीट्यूट ने अच्छा खासा काम किया है। मेरे पास फेहरिस्त नहीं है कि उन औषधियों के बारे में जिक्र करें।

**Dr. Rama Rao :** May I know the main lines of the research that is being conducted ?

**Shri K. D. Malaviya :** As I said Sir, this is a very big question. If the hon. Member is interested in knowing the main lines of research I may say that the work of the institute is divided into seven divisions and the seven important divisions of science are included in it.

**Shri R. S. Diwan :** May I know the number of foreign experts Government propose to recruit in this respect ?

**Shri K. D. Malaviya :** I have no idea.

#### Expert Team of Educationists

**\*445. Shri Ram Dass :** Will the Minister of Education be pleased to refer to the reply given to starred question No. 376 on the 25th November, 1954 and state the nature of improvements suggested by the team of 18 Indian Educationists in the system of Education and its curricula after their study tour in Denmark ?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) :** A statement is laid on the Table of the Lok Sabha. (See Appendix III, Annexure No. 46).

**श्री राम दास :** इस स्टेटमेंट से मालूम होता है कि गवर्नमेंट फोक हाई स्कूल्स की एक स्कीम एडाप्ट करने जा रही है, तो क्या मैं जान सकता हूँ कि फोक हाई स्कूल्स मौजूदा हाई स्कूल्स से किस मानी में मुस्तलिफ होंगे ?

**Dr. M. M. Das :** Sir, I could not follow the question.

**Mr. Speaker :** Now I have been able to follow it completely.

**Shri Ram Dass :** From the statement it appears that the Government is going to adopt a scheme of Folk High Schools. May I know how the Folk High Schools are different from the present high schools ?

**Dr. M. M. Das :** The recommendations of the team are given in the statement to which reference has been made by the hon. Member. The report containing the recommendations of this team which went to Denmark was referred to the Committee of Higher Rural Education. That Committee has considered the report and has formulated its own recommendations.

**Shri Ram Dass :** May I know what are those proposals which this Team has made which were not already known to the educational experts in India ?



**Dr. M. M. Das :** I have said that the Government has not considered the recommendations. We referred the recommendations to the Committee of Higher Rural Education. That Committee has considered fully the recommendations of this team and has formulated its own recommendations.

**Pandit D. N. Tiwary :** May I know in what respects the proposed Folk High Schools will be different from the existing high schools ?

**Dr. M. M. Das :** I have said that the recommendations have not been accepted by Government. As it is, those recommendations were referred to another Committee and that Committee has made its own recommendations which are under the consideration of the Government.

#### Western Command Headquarters

**\*447. Sri D. C. Sharma :** Will the Minister of Defence be pleased to state :

(a) whether the Headquarters of the Western Command have been shifted to Simla ;

(b) whether accommodation and other necessary facilities are available there according to the requirements ; and

(c) the decision taken by Government regarding the accommodation vacated by the Western Command in Delhi ?

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

(b) Yes, except certain residential and technical accommodation.

(c) All the accommodation vacated by H.Q. Western Command in Delhi with the exception of 61 rooms in Kichner Road Hostel and 18,844 sq. ft. of office accommodation has been used for various purposes of the Defence Services. Rooms in the Kichner Road Hostel have been kept vacant as the hostel is to be demolished shortly and the vacant office accommodation is proposed to be used by the occupants of K Block which has been declared unsafe for continued occupation and is to be demolished.

**Shri D. C. Sharma :** The hon. the Deputy Minister said that more accommodation will be required so far as residences are concerned and technical requirements are concerned. May I know whether the residential accommodation that is required and the accommodation for technical purposes that is required will be supplied by the existing houses and the existing accommodation facilities available in Simla, or new buildings will be put up ?

**Sardar Majithia :** So far as technical accommodation is concerned, naturally that will have to be built up. For instance take a power house. You can not expect the old power house to continue. So also for certain aerial projects, or receiving and transmitting stations, wiring signal office and others new buildings will have to be provided as they cannot be located in the old buildings.

So far as residential accommodation is concerned, efforts will be made to have self sufficiency, but in view of the number required, if we cannot get accommodation from the local people, naturally, new houses will have also to be built.

**Shri D. C. Sharma :** May I know if any inventory has been taken of the accommodation available at Simla at present and if an effort has been made to make the maximum use of the available buildings there ? If so, what are the other requirements that will be met with by the Ministry itself ?

**Sardar Majithia :** As have already said, we have considered the matter. I personally went there and thoroughly looked into the question before we decided to move the head-quarters to Simla and, as I have said, residential accommodation will be built because the existing accommodation is not suitable.

**Shri Matthen :** May I know whether the hon. Minister is aware that there is hardly 25 per cent residential accommodation for the married officers today as it used to be in British days ? Today, when we have more than 90 per cent married officers there is a regular grievance from every one of them that even when the return after three years' service in Kashmir, they cannot get residential accommodation. May I know what the Government is doing about this matter ?

**Sardar Majithia :** Firstly, I should like to controvert the figures given by the hon. Member; they are not correct. But the Government does not know that there is a shortage of married officers' accommodation and we have got a regular plan which is going before the Planning Commission for implementation.

**Shri Matthen :** What he said is not correct. Mine is correct.

#### Union Public Service Commission

**\*450. Shri Dabhi :** Will the Minister of Home Affairs be pleased to state :

(a) whether it is a fact that the members of the Union Public Service Commission are either officials or retired officials ; and

(b) if so, whether Government propose to appoint any non-officials as Members of the Commission ?

**The Deputy Minister of Home Affairs (Shri Datar) :** (a) Statement showing the background and experience of the members of the Union Public Service Commission is placed on the Table of the House [See Appendix III, annexure No. 47].

(b) Government have recently appointed Shri J. Sivashanmugan Pillai, Speaker, Madras Legislative Assembly, as a Member of the Union Public Service Commission. He is expected to assume charge of the duties of this office shortly.

**Shri Dabhi :** From the statement it appears that one member has resigned and three of them are either officials or retired officials. May I know whether any non-official is likely to be appointed in that vacancy ?

**Shri Datar :** The post of one member is likely to be filled immediately.

**Dr. Suresh Chandra :** May I know the reason why officials, whose records and antecedents were bad before India became independent, were appointed ?

**Shri Datar :** I should like hon. Members not to make any such insinuations. The Government have taken into consideration the antecedents of all these members and they are satisfied with their records.

**Shri B. S. Murthy :** May I know whether Government is considering to persuade the State Governments to have on their Public Service Commissions a Harijan member as far as possible ?

**Shri Datar :** Our example of appointing Shri Sivashanmugan Pillai, scheduled caste member, is far more eloquent than any advice.

#### Nutritive Diet

\*451. **Shri Gidwani :** Will the Minister of Education be pleased to state :

(a) whether it is a fact that a "meal for millions", a balanced and nutritive food has been evolved by the Indian Institute of Science, Bangalore ;

(b) the main ingredients of the meal ; and

(c) what will be its cost per day for an adult ?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) :** (a) The Indian Institute of Science, Bangalore, has evolved a 'Supplementary Food' for balancing the normal diet and supplying sufficient amounts of proteins, vitamins and minerals.

(b) The Supplementary Food consists of processed groundnut, sesame and soyabean cake flours with added vitamins and minerals.

(c) It is estimated that the cost of the food will be 3 to 4 annas per pound when produced on a commercial scale. An adult requires only 2 oz. of the food per day and the cost will be about half anna.

**Shri Gidwani :** May I know whether all the ingredients are available in India in sufficient quantities ?

**Dr. M. M. Das :** So far as the main ingredients are concerned, namely, groundnut, sesame and soyabean cakes, they are available in plenty in this country. Minerals are also available. But so far as vitamins are concerned, I think—I am speaking from memory—some vitamins will have to be imported.

**Sardar A. S. Saigal :** May I know whether any feeding experiments have been made with this new food ?

**Dr. M. M. Das :** The Meal for Millions Foundation of America has financed the production of about one ton of this Food and they have carried out some feeding experiments about the acceptability and palatability of this particular food and their report is that the food is well tolerated and it is acceptable.

#### Ex. I. N. A. Officers

\*452. **Dr. Ram Subhag Singh :** Will the Minister of Defence be pleased to state the date from which effect is being given to the orders regarding the removal of the disqualification imposed on the officers of the former State Forces who served with the Indian Army and who were retired or discharged because they had joined the I. N. A. ?

**The Deputy Minister of Defence (Sardar Majithia) :** Orders regarding the grant of *de novo* commissions in the Regular Army to ex-States Forces officers who had joined the I. N. A. were issued on the 29th January 1955 and are effective from that date.

**Dr. Ram Subhag Singh :** May I know the approximate period which will be required to give effect to the order which has been passed and whether all the State officers who had joined the I. N. A. will be covered by that order ?

**Sardar Majithia :** No approximate period can be given because the officers concerned will have to apply and each case will be considered individually.

**Shri Nanadas :** May I know the number of officers who are thus disqualified and the number re-appointed since 29th January ?

**Sardar Majithia :** I require notice.

**Shri Gopala Rao :** May I know whether their previous service will be taken into account when they are commissioned ?

**Sardar Majithia :** It will be taken into account.

**Hindustan Aircrafts Ltd.**

\*453. **Shri Ibrahim :** Will the Minister of Defence be pleased to state the number of jet-propelled vampires built at the Hindustan Aircraft Factory at Bangalore during the year 1954-55 ?

**The Deputy Minister of Defence (Sardar Majithia) :** It would not be in public interest to disclose the figure.

**Shri Ibrahim :** May I know the number of foreign experts working there ?

**Sardar Majithia :** I require notice.

**Shri Kamath :** Are these aircraft built or merely assembled ?

**Sardar Majithia :** So far as the air-frame is concerned, it is built there but the engine is got from outside.

**Shri V. P. Nayar :** If it is not against the public interest, may I know what percentage of the components of the jet aircraft is manufactured from its raw material stage and what will be the cost of imported raw materials which go into the production of every jet-propelled vampire ?

**Sardar Majithia :** As I said, the engine is imported. The question that the hon. Member has put is connected with the project for the manufacture of aero-engines in India.

### ऐतिहासिक स्मारक

\*४५४. **श्री भक्त दर्शन :** क्या शिक्षा मंत्री २६ अप्रैल, १९५५ को तारांकित प्रश्न संख्या २५६५ के अनुपूरक प्रश्न के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि प्राचीन एवं ऐतिहासिक स्मारक तथा पुरातत्व सम्बन्धी स्थान व भवशेष (राष्ट्रीय महत्व की घोषणा) अधिनियम की अनुसूचियों में नये नाम जोड़ने के सुझावों की छानबीन में तब से अब तक कितनी प्रगति हुई है ?

शिक्षा मंत्री के सभासचिव (डा० एन० एन० दास) : प्राचीन एवं ऐतिहासिक स्मारक तथा पुरातत्व संबंधी स्थान व भवशेष (लोक महत्व की घोषणा) अधिनियम, १९५३ (१९५४ की अधिनियम संख्या III) के संसद् में रखे गये संशोधन में बिना स्मारकों का उल्लेख

है उन सब का केन्द्रीय पुरातत्व विभाग ने निरीक्षण कर लिया है और एक संशोधक विधेयक बनाया जा रहा है।

**श्री भक्त दर्शन :** क्या मैं जान सकता हूँ कि जब यह विधेयक इस सदन में प्रस्तुत था, और उस पर विचार किया जा रहा था, उस समय अनेक माननीय सदस्यों ने जो सुझाव दिये थे, उन सब स्थानों का निरीक्षण किया जा चुका है और रिपोर्ट आ चुकी है ?

شکشا تنها پراگرتک سلسادین  
اور ویکھانک کویشنا ملتري (مولانا آزاد):  
ہاں اُن پر بھی غور کر لیا گیا ہے -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad) : Yes, These have also been considered].

**श्री भक्त दर्शन :** क्या यह आशा की जाती है कि यह नया विधेयक अगले अधिवेशन में पेश किया जा सकेगा ?

**Dr. M. M. Das :** Yes, Sir.

### State Bank of India Act

\*455. **Shri Radha Raman :** Will the Minister of Finance be pleased to state whether Government propose to amend the State Bank of India Act so as to remove the disqualification of immovable property as an approved security ?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) :** Immovable property is already eligible as collateral security in certain circumstances. It is not proposed to amend the State Bank of India Act to widen such eligibility.

**Shri Radha Raman :** May I know if the Government are thinking of enlarging the scope of the Bank's activities by the removal of this disqualification of immovable property as an approved security ?

**Shri A. C. Guha :** As I have already said in the reply, it is not proposed to amend the State Bank of India Act to widen such eligibility.

**Shri Radha Raman :** May I know if the Government have received any memorandum to the effect that the present conditions and such other disqualifications, as there are at present, should be removed ?

**Shri A. C. Guha :** This matter was thoroughly discussed during the debate on the State Bank of India Bill and the matter has been examined. We have come to the

decision that it would not be quite good for the State Bank to keep its money locked in immovable property. This is not the procedure followed by the banks in India and so we are not going to widen such eligibility. It will also be remembered that the State Bank of India would not give loans to the primary tenants as such direct, but will give loans only through the co-operative societies and co-operative banks and other sorts of organisations.

#### Travel Concessions

\*456. **Pandit D. N. Tiwary:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 2337 on the 18th April, 1955 and state:

(a) whether the 75 per cent. concessions in Railways and Bus travel fares granted by Government to University students is over and above the concessions allowed by the Ministry of Railways;

(b) the number of students who have availed of this concession upto June, 1955; and

(c) the total amount spent so far in this regard?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) Yes, Sir.

(b) 771 in 15 different batches.

(c) Rs. 18,300/-

**Pandit D. N. Tiwary:** May I know which of the universities in India availed of this concession?

**Dr. M. M. Das:** The Universities of Bombay, Calcutta, Delhi, Nagpur, Punjab, Rajputana and the State Government of U.P.

**Pandit D. N. Tiwary:** May I know what was the expenditure incurred last year in this connection?

**Dr. M. M. Das:** Last year no expenditure was incurred on this account.

#### Private Industrial Sector

\*459. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state:

(a) whether Government propose to appoint a Commission to inquire into the efficiency of the private sector of the Indian Industry; and

(b) if so, when this commission is likely to be appointed?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). I presume the hon. Member has in mind a remark made by me on May 22, 1955 at a Press

Conference at Bangalore. If so, the remark was made as a suggestion thrown out and to be borne in mind by the appropriate authorities of the Government in the event of any acute controversy arising regarding the relative efficiency of the public and private sectors. At present there is no intention to appoint such a Commission.

**Dr. Ram Subhag Singh:** May I know whether it has come to the notice of the Government that there is though not very acute, some inefficiency both in the private and public sectors in India?

**Shri C. D. Deshmukh:** It is quite possible that to a certain extent there is inefficiency in both the sectors.

**Dr. Ram Subhag Singh:** May I know the percentage of difference between the acute inefficiency and inefficiency to certain extent?

**Shri C. D. Deshmukh:** This matter is not capable of statistical measurement.

**Shri K. P. Tripathi:** In view of the report of the Productivity Enquiry Committee that the management of industries in India is very backward and inefficient, I think some enquiry should be held into this matter. Will the hon. Minister hold such an enquiry or take steps which may lead to such an enquiry?

**Shri C. D. Deshmukh:** This suggestion should be addressed to the Commerce and Industry Ministry.

**Shri L. N. Mishra:** May I know whether it is a fact that the private sector has failed to fulfil its obligation in the first Five Year Plan and if so, whether banks have tried to ascertain the reasons and if so, what are the reasons thereof?

**Shri C. D. Deshmukh:** As far as I am aware there is no significant failure on the part of the private sector to attain the targets that were indicated for them in the First Five Year Plan.

**Shri R. S. Diwan:** May I know, apart from the idea of appointing a Commission to go into the general working of the private sector there were some complaints about a particular company in Bombay, an enquiry was set up by Registrar of Companies, Bombay and the Enquiry Committee's report was totally against the working of that company? May I know what the Government have done in that respect?

**Shri C. D. Deshmukh:** Some investigation took place under the Industries (Development and Regulation) Act.

**Shri R. S. Diwan:** If you permit Sir, I can give the name of the company?

**Shri C. D. Deshmukh:** I know the company which the hon. Member has in mind. Later on there was an extensive change in the position and the management of the company and proposals have been received in the Finance Ministry for approving this change. In view of these circumstances, it has not been considered necessary to proceed with the original suggestion to file a case against the company under a particular section of the Companies Act.

### Basic and Social Education

\*460. **Shri Ibrahim:** Will the Minister of Education be pleased to state:

(a) the expenditure incurred by the Centre for the development of Basic and Social Education during the years 1953-54 and 1954-55; and

(b) whether it is a fact that the amounts budgeted in these years on this account were later cut down due to financial stringency?

**The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):** (a) Rs. 1.65 crores and Rs. 4.76 crores were sanctioned during 1953-54 and 1954-55 respectively.

(b) No, Sir.

**Shri Ibrahim:** May I know whether this expenditure includes the amount allotted under the First Five Year Plan or whether it is irrespective of that?

**Dr. M. M. Das:** All these are under the Five Year Plan.

**Shri S. C. Samanta:** May I know whether the budget amount has been spent?

**Dr. M. M. Das:** So far as the year 1954-55 is concerned the total allotted amount could not be spent.

**Shri N. B. Chowdhury:** May I know if it is a fact that according to the targets of the Five Year Plan, there is a shortage in the number of Basic Schools that had to be opened during the First Five Year Plan and if so, what steps have Government taken to see that the targets are attained?

**Dr. M. M. Das:** The Government has taken every step that is possible.

**Shri Veeraswamy:** May I know the number of centres of Basic and Social Education in Madras State?

**Dr. M. M. Das:** I want notice.

**Shri B. S. Murthy:** The Parliamentary Secretary said that every step has been taken; may I know some of the steps taken?

**Dr. M. M. Das:** Many steps have been taken.

### Civilian Officers

\*461. **Shri D. C. Sharma:** Will the Minister of Home Affairs be pleased to state the number of Indian Civilian Officers of the Government of India who have migrated to Pakistan during the last three years separately after retirement from service?

**The Deputy Minister of Home Affairs (Shri Datar):** A retired officer is not required to intimate his address or take permission before leaving India. The information asked for is not therefore available.

**Shri D. C. Sharma:** May I know, if any representations have been received from the public with regard to the fact that some of the Indian Civilian Officers of the Government of India and also the State Governments have migrated to Pakistan? Is it a fact that the Government does not keep any statistical details regarding pensions etc. paid to them?

**Shri Datar:** So far as the first part of the question is concerned, the answer is 'yes'. So far as the second part of the question is concerned, in respect of pensions that any retired officer desires to draw in a foreign country, a claim has to be made through what is known as the Central Claims Organisation. There is such a body in Pakistan. So far as Pakistan is concerned, the total number of claims received for the four years up to 31st July, 1955 is 69.

**Shri D. C. Sharma:** What is the number of such claims in the year 1953, 1954 and 1955?

**Shri Datar:** I have said, the total number is 69.

**श्री रघुनाथ सिंह :** आजादी के बाद से कितने आदमियों ने पाकिस्तान में पैशान्ज लेने के वास्ते एप्लीकेशन दी है ?

**Shri Datar:** I cannot give any information on that point.

**Shri Kamath:** Will the hon. Deputy Minister be in a position to give, in the public interest, the names of those officers in respect of whom claims have been received from Pakistan?

**Shri Datar:** I do not think it is necessary in the interests of the public to mention the names of those officers.

**Shri M. L. Dwivedi:** Question No. 430 can be taken up. It is an important question.

**Mr. Speaker:** Shri Krishnacharya Joshi.

The hon. Member is absent.

**Shri Naval Prabhakar:** Question No. 423.

**हिन्दी. प्रबोध परीक्षा**

\*४२३. श्री नवल प्रभाकर : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) हिन्दी प्रबोध परीक्षा में गत वर्ष केन्द्रीय सरकार के कितने कर्मचारी और पदाधिकारी बैठे थे; और

(ख) उन में कितने आई० सी० एस० पदाधिकारी थे ।

शिक्षा मंत्री के सभासद्विषय (डा० एम० एम० दास) : (क) ६८१ ।

(ख) कोई नहीं ।

**Shri N. B. Chowdhury:** Are we to suppose that all the I.C.S. officers know Hindi?

**Dr. M. M. Das:** We cannot suppose that all the I.C.S. officers know Hindi; but so far as these particular classes are concerned, no I.C.S. officer attends these classes.

#### WRITTEN ANSWERS TO QUESTIONS Rifles

\*421. **Shri M. R. Krishna:** Will the Minister of Defence be pleased to state:

(a) the percentage of the Rifles used by the Defence Forces which is manufactured in India;

(b) whether the Defence Forces are still using Rifles manufactured in foreign countries;

(c) when the last purchase of Rifles from foreign countries was made; and

(d) what was the total value paid for that lot ?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Approximately 94% of the main types of Rifles in use with the Army are of indigenous manufacture.

(b) Yes, because of the existence of old stocks of these rifles, which will not be replaced by fresh purchases.

(c) Last purchase of Rifles from foreign countries was made during the year 1948.

(d) The value paid was Rs. 67,92,293/5/4.

#### Exhibition of Hindi Books, Maps and Charts

\*430. **Shri Krishnacharya Joshi:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1903 on the 5th April, 1955 and state when the proposed Exhibition of Hindi Books, Maps, Charts etc. will be held and for how long it will last?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** The Exhibition is going to be inaugurated on the 12th August, 1955 and will last till the 21st August, 1955.

#### Underground Water in West Bengal

\*433. **Shri Subodh Hasda:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that the Geological Survey of India have discovered a belt of Permanent Water Source in the West Bengal below the earth surface; and

(b) if so, when Government propose to lift the water?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) and (b). A statement giving the required information is laid on the Table of the House. [See Appendix III, annexure No. 48].

#### Appointment Board, Manipur

\*438. **Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that an Appointment Board was constituted in 1954 by the Government of Manipur for the appointment of clerks and Grade IV Officers in the Government services of Manipur;

(b) whether the Appointment Board still exists; and

(c) if not, the reasons therefor?

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

(b) No. It was discontinued with effect from the 25th May, 1955.

(c) It was considered that the responsibility for the selection of suitable candidates should rest squarely on the Appointing Authorities. The association of superior officers with the Committees would hamper the exercise or enforcement of such responsibility. Employment of high level officers for appointment of Class IV personnel was not considered warranted in view of the existing heavy load of work.



### Team of Reserve Bank Officials

\*439. **Chaudhri Muhammed Shafie:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that team of Reserve Bank Officials toured Jammu and Kashmir State in May, 1955;

(b) if so, the personnel of the team and the names of the places which they visited;

(c) whether any report has since been submitted by the team; and

(d) if so, its main recommendations?

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

(b) Shri V. Sivaraman, Deputy Chief Officer of the Agricultural Credit Department of the Reserve Bank of India, assisted by their Research Superintendent, visited Jammu Tawi, Srinagar, Banihal, Mulgam, Ma'am Sumbhal, Bandipore, Sopore, Pampore, Anantnag, Baramulla etc. and saw the working of the various co-operative societies there.

(c) I understand that a copy of the team's report and their tentative observations have been sent to the Jammu and Kashmir Government.

(d) I understand that the recommendations will be finalised only after the Bank has received the comments of the Jammu and Kashmir authorities but in any case this is a matter which is outside the purview of the Central Government.

### Standing Committee on Basic Education

\*441. **Shri P. Ramaswamy:** Will the Minister of Education be pleased to state:

(a) whether the joint meeting of the Standing Committee on Basic Education with that of the Planning Commissioner's Committee on the development of small scale and village industries has taken place;

(b) if so, the decisions arrived at; and

(c) the possibilities of introducing Basic Education in all the Elementary Schools in the country?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) No.

(b) and (c). Do not arise.

### N. C. C.

\*442. **Sardar Iqbal Singh:** Will the Minister of Defence be pleased to state:

(a) the number of units attached to the National Cadet Corps (Air Force Wing) at present;

(b) the names of the places where they are stationed; and

(c) the total number of cadets in them?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Senior Division—9 Squadrons, Junior Division—74 Troops.

(b) Senior Division:—

Bombay, Calcutta, Madras, Patna, Delhi, Kanpur, Jullundur, Nagpur and Bangalore.

Junior Division:—

Calcutta, Madras, Kanpur, Delhi, Patna, Guntur, Vijawada, Nagpur, Jullundur, Bangalore, Hyderabad, Lovedale (Ooty), Indore, Gwalior, Ajmer, Patiala.

(c) Senior Division—960.  
Junior Division—2421.

### Gazetteers

\*444. **Shri Hem Raj:** Will the Minister of Education be pleased to state:

(a) whether Government have recently held an Inter-Departmental Meeting for the preparation of Indian, State and District Gazetteers; and

(b) if so; the main conclusions, arrived at?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) Yes, Sir.

(b) A statement is laid upon the Table of the House. [See Appendix III, annexure No. 49].

### योग्यता छात्रवृत्तियाँ

\*४४६. श्री नवल प्रभाकर : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार पब्लिक स्कूलों में योग्यता छात्रवृत्तियों की संख्या में वृद्धि करने का विचार कर रही है; और

(ख) यदि हां, तो ऐसी छात्रवृत्तियों की क्या संख्या होगी ?

शिक्षा तथा प्रकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री (मौलाना आज़ाद) :

(क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

### Prisoners in Manipur

\*457. **Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state:

(a) the number of persons sentenced to imprisonment for six months or more in connection with the political agitation in Manipur State;

(b) the number of tribal and non-tribal prisoners among them;

(c) whether it is a fact that the Manipur Government has refused to issue the judgment copies of the cases against the tribals; and

(d) if so, the reasons therefor?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) 12 persons were sentenced to 6 months' imprisonment.

(b) 4 Tribals and 8 non-tribals.

(c) No.

(d) Does not arise.

### Loss of Vouchers

199. { **Shri Dabhi:**  
**Shri S. C. Samanta:**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the vouchers sent to the Ministry of Education are not being returned after proper classification and acceptance to enable audit to incorporate them in the accounts;

(b) whether it is a fact that two vouchers for Rs. 1925 relating to 1949-50, nine for Rs. 1989 relating to 1950-51 and twenty one valuing a sum of Rs. 26,406 have been lost; and

(c) if so, who is responsible for the same?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) No. The return of vouchers after classification and acceptance is being properly attended to.

(b) The losses relate to the years 1951 and 1952 when the old procedure of dealing with the vouchers failed owing to the expansion in the size of the Ministry. The procedure was revised as soon as the losses came to notice.

(c) Under the old procedure it was not feasible to fix responsibility for the missing vouchers.

\* This figure was later corrected by the Deputy Minister of Home Affairs (S. R. Datar) vide Part II Denotes dated 22. 12. 55 as "127".  
188 L S D (2)

### Audio-Visual Libraries

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

(a) whether Government propose to set up a library in each State from where audio-visual aids could be obtained by the State Educational Institutions; and

(b) if so, when a beginning will be made in this direction?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) and (b). A statement is laid on the Table of the House. [See Appendix III, annexure No. 50].

### Tobacco Excise Duty

201. **Shri Ibrahim:** Will the Minister of Finance be pleased to state:

(a) the amount of excise duty realised from tobacco used for the manufacture of *bidis* during the years 1953-54 and 1954-55; and

(b) the amount realised as licence fee in those years?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** (a) The amount of excise duty realised on tobacco used for the manufacture of *bidis* during 1953-45 and 1954-55 was Rs. 10.30 crores and Rs. 9.25 crores respectively.

(b) Manufacturers of *bidis* are not licensed as such, but all wholesale dealers in tobacco, whether they manufacture *bidis* or not, are licensed and the amount realised as licence fees from such dealers during the calendar years 1953 and 1954 was Rs. 14.10 lakhs and Rs. 13.47 lakhs respectively.

### मिशनरी संस्थायें

२०२. **श्री रघुनाथ सिंह :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि गत चार वर्षों में छोटा नागपुर, संथाल परगना, नागा पहाड़ियों, गंगापुर (स्टेट), लुशाई पहाड़ियों तथा पश्चिमी भारत के भील आबादी वाले क्षेत्रों में विदेशी ईसाई मिशनरियों द्वारा कितनी संस्थायें खोली गई हैं ?

**गृह-कार्य उपमंत्री (श्री बातार) :**  
२०४. इस संख्या में, शिक्षा, चिकित्सा तथा धर्म सम्बन्धी संस्थायें सम्मिलित हैं ।



### Stainless Steel

**203. Shri S. C. Samanta:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that India possesses large manganese deposits but lacks nickel and other material necessary in the manufacture of stainless steel;

(b) whether any National Laboratory in India has made a research to discover a substitute for nickel;

(c) if so, with what result; and

(d) whether manganese can be a substitute?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) Yes, Sir.

(b) and (c). The National Metallurgical Laboratory, Jamshedpur, has in hand the determination of the most suitable composition of chromium-manganese-nickel nitrogen steel for use to resist atmospheric corrosion in India. The work is, however in the early stage.

(d) From experiments carried out in foreign countries, it is understood that manganese can be a substitute for nickel in the manufacture of stainless steel for some uses to a certain extent only.

### Rubber Industry

**204. Pandit D. N. Tiwary:** Will the Minister of Finance be pleased to state:

(a) the amount of capital invested upto the 31st December, 1953 by foreigners in the rubber plantations and rubber goods manufacturing concerns; and

(b) the percentage of profits remitted out of India, and percentage ploughed back in the same Industry?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Figures upto the 30th June 1948 are available in the Reserve Bank of India's Report on the Census of India's Foreign Assets and Liabilities published in 1950, a copy of which is available in the Library of the House. Figures in respect of the later period will be available in the Reserve Bank's next Report on the same subject which is likely to be published in a few months and a copy of which will be placed on the Table of the House.

(b) Government have no information.

### Oil Prospecting

**205. Shri Hem Raj:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the progress made by the Geological Survey in locating mineral oil in the Western Himalayan regions; and

(b) the progress made for prospecting mineral oil and petroleum in the Kangra District?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) and (b). A statement giving the information required is attached. [See Appendix III, annexure No. 51].

### Ex-Employees of the Civil Supplies Department

**206. Shri I. Eacharan:** Will the Minister of Home Affairs be pleased to state:

(a) the number of ex-employees of the Rationing and Civil Supplies Department of the Madras State re-employed in the Central Government offices from August 1954 to the 1st July, 1955; and

(b) the number of persons who have been registered for employment during the above period?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) The figures are not available separately from August 1954, but from January 1954 to 30th June 1955, the numbers absorbed in employment were as follows:—

Central Government	
Establishment	.. 35
State Government	
Establishments	.. 373
Private Employment	.. 11
Total	.. 419

(b) From January 1954 to June 1955. .. 1106  
The number on the live register at the end of June 1955 was .. 272

### Training of Armed Forces Personnel Abroad

**207. { Sardar Iqbal Singh:  
Shri D. C. Sharma:**

Will the Minister of Defence be pleased to state:

(a) the number of officers of the Armed Forces sent abroad for training during 1953-54 and 1954-55 year-wise;

(b) the duration of their training;

(c) the expenditure incurred on them so far; and

(d) the nature of training received?

**The Minister of Defence (Dr. Katju):** (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

**Ganja**

**208. Sardar Iqbal Singh:** Will the Minister of **Finance** be pleased to state:

(a) the quantity of *Ganja* produced and consumed during 1954-55; and

(b) the cases of smuggling of *Ganja* detected in India during the same period?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):**

(a) The quantity of *Ganja* produced in the calendar year 1954 was 1411 Maunds (excluding production in the States of Orissa and Mysore for which figures are not yet available).

The figures of consumption during the year 1954-55 are not yet available.

(b) 8251 cases of smuggling of *ganja* were detected in India during the calendar year 1954.

**Surplus Military Camps**

**209. Sardar Iqbal Singh:** Will the Minister of **Defence** be pleased to state:

(a) the number of surplus military camps, lands, buildings hired or requisitioned and Air-fields held on charge by the Defence Ministry as on the 30th June, 1955;

(b) the total amount of loss incurred by Government in respect of above surplus camps etc., on account of rentals and other recurring expenses; and

(c) the total acreage of land held on charge in each State separately by the Defence Ministry as on the 30th June 1955, which was hired, requisitioned or acquired during the last War and was declared surplus to Defence Department requirements?

**The Deputy Minister of Defence (Sardar Majithia):** (a) 11b. Out of these 43 are in various stages of disposal, the remaining 75 being in the temporary occupation of other Ministries or State Governments or the Services concerned.

(b) The total annual rent paid is Rs. 10,01,054/-. Out of this Rs. 9,01,899/- is being recovered from other Ministries and State Governments who are in occupation of some of the properties. Properties under disposal account for an annual rental liability of Rs. 73,210/. The rest of the total annual rental (i.e. Rs. 25,955/-) constitutes the annual rental in respect of properties which are in occupation of the Services.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 52].

**National Volunteer Force**

**210. Shri R. N. S. Deo:** Will the Minister of **Defence** be pleased to state:

(a) whether a camp for the National Volunteer Force was recently held at Kalaikunda;

(b) if so, the purpose of the camp and the programme of training; and

(c) whether any physical examination of the volunteers was conducted before and after the camp, and, if so, the result thereof?

**The Minister of Defence (Dr. Katju):** (a) Yes, during May 1955.

(b) The object of the National Volunteer Force is to get people interested in national service and to inculcate in them a sense of discipline and self-reliance. A copy of the training syllabus is placed on the Table of the House [See Appendix III, annexure No. 53].

(c) Trainees were medically examined before the commencement of the camp and out of 502 applicants 446 were found medically fit to undertake the training. No medical examination is carried out on termination of the camps.

**Electoral Roll**

**211. Shri R. N. S. Deo:**  
**Shri Ram Dass:**

Will the Minister of **Law** be pleased to state:

(a) whether it is a fact that there has been an increase of registered voters on the electoral roll during the past three years;

(b) if so, by how much;

(c) whether it is also a fact that there has been an increase in some State and decrease in others; and

(d) if so, the names of such States showing figures of increase and decrease against each?

**The Minister of Law and Minority Affairs (Shri Biswas):** (a) Yes; the increase relates to the period 1952 to 1954. Electoral rolls for 1955 are under revision.

(b) by 88,69,216.

(c) Yes.

(d) A statement is laid on the Table of the House. [See Appendix III, annexure No. 54].

**Smuggled Gold**

**212. Shri D. C. Sharma:** Will the Minister of **Finance** be pleased to state:

(a) the number of cases of smuggling of gold detected during 1955 so far; and

(b) the action taken generally in such cases?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** (a) The number of cases of smuggling of gold detected during the year 1955 upto the 30th June, 1955 was 269.

(b) In such cases, if the offence of smuggling is established, the gold is confiscated under the provisions of the Sea Customs Act and a personal penalty is also often imposed on the person concerned. In cases where the offence is deliberate and the values are high prosecutions are also launched under Section 23 of the Foreign Exchange Regulation Act, 1947.

#### State Bank Branches

**213. Shri N. Rachiah:** Will the Minister of Finance be pleased to state:

(a) whether any branches of the State Bank have been opened in the country under the State Bank Act, 1955;

(b) if so, the number of branches working at present; and

(c) the names of the places where they have been opened?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** (a) to (c). By virtue of Section 6 (b) of the State Bank of India Act, 1955, all the 231 branches and 1 sub-branch of the Imperial Bank in the country as on the 1st July, 1955, vested in the State Bank. After the coming into being of the State Bank, three branches have been opened at Gandhidham (Kutch), Hoshangabad (Madhya Pradesh) and Nowgong (Assam).

#### Lignite Deposits

**214. Shri M. Islamuddin:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the names of the places where lignite deposits have been found;

(b) the names of places which are supposed to contain lignite deposits but not yet explored; and

(c) the steps taken to explore them?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) to (c). A statement giving the required information is attached. [See Appendix III, annexure No. 55].

## LOK SABHA DEBATES

### (Part II—Proceedings other than Questions and Answers)

9319

9320

#### LOK SABHA

Thursday, 4th August, 1955

*The Lok Sabha met at Eleven of the Clock*

[MR. SPEAKER in the Chair]

#### QUESTIONS AND ANSWERS

(See Part I)

12 Noon

#### INCIDENTS ON GOA BORDER

The Minister of Home Affairs (Pandit G. B. Pant): The Prime Minister being unavoidably absent, I am making this statement on Goa.

The Government of India have received a report on some incidents which took place on the Goa border on the 3rd morning.

According to this report, three batches of peaceful satyagrahis led by Shri Mahitosh Nandi, Shri Rameshwar Prasad and Shri Pandharinath Bhadkamkar respectively, entered Goa territory near Banda, at 10.15 A.M. yesterday. The three batches consisted of 28, 30 and 42 satyagrahis respectively.

At about 10.45 A.M., the satyagrahis were accosted by three Portuguese white soldiers who immediately opened fire on them with sten guns. One of the satyagrahis, Shri B. K. Thorat, was hit on the face and he died immediately. Four other satyagrahis, viz., Shri Nityanand Saha, Shri Namdoe Kothalekar, Shri Mahitosh Nandi and Shri P. A. Mohammad received bullet injuries.

Shri Saha's right lung was ruptured and Shri Kothalekar was injured on 198 L. S. D.—1

the right shoulder. Shri Saha was removed to Vengurla hospital about 18 miles from Sawantwadi where he died at 15.40 yesterday. Shri Nandi had bullet injuries on the right knee. The bullet was removed at Banda. Shri Thorat was hit on the face and he died on the spot in Goa territory. His body was brought to Sawantwadi by the other satyagrahis. All the remaining 99 satyagrahis returned to India.

The Government of India are deeply concerned at this new evidence of the brutal methods which the Portuguese authorities are employing against peaceful satyagrahis. They offer their sympathies to the relatives of the two men who have lost their lives and also to the other men who have suffered injuries.

The Government of India are in constant touch with their Consul-General in Goa and are considering as to what further steps they should take.

Shri Gadgil (Poona Central): May I ask a question whether the Government are aware about another man who is already in Goa custody, whether he is alive or something wrong...

Mr. Speaker: No questions ordinarily on a statement.

#### INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) AMENDMENT BILL

The Deputy Minister of Labour (Shri Abid Ali): I beg to move for leave to introduce a Bill to amend the Industrial Disputes (Appellate Tribunal) Act, 1950.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Indust-

rial Disputes (Appellate Tribunal) Act, 1950"

*The motion was adopted.*

Shri Abid Ali: I introduce the Bill.

#### PAPER LAID ON THE TABLE

#### STATEMENT GIVING REASONS FOR PROMULGATION OF INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) ORDINANCE

Shri Abid Ali: I beg to lay on the Table a copy of the Explanatory statement giving reasons for immediate legislation by Ordinance under 89 (1) of the Rules of Procedure. [See Appendix III, Annexure No. 56]

#### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

Mr. Speaker: The House will now proceed with the further consideration of the motion moved by Shri Pataskar on the 2nd August, relating to the Code of Civil Procedure (Amendment) Bill along with the amendment moved. Shri Pataskar to continue his unfinished speech.

The Minister in the Ministry of Law (Shri Pataskar): Yesterday, I tried to show the implications of the present measure which has been brought and why it has been thought necessary not to delay this reform till such a time as the proposed Law Commission submits its report. Within the framework of this present Bill, I would like to show how these provisions which are proposed in this measure will try to effect wholesome changes with a view to reducing both delay and expenses in the matter of the administration of civil law. I referred to the provisions contained in clauses 2 and 3 which lay down that in the case of future interest, it shall not exceed 6 per cent. in any case and that no interest should be allowed on the amount of costs awarded to a party. I think I need not dilate on this point any further.

Coming to the amendment proposed in clause 4,....

Shri A. M. Thomas (Ernakulam): As regards the provision denying interest on costs, there has not been any support from any section of the House. What is the reaction of the Government?

Shri Pataskar: I do not take that view at all of the discussions which I have also followed with great interest. Of course, there is a section in the House which thinks that we may allow interest on costs. As a matter of fact, so far as my experience goes, courts have been already very reluctant to grant interest on costs. As I explained yesterday, interest is something in the nature of what one gets when money is invested or given as a loan to somebody. Award of interest on costs might show as if litigation is something in which a man might invest money so that he might not only get his costs, but also interest on the costs awarded. Of course, what should be done by way of compensation for false claims or for false evidence, is an entirely different matter. But, I do not think there is any justification for that. That is my personal reaction. I do not know what the Select Committee will do. I think it is right and proper that we should not allow interest to be awarded on the amount of costs awarded to a party. Otherwise, it will mean that we are trying to allow interest on money invested in litigation. The very idea of interest is something entirely different altogether. One can understand the propriety of a man, who is compelled to go to a court of law in vindication of his claim, getting his costs, if he succeeds. My hon. friend Shri S. V. Ramaswamy suggested that if he had invested the money in a bank, he would have got interest. I think it is not the same thing as investing money in a bank for interest. This is spending money for bona fide litigation. However, the matter may be considered in the Joint Committee. I do not think there was a large amount of support in favour of saying that this clause

should be deleted. However, that is a matter of opinion. We will see what can be done in the Joint Committee.

[MR. DEPUTY-SPEAKER in the Chair]

The next clause of importance relates to compensation being granted. As I had already pointed out, there was no such provision for false and vexatious claims in the Act of 1908. Subsequently, this was introduced with a view to prevent false and vexatious claims being filed in courts of law or false and vexatious defences being raised in the course of the proceedings. It was a wholesome provision intended for checking false and vexatious claims. They not only take the time of the court unnecessarily, but the other proceedings are protracted. It is not desirable that such things should be encouraged. But, there was one lacuna in the provision as it was, namely, that that defence must have been taken at the earliest opportunity. What is proposed to be done by the present clause 4 is that the power is given to the court, and irrespective of the fact whether that claim for compensation is made at the earliest opportunity, or in cases where the court itself might think that the claim or defence is vexatious, the court can award compensation.

This will be a further check because in many cases it happened that after a certain stage the Judges came to the conclusion that it was a false and vexatious claim, but they were faced with the difficulty that the other side had not claimed compensation under section 35A. It is to remove that difficulty and further tighten up the present procedure that the present amendment is proposed, and I think that it will help to produce at least some effect on the minds of those who want to institute suits or other proceedings unnecessarily.

We have extended it not only to suits, but to execution proceedings as well, because there can be an execution proceeding which is false and vexatious. For instance, a man has obtained a decree and is satisfied. He

still goes and again makes a case for execution. Certainly it is false and vexatious. Therefore, in that proceeding also compensation will be awarded.

Now, a point was made by some hon. Members opposite that if you want to extend it to execution proceedings, why don't you extend it to appeals also, and here I would to have the attention of Shri Kamath, because Shri More is not here, because he was one of those who said that this should be extended to appeals also and therefore charged that this was a half-hearted and halting measure. But the point is that looking to the..

Shri Kamath (Hoshangabad): I did not say anything about costs.

Shri Pataskar: I think Shri More said. The point is, how can you regard an appeal as being false and vexatious. It is not as if the right to file a suit is taken away, but what is sought to be provided is that in case a suit is filed and it is found that the claim is vexatious, then compensation should be awarded. In the case of an appeal there is no claim. Supposing there is a false claim which is made in a suit and that claim is not only dismissed but compensation is awarded and the man goes in appeal, he does not make any new false claim, but he only exercises the right of filing an appeal which is given to every person. So, there is this distinction that you can extend it to execution proceedings and not to appeals because it is not the intention to prevent a right of suit. In the case of the right to appeal also it is a right to every one to file an appeal against the decision in any case whatsoever. Therefore, you can provide for compensation for vexatious claims or defences in suits and execution proceedings, but from the very nature of appeals I think it would not be proper to extend it to them. And, as a matter of fact, I looked into what is happening in other countries where similar jurisprudence prevails and I find there is no such provision because it would take away the right to file an appeal.

[Shri Pataskar]

It is from that point of view that I say that this is not a halting provision, but a provision which has to go to the utmost length to which it can go in the circumstances.

I very carefully examined the position of law in the United Kingdom in this connection. In the United Kingdom generally all these appeals etc., are filed through the solicitors. That is a different system. The only provision I found there was that if a solicitor files an appeal merely for gaining money for himself and with no other motive, then he is penalised and some costs are awarded. But looking to our own system, I think the present provision is very effective, and I think it will prevent many false and vexatious claims from being filed in courts, because there will always be the danger of compensation being awarded if the court comes to the conclusion at whatever stage that the claim was false or that the defence was vexatious.

I think a lot of confusion has arisen with respect to clause 14, and if you will permit me to say so, political considerations and arguments have been advanced with respect to this provision. I would like to explain what the present provision in section 138 of the Civil Procedure Code is. This was before the passing of the Constitution, and the provision is that a State Government may by notification in the official Gazette exempt from personal appearance in courts any person whose rank in the opinion of such Government entitles him to the privilege of exemption. Regarding the question as to how far there should be a classification with respect to different provisions, taking into consideration the provision regarding equality in article 14, this has been considered by several courts in India, and the Supreme Court in the famous case of Charanjitlal Vs. the Union of India first laid down as to what the scope of these articles 13 and 14 is. There it is laid down:

"The principle does not take away from the State the power

of classifying persons for the legitimate purpose.

Every classification is in some degree likely to produce some inequality and mere production of inequality is not enough. If a law deals equally with members of a well-defined class, it is not obnoxious and it is not open to the charge of denial of equal protection on the ground that it has no application to the other persons. While reasonable classification is permissible, such classification must be based upon some real and substantial distinction bearing a reasonable and just relation to the object sought to be attained and the classification cannot be made arbitrarily and without any substantial basis."

The judgment of the Rajasthan High Court is based on these principles laid down by the Supreme Court in the above case regarding this question as to what does amount or does not amount to inequality before the law which is prohibited under article 14 of the Constitution. In the words of Justice Fazl Ali, who was one of the judges there:

"I think a distinction should be drawn between 'distinction without reason' and 'distinction with reason.' The whole doctrine of classification is based on this distinction and on the well-known fact that the circumstances which govern one set of persons and objects may not necessarily be the same as those governing another set of persons or objects, so that the question of equal protection does not really arise as between persons governed by different conditions and different sets of circumstances."

In view of the enunciation of these principles regarding the applicability of articles 13 and 14 of the Constitution by the Supreme Court, the question was considered by the Rajasthan High Court and they came to the conclusion that particularly these words in section 133...



**Mr. Deputy-Speaker:** What is the object of making this distinction?

**Shri Pataskar:** I will come to that point. I wanted to point this out yesterday itself, but I thought I might take a little longer time and explain it today because this is a matter which might arise occasionally. While applying these principles laid down by the Supreme Court, the objection raised by the Rajasthan High Court was to the words "in the opinion of such Government" in section 133, and they held that it means leaving it to the arbitrary decision of the Government as to whether exemption from personal appearance in courts should or should not be granted, and it is on that ground, therefore, that they held that in that particular case the provisions of section 133 were *ultra vires*:

"It is urged that section 133 clearly infringes the provisions relating to equality before the law, inasmuch as it arms the State Government with power to exempt from personal appearance in Court any person, and there is no basis for a reasonable classification.....".

On this, the Supreme Court has held that if there is some basis for classification, that can be done. But if there is no basis, and they say that there is no basis because the section is worded 'in the opinion of such Government'....

**Shri S. S. More (Sholapur):** May I seek one clarification?

**Mr. Deputy-Speaker:** The hon. Minister will answer the point once and for all.

**Shri S. S. More:** I only want one clarification. If the basis of classification which is adopted by the House is not consistent with the relevant article of the Constitution, will that be permissible?

**Mr. Deputy-Speaker:** The hon. Member knows too well that nothing can be done here which militates against the Constitution. So, why should he ask for any explanation?

**Shri Kamath:** The hon. Minister does not rule out the possibility of this

classification too being held *ultra vires* by the Supreme Court.

**Shri Pataskar:** May I request hon. Members with all their anxiety to hear me first and then put me any questions that they want? I am only trying to explain what I feel in this matter, so far as the Constitution is concerned. Ultimately, it may be settled in a court whether the provisions we enact are *intra vires* or *ultra vires*. So far as I am concerned, I only wanted to explain as to why section 133 was, in the first instance, regarded as being beyond the scope of article 14; for, clearly enough, I also think that to leave it merely to the 'opinion of such Government' to decide whether a person should or should not be granted exemption, was an arbitrary power, and that is why the Rajasthan High Court was right.

**Shri Kamath:** Has the Rajasthan High Court held that Parliament has got the right to exempt?

**Shri Pataskar:** On that case, the Supreme Court has held that there could be a classification made on some rational basis, because it will always be open to the Supreme Court subsequently to find out whether we had any rational basis in what we have laid down or not.

**Shri Kamath:** Not reasonable.

**Shri Pataskar:** That is a different matter, over which I would not like to dwell at this stage, nor express an opinion. Now, based on these rulings, we have had to do something in this matter.

I know that there are feelings in the House regarding this matter, which are widely different in their nature. Apart from the constitutionality of the question, since it is not individuals who are exempted now, but persons who are holding certain offices, we have tried to base the whole thing on some sort of a classification; and of course, that classification can be examined by the Supreme Court. Therefore, it cannot be said in regard to this classification that it offends article 14 of the Constitution.



[Shri Pataskar:]

Then, an objection was raised as to why we exempt also the persons to whom section 87B applies. Section 87B refers to suits against Rulers of former Indian States, and it reads:

"(1) The provisions of section 85 and of sub-sections (1) and (3) of section 86 shall apply in relation to the Rulers of any former Indian State as they apply in relation to the Ruler of a foreign State."

I know that with respect to this matter, there is probably difference of opinion amongst the different sections of this House. But I would like to point out to hon. Members that so far as these Rulers are concerned, we have entered into various agreements with them, and those agreements contain a particular clause which I shall mention presently. Hon. Members would recall that a White Paper on Indian States was circulated to them—I do not know whether it was in the present House or its predecessor—by the Ministry of States, Government of India. On page 219 of that White Paper the form of these agreements has been given. I shall read out only the relevant article from those agreements. Article 4 in these agreements reads:

"The Raja, Rani... shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State immediately before the 15th day of August 1947."

Then, there was a Memorandum on the *Personal Privileges of the Rulers of the Merged and Integrated States*, issued by the Government of India as far back as August 1949, which made it clear that the exemption from appearance in court granted under section 133 of the Code of Civil Procedure was regarded as a substantial privilege coming under the guarantee of article 4 of the Instrument of Accession. So, so far as Government are concerned, while they entered into

these agreements, there was the guarantee given that they shall continue to get the privileges which they enjoyed under section 133 of the Code of Civil Procedure.

I would also like to point out to hon. Members that not only are these agreements there, but there is also a provision in the Constitution, namely article 362 of the Constitution which says:

"In the exercise of the power of Parliament or of the Legislature of a State to make laws or in the exercise of the executive power of the Union or of a State, due regard shall be had to the guarantee or assurance given under any such covenant or agreement as is referred to in clause (1) of article 291 with respect to the personal rights, privileges and dignities of the Ruler of an Indian State."

So, the position as it stands at present is as follows. First, there are these agreements which were entered into with these Rulers at the time of the merger or integration, and which entitled them to this privilege under section 133. Further, as far back as 1949, Government had also indicated their intention to abide, very naturally, with whatever had been agreed to between them and the Rulers. Besides all this, our Constitution itself enjoins upon us to pay due regard to the guarantee or assurance given to them. So, it is from this point of view that we have made this provision in clause 14, regarding the applicability of the exemption rule in respect of persons to whom section 87B applies. I hope, therefore, that hon. Members will be satisfied that we have gone to the farthest length that we can go, consistently with our Constitution and our commitments to these Rulers.

My hon. friend Shri Kamath asked us yesterday, what does this exemption amount to. Section 133 (1) reads:

"The State Government may, by notification in the Official

Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption."

Let us leave aside the case of the Ruler now, and take the case of a Minister who wants to file a suit for malicious prosecution....

Shri Kamath: Any of them, and not a Minister only.

Shri Pataskar: ....or for damages for defamation. What is the privilege that he is entitled to? That is the main question that arises here. Further, can any inference be drawn from the fact that he does not offer himself for giving evidence? On this matter, I find that two sets of opinions have been expressed on behalf of both the sides. If any Minister chooses to go to a court for the purpose of filing a suit for damages for defamation, naturally, he would be the person primarily defamed, and I do not think that he will ever be able to succeed in his case without his evidence being there on record in one form or another. But there is the provision here which entitles him to claim this right of exemption and to have his evidence recorded on commission. In the latter case, he will himself be the loser on that account. If evidence is recorded before the court itself, then naturally the court has the advantage of marking his demeanour and being impressed by the way in which the evidence is tendered and so on. That advantage will not be available to the Minister if he wants to have his evidence recorded on commission. That is the only difference between evidence given before a judge in person and evidence recorded on commission.

Therefore, I think, normally, it would be in the interest of such a person, if he chose to go to a court of law, to go to the court and give his evidence in support of the claim that he has made. So I do not think that this provision is going, in any way,

to discriminate in favour of the persons exempted in respect of this matter. But, of course, one advantage that he could have is that in the case of all sundry things etc. he may choose not to go to court.

Shri Kamath: My point was that as plaintiff, he should not be entitled to claim exemption under sub-section (3) of section 133.

Shri Pataskar: I think the matter may be further examined in the Joint Committee. I do not know what they will do. For the present, I think that the normal rules will be sufficient to guard against any such contingencies as are contemplated by my friend opposite. Section 14, as it has now been framed, does not refer to individuals, but refers to certain persons who hold some office, e.g. the President of the India and the Vice-President of India, and I think there has been no discussion or suggestion that we are doing something which should not be justified. Therefore, the present section 133 of the Civil Procedure Code does require an immediate amendment and I think we have tried to do it in the way in which we find it after taking into consideration the decisions of the Supreme Court and the Rajasthan High Court; and there have also been decisions of other courts like the Bombay High Court with respect to the scope of articles 13 and 14. Therefore, an attempt has been made to put this matter, as much as we can, constitutionally correct. That is the position with regard to this clause, and I hope that the information and explanation I have given will satisfy hon. Members.

Then I come to clause 11. Clause 11 tries to amend section 102 of the principal Act:

"No second appeal shall lie in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees".

[Shri Pataskar]

The amendment is:

"In section 102 of the principal Act, for the words 'five hundred rupees', the words 'one thousand rupees' shall be substituted."

Now, this only applies to the taking away of the right of second appeal and that too, in respect of matters which are of the nature of small cause cases. In the case of all such small causes which are in their very nature small, there does not arise the need for any decision about the rights to immovable property etc. So I do not think there is any reason to suppose that by taking away this right of having a second appeal, we are really going to take away anything, because in view, probably, of the increased evaluation of the rupee, what was covered originally by Rs. 500 may only be covered by Rs. 1000 now. When we are trying to reduce litigation at all stages, I for one would think that when there is one right of appeal in this matter and when the right of second appeal is taken away, it will affect very few cases, and I do not think that there should be any difficulty in accepting a proposition like this. However, it is a matter which I would like to be left to the Joint Committee.

So far as clause 6 is concerned, I think there has not been much of criticism against the provision which is there for the purpose of trying to resolve the distinction which at times arises as to whether the purchaser of an execution sale is or is not a party to the suit within the meaning of section 47. I will, therefore, not take the time of the House in going into that matter.

Then we have got clause 7, and that also, I believe, is not much commented upon.

Then there is clause 8 which relates to delegation to Collector of power to execute decrees against immovable property. As is well known, this is not prevalent throughout India, but under the provisions as they stood

under the Civil Procedure Code, power was given to the State Governments in certain cases to have these decrees transferred to the Collector for execution. On enquiry, I find that this applies only to Punjab, Uttar Pradesh, Bombay and Madhya Pradesh. I believe it has been our common experience, and there have been so many resolutions and representations, that by the decrees being transferred for execution to the Collector, they are not attended to properly; the Collector has either no time or no machinery, the rules are complicated and ultimately, the work suffers. Even from the point of view of the judgment debtor, I find that if in these days a decree against him is left unexecuted, say for ten years, the result is not to his advantage, because in the meantime, probably the interest which is awarded on the amount of decree goes on increasing and the valuation of the property at times goes on decreasing, and ultimately things intervene not to his advantage but rather to the detriment of his interest. As I said, there are now different provisions which have been made by different State Governments for the purpose of giving protection to illiterate debtors or the unfortunate class of debtors who will suffer. It is, therefore, found that this provision which we are making will avoid delay and expense and also multiplicity of proceedings, because as is well known, when a decree is transferred to the Collector, all manner of objections are again raised there and it goes on from year to year. There is nobody to attend to it. I know of cases in which they are not dealt with after three or four months, and there have been cases when the proceedings transferred to the Collector have been altogether lost and they could not be traced, and fresh copies have had to be filed in order that they may be attended to. I think therefore it is a very necessary and crying reform, and from that point of view it is necessary.

Then there is clause 9. It is very simple. Nobody has anything to say

against it and so I will not take more time.

So far as clause 10 is concerned, I think it has been welcomed by almost all sections of the House, because it also prevents multiplicity of proceedings. At the time when a trustee is being removed and a new trustee is appointed, the old trustee can be ordered to put the new trustee in possession of the property. I am pointing it out for this reason, that everytime those hon. Members who vaguely criticised the measure, as I said, out of fear or anxiety that a larger measure was not attempted, have failed to take note of the fact that these small bits taken together will amount to something which will be substantial so far as prevention of unnecessary litigation is concerned; that will mean less delay and naturally also less expenditure. This is one of those provisions which have been welcomed and I am glad that it will be approved.

**Shri Kasliwal (Kotah-Jhalawar):** What about clause 5?

**Shri Pataskar:** I am glad my attention has been drawn to clause 5 by my friend, Shri Kasliwal, who, I was a little surprised, called this measure a 'childish' one. I do not know what is childish about it. But I will try to explain as to how there has been a misunderstanding with respect to this clause 5, because the implications of it are not realised.

**Shri Kasliwal:** I never used the word 'childish'.

**Shri Pataskar:** I heard it so.

**Shri Sadhan Gupta (Calcutta South-East):** Perhaps he meant 'child-like.'

**Shri Pataskar:** It may be childish or child-like. I am not one of those who are likely to be provoked by any of these words, as they go on, and I do not mind also if people use them. Let us get to something more serious.

Now, clause 5 is a very important change. Many people have not realised it. Not only the hon. Member

Shri Kasliwal but another gentleman here—I do not remember his name—they have thought that I was trying to distinguish between a former British Indian court and a former State court. Therefore, they thought: what is the fun; how is it that still it is in the mind of this Minister and he still thinks in terms of British Indian courts and courts in Native Indian States. There is nothing of that kind. The fundamental idea is that there were certain States which had not entered into an agreement with the neighbouring States. I know that some of the States nearabout Bombay had not entered into such an agreement with the neighbouring British part of India for the execution of processes etc. But there were some big States and therefore I took the State of Hyderabad. I do not know what there is in Jaipur. What happened was this. They were foreign courts and it is a well-known principle that whenever a decree is passed *ex parte* and when the defendant had not submitted himself to the jurisdiction of that foreign court, naturally, that decree could not automatically be executed by any other court, because, for all practical purposes, they were foreign courts. Supposing my friend Shri Kasliwal was there and Jaipur was one of those States which had no such agreement with the Bombay State and a person in Bombay filed a false claim against him for a lakh of rupees—Shri Kasliwal or anybody else might say, 'I need not go there and submit myself to the jurisdiction of that court,' if he had no property in that State. Naturally, he would treat it with contempt for he knows that if the plaintiff obtains a decree *ex parte* he will have to come to Jaipur and file a suit on the foreign judgment. I am not talking only of hypothetical cases. There was one ex-High Court Judge—I do not want to give his name—and somebody filed a suit against him and some others and ultimately decree was passed *ex parte*. He himself thought what is the good of a decree of a foreign court to whose jurisdiction

he has not submitted. Therefore, there is no question of courts in

[Shri Pataskar]

Native Indian States and courts in British India. The question is simply this: there were certain courts which had not entered into mutual agreements with courts in India and which were treated as foreign courts. Now, on account of the merger and other constitutional developments the whole of India has become one. It is represented that we want to make a distinction between these courts and those courts. But what happens to these *ex parte* decrees of State courts to which these persons had not submitted themselves? It is only from that point of view that this provision is made. It may be that it may cause some hardship in some cases because in some cases of *ex parte* decrees they might have become time-barred. What are we to prefer? Are we to allow all those decrees of those so-called foreign courts to be executed in the then British India because we are now all one? Therefore, it is right and proper that we should not think in those terms. Probably some people have got some sort of complex. There is no distinction of that kind. It would apply to....

Shri S. S. More: Can we not state that during a period allowed by this legislation, all those persons who have got those foreign decrees should file suits so that those persons who remained *ex parte* shall agitate?

Shri Pataskar: We shall examine this in the Joint Committee, whether anything could be done by way of giving relief in such cases. Primarily the object is that those which were then foreign decrees should not be allowed to be executed, unless the parties had submitted themselves to the jurisdiction of those courts. From that point of view clause 5 is really an important clause.

So far as clause 12 is concerned, I do not think there has been much of criticism because it is only a formal change which has been made.

Clause 13 was the subject-matter of a good deal of criticism and some

hon. Members were under the impression that by having this provision we are trying to curtail very largely—and without any justification—the rights of the High Court. What is the present section 115? It is:

"The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears....".

These are what are called the powers of revision of the High Court. The present position is that if it was a decision of a court of the Civil Judge of the Senior Division as we call it in Bombay or the corresponding civil courts in other States, naturally there was an appeal to the High Court and then in those cases no revision is allowed under 115. For instance, if there was a suit for say, an amount exceeding Rs. 10,000 in the court of the Civil Judge of Poona, there cannot be, even now, a revision under 115 because an appeal from the decision of that court just lies to the High Court. What is tried to be done is that by omitting the word 'thereto' we say that in the case of those courts which are, probably, of a lower jurisdiction and where the appeal lies to somebody, say to the District Court or to some other court, then in these cases there will be no revision. Therefore cases of this nature will be very small. Even now, the position is, as explained by my friend Mr. Ray—or probably my colleague Shri Biswas who was a Judge of the High Court—there are very few revision applications entertained under 115. But, consistently with the principle that we have already accepted about revision, in respect of matters before those courts from whom the appeal lies to the High Court, what we do is that when there is a chance of a man going in appeal to the District Court, it has been thought desirable that he should not also go to the High Court itself. Because, at one stage, if that matter is decided against him he has got a right of appeal to the higher

appellate court which is not the High Court. When the case goes once in appeal to that court, then from the decision of that court there is an appeal to the High Court. From that he can also go in revision. Not only that; it is felt that it is a very good and desirable principle that in cases where there is a right of appeal, we should not normally give the right of revision also which is also the present position under 116. But because the word 'thereto' happens to be there there could not be revision applications from the decisions of certain higher courts but there can be a revision in the case of decisions of certain lower courts. Therefore, this is not done with the intention of reducing in any way the powers of the High Court which are already there. Now, under the Constitution, we have given certain powers of writ etc. The only question is that we should follow the same principle consistently. Whenever a party has a right of appealing to some other authority he should not be allowed to agitate it in the High Court also in the form of revision. It is well known that this leads to inordinate delays. Once the papers are called by the High Court, the process of translation etc. begins and the matter is kept pending there for a good deal of time.

That aspect of the matter will be taken into consideration by the Select Committee as to whether it is desirable that we should curtail as far as possible the time which is spent in protracting litigation, because in many of these cases probably the applications are filed not with a *bona fide* view, but to see if somehow or other matters will be dragged on.

I have already explained with respect to clause 14, and clause 15 also is quite simple.

A good deal of criticism was made against the provision in clause 16. What is the effect of it? It is not as if we are going to substitute postal service for service by bailiff. What is sought to be done here is this:

"Where, for any reason whatsoever, the summons is returned un-

served in the first instance, the Court may, either in lieu of, or in addition to, the manner provided for service of summons in the foregoing rules, direct the summons to be served by registered post addressed to the defendant or his agent....."

It was tried to be pointed out as if service by post would lead in many cases to ignorant people having decrees or orders passed against them *ex parte*. Even now, is the state of affairs very satisfactory with service by bailiff? As many hon. Members may know, avoiding the service of notice or summons is the usual tactics employed by anybody who is interested merely in protracting the proceedings. My friend, Shri Datar, knows these things very well, particularly in criminal cases. I came across a case where there was a bailable warrant issued in a criminal case in Bombay which could not be executed in the Punjab from 1948 to 1955. A period of seven years has been taken for not effecting the service of a warrant in the same State in India in these days! Therefore, I do not think it is proper to have sympathy for those who are only interested in avoiding summons and in protracting proceedings. This evil has really become very severe not only in civil matters but in criminal matters, and it is very easy for any bailiff to go and get out of it. We know that with the best of courts and with the best of intentions we are not able to do much in this matter, and, therefore, a provision is made—not in every case they will try postal summons but only in a few cases where it is justified.

Clause 16 (2) is a very simple and salutary provision in the Bill. There is the complaint that civil proceedings drag on from time to time both in respect of evidence and for producing documents, and at every stage. The hon. Member, the ex-Chief Justice of Orissa, yesterday pointed out to us how things stand at present. For instance, in the civil court which he had visited on inspection, he was told that



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the matter would take 2½ months. He called for the papers and he analysed the whole thing, and ultimately found that there were only four witnesses necessary and only a few documents to be proved. If that is desirable what is it that we should do? It is exactly for this purpose that this clause is intended. What happens is this. There is a provision,—Order XII, rule 7—which if properly used by pleaders on both sides, will meet the point. They can certainly take advantage of it and do it, but they are not interested in doing it. Perhaps they are not paid well enough and therefore that never happens. We say here that it shall be the duty of the court to do it, and I am sure that after the passing of this clause, it will be the duty of the courts to concentrate their attention on this matter, which will minimise delay and expenditure, and improve matters. There is another aspect of this question, for which I asked a question when Shri Ray was speaking. There is a system in the Bombay High Court, called the "dual system" and it is also there in Calcutta. There are the solicitors and there are the counsels. What is pleaded for the retention of that system is this. Under the system the solicitors issue notices and get documents admitted and the whole procedure is very meticulously followed. But at what cost is the question. Because this system is observed there, those in favour of the retention of the system say: "Look at our procedure. We have got all these procedures followed under the Civil Procedure Code. Why should not the other civil courts also do the same?" But we have also to consider the question of the cost involved. Therefore, instead of leaving it to the lawyers or trying to add some more machinery in addition to what already exists in the form of solicitors, lawyers, etc., it is much better that we now give a direction that in all these cases the courts themselves will see to it that the documents are admitted and those admitted are wanted—all that is now done by the solicitors.

There is no reason why a judge should not do this work. I am sure that if we have such a provision as this, the judges in future will always try to take advantage of it so that it will result in a decrease in the cost of litigation and also avoid unnecessary delays.

I think there was not much of comment on the summons.

With respect to clause 16 (4) about the delivery of judgments immediately, no doubt there is a provision which says:

"The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders."

But we want to make it more specific—"as soon thereafter as may be practicable" and "shall fix a day for that purpose." These are the only things which are tried to be avoided. I think this provision will have a very good effect, because we will impress upon them that judgments must be delivered as early as it is possible to do. It is very difficult at times for the judgment to be delivered on the same day by the courts in the mofussil. At the same time they should fix a day for that purpose so as not to leave the position as vague as it is now, and notice shall be given to the parties or their pleaders. What was used to be done at times was that the pleaders were asked to sign after the judgment was delivered that they had seen it and then it was thought by some courts that it was enough notice to all concerned. It produced so many complications which are well known to our lawyer friends. There are only two things which are proposed to be changed here. The court shall fix a day for the purpose; if the judgment is not delivered today, it will have to be stated that the judgment will be delivered on such and

such a day, say, after 15 days or three weeks, so that the parties will know on what date the judgment will be delivered, and the present state of confusion will not be caused.

1 P.M.

There was some criticism with respect to the trial by summary procedure. I think many of the hon. Members may not be knowing that there is summary procedure provided in order 37 which provides for the trial of suits summarily. They apply only to suits under the Negotiable Instruments Act. So far as I know in the cities of Bombay and Calcutta this procedure is followed and results in the early decision on suits under the Negotiable Instruments Act. Besides Bombay and Calcutta, there are many other cities like Ahmedabad, etc. where probably commercial litigation has cropped up and it will be desirable if there also such suits are tried summarily so that it may save some costs, and time. Therefore, power is being taken by the State Government to empower the District Courts or other Courts to try such suits summarily. Considering all these matters, though some hon. Members think that these are small changes as compared to overhauling the whole system of judicial administration, I am sure that hon. Members will find that this Bill, as I said, is non-controversial unless of course controversy is imported into it on some other ground. Though it is not a controversial legislation, I am sure within the scope of the present framework of judicial administration, it will succeed in reducing delays and costs and in creating a better atmosphere in courts. Of course, the larger question is different and the evils are many. For instance, reference was made to the difficulty in getting copies. Complaints in plenty were there about corruption, about the increase in court fee and what not. All those questions are beyond the scope of the Civil Procedure Code (Amendment) Bill and they will be dealt with in their proper sphere.

I would therefore appeal to the House to adopt the motion that I have made and I am sure that the Joint Committee will take into consideration these and other related matters which the hon. Member, Shri B. K. Ray, referred to. So far as any question arising out of the amendment that had been proposed naturally I think that it would be within the scope of the Bill. But unfortunately I cannot accept the amendment of my hon. friend, Shri M. L. Agrawal, who wants to say that the whole Civil Procedure Code may be left open to be reconsidered. It is not that there is any desire that any other matter which can suitably be amended should not be amended. That can be done by making a specific suggestion. I think this is not a matter on which there could be any difference of opinion among the different sides of the House. Such suggestions will be considered by the Government and they will bring forward a Bill.

Some people criticised that my Ministry was not functioning properly and that people there were not doing any work. I can assure the hon. Members that it is not so. We have taken into account the report of the Civil Justice Committee; we have taken into account the report of the Committee appointed by Uttar Pradesh; and also the memorandum referred to by Shri Kasliwal. Then there was the memorandum that was circulated to the High Courts. We obtained their opinions. All these were examined in my Ministry and we ultimately found that for the time being these are the things which should be placed before the House for their consideration and acceptance. This piece of reform though not far-reaching, will according to me be of substantial use to the civil litigants. This will otherwise be delayed. Otherwise, I agree with the hon. Member who questioned the necessity of referring this Bill to the Joint Committee. We thought that in all such matters it is much better to thrash out the matter in the Joint Committee where it could be fully enquired into. Matters which are connected and which are arising



[Shri Pataskar.]

out of this amendment will be taken into account by the Joint Committee and for that purpose no amendment is necessary. But I do not think it is desirable that in a simple matter like this we should try to rake up all other important issues not connected with it and try to give it a form in which we shall defeat the very purpose for which it has been brought before this House. I hope the hon. Member will ponder over the suggestion made by me and will not press his amendment before the House. I would thank the hon Members who have even criticised the Bill because after all everything that is brought forward deserves to be criticised and it is by criticism and mutual exchange of thought that we can make progress. As I said yesterday, I do not blame them. Naturally they are very anxious that this question should be solved not in this simple way but at a higher and different basis. I hope that will probably be done when the Law Commission comes into being, but for the time being it was probably that anxiety on their part which led them to criticise some of the innocent provisions of this Bill. I hope that the motion which I have made will be found acceptable and will be passed unanimously by this House.

**M. L. Agrawal (Pilibhit Distt cum Bareilly Distt.—East):** What objection has the Law Minister got to limit the scope of my amendment to the suggestions already made before this House?

**Shri Pataskar:** They are as vague as the amendment itself. Anything which arises out of this amendment and whatever had been suggested here and is related to it will be considered. For that no amendment is necessary if the suggestions arise out of it.

**Shri Kamath:** On a point of clarification, may I ask the Minister just one question: he said that the Ministry had considered the opinion of various bodies and institutions. Could he tell us the names of those bodies and institutions, and whether all the High Courts were consulted?

**Shri Pataskar:** I have got a very big file. The High Courts were consulted.

**Mr. Deputy-Speaker:** If the hon. Member has got anything in his mind, he may ask about it but to ask him to read out all the names is not necessary.

**Shri Pataskar:** All the High Courts were consulted; the State Governments and even several District Courts were also consulted and their opinions also are here.

**Mr. Deputy-Speaker:** Bar associations also were consulted.

**Shri Sadhan Gupta:** May I know if those opinions will be made available to the Select Committee?

**Shri S. S. More:** They are already available to the Members.

**Shri Kamath:** Not yet.

**Mr. Deputy-Speaker:** It is for the Joint Committee to decide. They can call for any evidence or any document. Why should the hon Members under-rate the powers of the Joint Committee? Shall I put the amendment of Shri M. L. Agrawal to the vote of the House?

**Shri M. L. Agrawal:** Since the Law Minister is not inclined to accept it, I do not see any use in pressing it. I beg to withdraw it.

*The amendment was, by leave, withdrawn.*

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

"That the Bill further to amend the Code of Civil Procedure, 1908, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely, Shri Upendranath Barman, Shri Debeswar Sarmah, Shri Chimanlal Chakubhai Shah, Shri U. R., Bogawat, Shri T. R. Neswi, Shri C. D. Gautam, Shri Hanamantrao Ganeshrao Vaishnav, Shri Radhelal Vyas, Chaudhri Hyder Husein, Dr. Kailas Nath Katju, Shri Sobha Ram, Shri Kailash Pati Sinha, Shri Tek

Chand, Shri K. Periaswami Gounder, Shri Paidi Lakshmayya, Shri Digambar Singh, Shri George Thomas Kottukapally, Shri Lokenath Mishra, Shri Ganeshi Lal Chaudhary, Shri Ram Sahai Tiwari, Shri N. Rachiah, Dr. A. Krishnaswami, Shri Bhawani Singh, Shri Sadhan Chandra Gupta, Shri S. V. L. Narasimham, Shri K. M. Vallatharas, Shri K. S. Raghavachari, Shri Bijoy Chandra Das, Shri N. R. Muniswamy and the Mover, and 15 Members from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 15th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted*

#### **DURGAH KHAWAJA SAHEB BILL**

**The Minister of Home Affairs**  
(Pandit G. B. Pant): I beg to move:

"That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chishti, generally known as Durah Khawaja Saheb, Ajmer, be taken into consideration."

This Bill was introduced in November, 1952. It should gladden the hearts of the Members of this House, and, especially of those who are interested in this shrine, that it is after all going to take the shape of a statute.

The Bill, as its name indicates, concerns the Moin-ud-din Khawaja Durgah in Ajmer. Moin-ud-din Chishti lived in Sijistan. He was born sometime, I think about 1142 A.D. and died at the age of about 94. During the latter part of his life, for about 50 years, he lived in Ajmer. He belonged to the second group of Sufi silsilas who were known as Chishtis and as a great saint he attracted large numbers of people who had great confidence in his spiritual powers. The Chishti masoleum was originally of a humble type but the Moghuls endowed it very richly. Akbar gave a number of villages and mosques were built there by Jahangir and Shahjahan. The Durgah owns today considerable property. As it often happens in the case of such religious endowments, the very fact of its having at its disposal a fairly substantial income has been the source of constant trouble and the beneficiaries have been continuously wrangling, struggling and fighting with each other. So, since the very first there has been a lot of trouble.

As hon. Members are aware, the Religious Endowments Act was passed in 1863 and soon after, in 1866, a committee was appointed under that Act to look after the affairs of the Durgah. But the Khadims—Sajjadanashin and others—who derived their sustenance from the Durgah did not allow this committee to function smoothly. Later on, a number of measures were taken in order to improve its administration, but they too failed. Then, several Acts were passed, one after another, with a view to setting matters right. But, they too did not fulfil the purpose for which they were designed.

Ultimately, in January, 1948, a Durgah Khawaja Saheb Committee of Enquiry was appointed with Sir Ghulam Hassan of the Allahabad High Court as Chairman of the Committee and two other eminent Muslims as its members. That committee held very elaborate enquiry and, in spite of the resistance that it had to face from the Khadims and others, it succeeded in producing a very valuable report.

[Pandit G. B. Pant:]

After considering this report, this Bill was framed.

It is designed to place the affairs of the Durgah on a sound and stable footing; to put an end to—so far as it can be humanly possible—the bickerings, rivalries and wranglings that have been continuously going on among the beneficiaries of the Durgah, and to place its administration virtually under the control of the community which is mainly interested in it. The Chishti himself was a Sufi. As I said, Sufis were really saints of a broad outlook. Inspired by a genuine spirit of humanness they were ever anxious to relieve distress and to treat all in an even manner regardless of their caste or creed. So, this institution is respected and venerated not only by Muslims but also by people of other creeds and classes. It commands a considerable number of followers even among other communities and everyone has nothing but reverence for it.

Now, an institution like that deserves to be preserved and to be saved against those who have already done considerable damage to its reputation and hampered its proper working. With this object in view, as I just submitted, this Durgah Khawaja Saheb Bill has been placed before this House. It is intended that a High Power Committee should be appointed. This Committee will be in overall charge of the affairs of the Durgah. The Committee will have a Member-Secretary who will be a paid one and he will be assisted by an Advisory Committee. The High Power Committee will consist of respected leaders of the Muslims. The Advisory Committee will consist mainly of people living in and in the neighbourhood of Ajmer itself. The High Power Committee will not be able to look after the day to day administration of the Durgah, but the Advisory Committee is expected to do so. The differences, whenever they arise, are to be settled by arbitration and the Committee has

also been given powers to frame bye-laws. There is nothing controversial about it and I hope the House will accept the measure unanimously.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moin-ud-din Chishti, generally known as Durgah Khawaja Saheb, Ajmer, be taken into consideration."

Shri Sadhan Gupta (Calcutta South-East): This Bill seeks to regulate the affairs of a religious shrine which possesses considerable properties. Now, as it happens with most of the religious institutions which are possessed of properties, it must have happened with the affairs of this Durgah that the interests of the religion and all the religious matters for which it was originally established have suffered and there must have been conflicts for the properties it possessed.

Now, so far as we can understand, there is justification for the regulation of affairs of shrines such as this, but more than that, we have not been enabled to understand the matter, because the report on which this Bill is based has not been placed at our disposal. I have looked for it in the Parliament library in vain and so it seems we are expected to ditto the Bill without knowing the facts and circumstances about the Bill. For example, I find in the Act of 1936 which was passed for the regulation of the affairs of this particular shrine that the committee which was constituted was based on the elective system. Various modes of elections were adopted to give representation to the devotees, to the Muslim Members of Parliament and so forth and the committee was on the whole elected with a few nominated exceptions. Now, what is being sought to be done is to replace it entirely by the committee nominated by the Central Government.

From the point of view of sheer principle it cannot be doubted that an elective system is better than a system of nomination and if you want to replace it by a system of nomination, you have to make out the strongest case for it. We have not been given any facts to understand whether this replacement, in its entirety, of the elective system by a system of nominated committee with nominated officials is really justified or whether some modification of the elective system might have been made. We are told that a report was given by a committee presided over by an eminent judge of the Allahabad High Court who later on became a judge of the Supreme Court. We are also told in the Statement of Objects and Reasons that this Bill represents the decisions of the Central Government on that report. Now, neither the decision of the Central Government nor the report itself is binding upon us. But the report at least has a strong persuasive value, coming as it does from such an eminent authority, and the decisions of the Central Government have not even such a value. We should have expected that the report should have been placed before us. In the absence of that report we cannot judge whether what has been provided is for the good of the Durgah and for the devotees who are interested in the Durgah. There is an apprehension in a section of the Muslim community that the affairs of the Durgah might be indiscriminately interfered with. I would, therefore, ask the Government to define, in the course of this debate, the policy which it will follow in nominating the various members of the committee and the principles which it will follow in nominating the members of the committee. This kind of a definite policy would go a long way in assuring the Muslim community that there will be no governmental interference as distinguished from regulation of the affairs of the Durgah in the interests of the devotees.

Lastly, I would request the Government to take up not only the case of

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this Durgah but the case of all religious institutions which possess property or which have the power to amass wealth. There are numerous centres of Hindu pilgrimage where we learn of very shameless exploitation of the religious sentiments of the people; all kinds of practices are in vogue to extort money from devotees. These things in our country should end and a comprehensive legislation should be brought forward to stop these practices in every religious institution. I understand that this is the case not only with Hindu religious institutions: in South India, there are Christian churches also which have vast properties; their affairs too are not all right. Therefore, the affairs of all these institutions should be looked into, and a proper administration provided for them.

I would again say that I am for the elective system of administration, unless there is an irrefutable case for a nominated administrative committee and unless the affairs are such that the electorate could not be expected to manage the affairs properly and would create a deadlock or squander away or loot the property of the particular institution concerned. With these few words, I do not know what to do—whether to support the Bill or to oppose the Bill—because we have not been placed in a position to understand the import and the implications of the Bill and to understand the merits or demerits of the Bill.

شری ایم - ایچ - رحمن  
(ضلع مراد آباد - مدعوہ) : ڈپٹی اسپیکر  
صاحب - اس وقت ہمارے سامنے  
دروغہ خواجہ صاحب بل پیش ہے -  
ابھی ہم ماسٹر صاحب نے اس کو  
پیش فرماتے ہوئے خواجہ معین الدین  
جشتی کی شخصیت کا بھی ذکر  
فرمایا - وہ ہندوستان کے بہت ہی

[شری ایم۔ ایچ۔ رحمن]

عظیم الشان صوفی گڈرے ہیں اور دنیا میں شائد کوئی ایسا گوشہ یا کونہ نہیں ہوگا جس میں ان کے فالوورس اور معتقدین موجود نہ ہوں۔ کروڑوں انسان ہندو و مسلمان سبھی ان کے ساتھ عقیدت رکھتے ہیں۔ ان کی پاک زندگی میں بھی اور آج بھی اجسپر میں ان کا آستانہ ہندو مسلمان دونوں کے لئے آستانہ عقیدت بنا ہوا ہے۔ اور مسلمان اور ہندو بھائی سبھی ان کے چرنوں میں نظر عقیدت پیش کرتے ہیں۔ شردھاتجلی پیش کرتے ہیں۔ آج ہم ہندوستانی ایسے بڑے صوفی کی شخصیت پر جتنا بھی فخر کریں کم ہے۔ انہوں نے صرف مسلمانوں کی ہی نہیں بلکہ دنیا کے انسانیت کی ایک صوفی کی حیثیت سے بہت بڑی خدمات انجام دی ہیں۔ اور اخلاق یعنی کھریکتو بنانے کے لئے ان کی زندگی ایک بہترین نمونہ رہی ہے۔ اس لئے بڑے بڑے بادشاہوں نے۔ مغل بادشاہوں نے۔ نوابوں اور راجاؤں نے بہت سی جائدادیں بھی وقف کیں۔ ان کے آستانہ کے لئے۔ لنگر بھی جاری کئے۔ عمارتیں بھی بنائیں اور مسجدیں بھی بنائیں۔ ضرورت ہے۔ اور ہمیشہ رہتی ہے کہ اس کا ایک معقول اور بہترین انتظام کیا جائے۔ پچھلے زمانے میں بھی۔ بھارت کے آزاد ہونے سے پہلے اس کے

انتظامات کے لئے قانون بنے ہیں۔ لیکن اس زمانے میں سنگول اسٹیٹ کے مسلمان ممبران نے یہ بات محسوس کی تھی کہ یہ انتظام صحیح طور پر اور معقول طور پر نہیں ہو رہا ہے۔ سجاد نشیں۔ مولی صاحب۔ خادم اور اس سے تعلق رکھنے والوں کے درمیان بہت سی باتوں میں کشمکش رہتی ہے۔ انتظامی معاملات میں بھی پیچیدگی پیدا ہو گئی تھی اور بہت سی خرابیاں پیدا ہو گئی تھیں۔ اس سلسلہ میں جیسا ابھی ہم منسٹر صاحب نے فرمایا۔ بھارت کے آزاد ہونے سے پہلے ہی ایک کمیشن مقرر کیا گیا تھا تاکہ وہ ہندوستان میں گہوم کو مختلف اداروں۔ ایسوسی ایشنوں اور بڑے بڑے ذمہ دار انسانوں کے بیانوں سے اندازہ لگائے کہ ان کے لئے بہتر سے بہتر انتظام کا کون سا طریقہ ہو سکتا ہے۔ جسٹس غلام محمد اس کے چیرمین تھے۔ نواب محمود یار جنگ، سر محمد یامین وغیرہ اس کے ممبر تھے۔ انہوں نے اس سلسلہ میں پیروی انتہا کا کشت کر کے بہت ذمہ دار اداروں سے بڑے بڑے ذمہ دار ہندو مسلمان معززین سے بیانات لیلے کے بعد انتظامی مشین کے بارے میں سفارش کی۔ انٹرم اور درمیانی وقت کے لئے انہوں نے تجویز کیا اس کا ایک ایڈمنسٹریٹر

انتظام کرے اور حکومت اسکی نگرانی کرے اور دیکھ بھال کی ساری ذمہ داری اپنے ہاتھ میں لے - چنانچہ اس وقت تک ایڈمنسٹریٹر کے زیرِ سے درگاہ کا بہترین انتظام ہوتا ہے - لیکن ظاہر ہے کہ ایڈمنسٹریٹر اسکا انتظام بہت زیادہ وقت تک نہیں کر سکتا اور اس کا ایک برا اثر یہ بھی ہوتا ہے کہ وہ ایک ڈکٹیٹر کی صورت اختیار کر لیتا ہے - آپ چاہے جتنی نگرانی اس پر رکھیں لیکن آپ اس چھڑ سے بچ نہیں سکتے ہیں - وہ تمام معاملے جو رسوم سے تعلق رکھتے ہیں ان سب کا انتظام ایک آدمی ٹھیک طرح سے کبھی نہیں کر سکتا - اس لئے یہ ضروری تھا کہ ایک کمیٹی بنائی جائے اور اس کو عام پکار دی جائیں اور اس کو انتظام کرنے کا کام سونپا جائے - یہاں ہاؤس میں ابھی سادھن صاحب نے یہ سوال اٹھایا اور پچھلے دنوں وقف بل کے موقع پر میں نے بھی انتظامی طریقہ کی حمایت کی تھی اور زبورٹ میں بھی اس طرف اشارہ ہے کہ انتظامی طریقہ سے کمیٹی بنائی جائے - لیکن موجودہ بل جو ہمارے سامنے ہے اس میں نامزدگی کو بنیادی طور پر تسلیم کیا گیا ہے - میں بھی اس وقت جب یہ بل پیش کیا گیا تھا سمجھتا تھا کہ انتظامی راستے سے جتنے آزادانہ طور پر نائندگی ہو سکتی ہے نامزدگی

سے شاید اس حد تک نہ ہو - لیکن ساتھ ہی ساتھ یہ بھی محسوس ہوتا ہے کہ اس قسم کے انتظامی معاملات میں انتظامی راستے سے آنے میں اور بہت سی خرابیاں پیدا ہو جاتی ہیں - جو لوگ انتظامی راستے سے معاملات میں آئے ہوئے کا شوق رکھتے ہیں وہ الیکشن کے لئے ایسے راستے اختیار کرتے ہیں کہ جن کی بدولت جو صحیح مقصد ہوتا ہے بعض اوقات وہ پورا نہیں ہوتا اور اس سے بہت دقت اور دشواری پیش آجاتی ہے - اس لئے شاید گورنمنٹ نے یہ محسوس کیا کہ نامزدگی کا طریقہ زیادہ مناسب رہے گا - تو ایسا کرنے سے گورنمنٹ پر ایک بہت بڑی ذمہ داری عائد ہوتی ہے اور وہ یہ کہ جو ممبر وہ نامزد کرے اس بات کا دھیان رکھے کہ چونکہ ہم خاص مقصد کے لئے ان کو وہاں بھیج رہے ہیں - وہ ان خاص مقصدوں کو پورا کرنے کے قابل ہوں - یہ ممبر ایسے ہونے چاہیں جو کہ ایماندار ہوں اور جو کلم ان کو سونپا جاتا ہے اسے وہ ایمانداری سے انجام دیں - اب جب کہ یہ بل پیش ہو گیا ہے اس سلسلے میں میں جلد دقتوں کی طرف آپ کا دھیان دلانا چاہتا ہوں جنہیں کہ میں ضروری سمجھتا ہوں - میں شری پلت جی کو مبارکباد دیتا ہوں کہ جو چیز بہت دیر سے پڑی ہوئی تھی اور بار بار



[شری ایم۔ ایچ۔ رحمن]

لسٹ پر آتی تھی لیکن اس کے باوجود بھی اس کو پاس کروانے کے لئے کوئی قدم نہیں اٹھائے گئے تھے انہوں نے اس کی طرف دھیان دیا اور اس ہلکس میں پیس کیا۔ میں سمجھتا ہوں کہ اس بل کی اس وقت بہت زیادہ ضرورت تھی کہونکہ کئی دہرے سارا کام کاج ایک ایڈمنسٹریٹر کے ہاتھ میں تھا اور یہ ضروری تھا کہ اسکو ایک کمیٹی کے ہاتھ میں سونپا جائے۔ اب جو ۵ یا ۷ ممبروں کی کمیٹی بنائی جانے والی ہے یہ سارا فرض ہو جاتا ہے کہ ہم یہ دیکھیں کہ اسکے راستے میں کوئی لڑچلیں نہ آئیں کوئی دشواریاں نہ آئیں اور اس بات کو دیکھتے ہوئے میں چند چیزیں آپکی خدمت میں عرض کرنا چاہتا ہوں اور اسناد کرنا ہوں کہ آپ ان پر غور کریں گے۔ پہلی بات تو یہ ہے کہ جو ناظم مقرر کیا جائے گا وہ سیکریٹری کا کام بھی سر انجام دے گا۔ اس ناظم کا تعلق کمیٹی کے ساتھ ہوگا اور وہ کمیٹی اس ناظم کے ذریعہ سے اپنے تمام کام سر انجام دے گی اور سارے انتظامات کرے گی۔ تو ضرورت اس بات کی ہے کہ جب کہ ناظم کو سینٹرل گورنمنٹ لہوائٹ کرے گی تو ضروری ہے کہ اس کو لہوائٹ کرتے وقت کمیٹی

سے صلاح مشورہ کر لیا جائے۔ ناظم یا سیکریٹری کی جگہ پر اسی آدمی کو لکھا جائے جسے کہ یہ کمیٹی چاہتی ہو کہونکہ کمیٹی کو ہی اس سے روزمرہ کا کام لہنا ہے۔ اگر آپ الگ سے ایک ناظم کو مقرر کر دیتے ہیں اور کمیٹی سے پوچھتے تک نہیں تو وہ ناظم یہ محسوس کرے گا کہ میں تو سینٹرل گورنمنٹ کی طرف سے آیا ہوں۔ مجھے بہت اختیار ہیں۔ میری مرضی ہے کہ کمیٹی کی بات کو مانوں۔ یا نہ مانوں۔ دوسری طرف کمیٹی یہ محسوس کرے گی کہ سارے اختیار ہمارے پاس ہیں اور جس طرح سے ہم چاہتے ہیں اسی طرح سے ناظم کو کام کرنا ہے۔ کمیٹی کا ہمیشہ یہ خیال ہوگا اور ٹھیک بھی ہوگا کہ اس طریقے سے کام کیا جائے کہ جس مقصد کو ہم پورا کرنا چاہتے ہیں وہ پورا ہو سکے۔ اس لئے بھی اچھا ہوگا کہ ناظم کی تقریبی کے وقت چاہے یہ سینٹرل گورنمنٹ کے ہی ہاتھ میں رہے کمیٹی سے صلاح مشورہ کر لیا جائے۔ دوسری بات جو میں عرض کرنا چاہتا ہوں وہ یہ ہے کہ روزمرہ کے کاموں کے لئے جو ایک ایڈوائزری کمیٹی مقرر کرنے کی تجویز رکھی گئی ہے اس میں یہ کہا گیا ہے کہ یہ کمیٹی جو کہ سات ممبروں پر مشتمل ہوگی اسے

سینٹرل گورنمنٹ چیف کمشنر سے  
 صلح مشورہ کرنے کے بعد ایجوکیشنل  
 کمیٹی کی - اس میں بھی کمیٹی کا  
 کہیں تذکرہ نہیں کیا گیا ہے - میں  
 مانتا ہوں کہ چیف کمشنر صاحب  
 ایک ذمہ دار آدمی ہوتے ہیں اور  
 ان سے صلح مشورہ کرنا بہت ضروری ہے  
 لیکن اس سے بھی زیادہ ضروری بات  
 یہ ہے کہ جس کے تحت اس  
 ایجوکیشنل کمیٹی کو کام کرنا ہوگا اور  
 جو درحقیقت جواب دہ ہے اور جو  
 سب کاموں کو سرانجام دے گی اس  
 سے صلح مشورہ کر لیا جائے اور تب  
 یہ ایجوکیشنل کمیٹی مقرر کی جائے -  
 تیسری بات جو مجھے کہنی ہے

وہ کلز ۱۶ کے بارے میں ہے جس  
 کا تعلق کسی مخصوص رسوم و رواج  
 سے نہیں ہے بلکہ انتظامی معاملات  
 سے ہے - اس کلز کے مطابق اگر کوئی  
 چھوٹا کمیٹی کے اور شجادیہ نشین کے  
 درمیان یا کسی خادم کے درمیان  
 یا کسی اور ملازم کے درمیان ہو جاتا  
 ہے یا کوئی اختلاف پیدا ہو جاتا ہے  
 تو اس صورت میں ایک ثالثی  
 بورڈ بنانے کی تجویز رکھی گئی ہے  
 اس بورڈ میں ایک تو ممبر کمیٹی  
 کا ہوگا ایک ممبر ایجوکیشنل پارٹی کا ہوگا  
 اور ایک آدمی کو سینٹرل  
 گورنمنٹ نامزد کرے گی جو نہ  
 چھوٹے کی حیثیت میں کام  
 کرے گا اور اس بورڈ کا فیصلہ آخری  
 فیصلہ ہوگا - میں سمجھتا ہوں کہ

یہ سب سے زیادہ اہم چیز ہے یعنی  
 اس طرح سے ایڈمنسٹریشن کا کام  
 نہیں چل سکتا ہے - اس موجودہ  
 کلز کے مطابق کوئی بھی آدمی چاہے  
 وہ ایک معمولی نوکر ہی کہوں نہ ہو  
 اچھے چھوٹے کا فیصلہ کرانے کے لئے  
 بورڈ مقرر کرنے کی مانگ کر سکتا  
 ہے - اس کلز کو اگر اس صورت میں  
 رکھا گیا تو میں سمجھتا ہوں کہ یہ  
 ایک بہت نامناسب چیز ہوگی اور  
 اس طرح سے کام نہیں چل سکتا -  
 ایک طرف تو آپ کمیٹی کے ہاتھ  
 میں طاقت دیتے ہیں اور دوسری  
 طرف شجادیہ نشین کو یا خادم کو  
 یا کسی انوی ملازم کو اس بات کا  
 اختیار دیتے ہیں کہ وہ جب  
 چاہیں اور جس چھوٹے میں  
 چاہیں ثالثی بورڈ قائم کرنے کی  
 مانگ کر سکتے ہیں مگر خیال  
 میں یہ ٹھیک بات نہیں ہے - اس  
 واسطے اس معاملے کو میں بہت  
 اہمیت دیتا ہوں اور اس کو میں  
 ایک بہت سہریس بات سمجھتا  
 ہوں -

میں سمجھتا ہوں کہ اس کلز  
 کو لڑا دیا جائے اور اس کی جگہ پر  
 یہ لکھ دیا جائے کہ اگر کوئی چھوٹے  
 کمیٹی اور شجادیہ نشین کے درمیان  
 یا خادم اور شجادیہ نشین کے درمیان  
 اٹھ کھڑا ہو تو اس معاملے کو فیصلہ  
 کے لئے سینٹرل گورنمنٹ کے پاس

[شری ایم - ایچ - رحمن]

بھجنا جائے اور وہی اس کا فیصلہ کرے۔ اس طرح سے روزمرہ معاملات فیصلہ کے لئے سینکڑوں گورنمنٹ کے پاس نہیں جا سکیں گے۔ اگر اس بات کو نہیں مٹا جاتا ہے تو وہاں پر روزمرہ ہورہے ہٹانے کی بات اٹھ کھڑی ہوگی اور اس طرح سے کلم چلنا مشکل ہو جائے گا۔

پانچویں بات جو مجھے عرض کرنی ہے وہ یہ ہے کہ اس میں کمیٹی کے اختیارات کا ذکر کیا گیا ہے کہ اگر کمیٹی ضرورت سمجھے یا ضروری سمجھے تو خادم جو کہلاتے ہیں ان کے لئے لائسنس جاری کرنے کا طریقہ جاری کرے۔ وہاں پر یہ خادم میں وہ بہت ہدایت سے خدمت کرتے آ رہے ہیں۔ ان میں اچھے بھی آدمی ہیں اور برے بھی ہیں۔ خدمت کرنا ایک مزعبی جذبہ ہے اور یہ ایک رواج کی صورت میں چلا آ رہا ہے۔ میں سمجھتا ہوں کہ جہاں تک کنٹرول کا تعلق ہے، کمیٹی کے پاس وہ دھنا چاہئے۔ آپ قانون میں اور بائی لاز میں ایک ایسی دفعہ رکھیں۔ جس کے مطابق کمیٹی کو یہ حق حاصل ہو کہ جب کبھی کوئی شخص کوئی ایسی خلاف ورزی کرے جس کو آپ دیکھنے کے انتہیست کے خلاف سمجھتی ہے وہ اس کو سزا دے سکے یا جرمانہ کر سکے۔ اس سلسلے میں

مختلف قسم کی سزا رکھی جا سکتی ہے۔ لیکن خدمت کا جو جذبہ ہے۔ جو کنولیشن اور رواج ہے اور مذہبی طریقہ کار چلا آتا ہے۔ اس کو ختم کر کے ایک بزنس کے طریقے سے ایک تجارتی طریقے سے لائسنس لگا دینا کسی طرح مناسب نہیں ہے۔ میں چاہتا ہوں کہ اس میں لائسنس کی شرط نہ رکھی جائے۔ یہ کوئی بزنس یا تجارت نہیں ہے۔ یہ تو خدمت کا جذبہ ہے اور نسلوں کے بعد نسلوں تک چلا آتا ہے۔ مہربی تجویز ہے کہ آپ بائی لاز میں ایک دفعہ رکھ کر اپنے کنٹرول کو بڑھا دیجئے۔

آخر میں میں صرف ایک بات کہ کر اپنی اس گفتگو کو ختم کرونگا۔ اس میں سجادہ نشین یعنی دیوان صاحب کے لئے دو سو روپیہ وظیفہ رکھا گیا ہے۔ میں عرض کرنا چاہتا ہوں کہ اب تک طریقہ یہ رہا ہے کہ بادشاہوں کے زمانے سے خالص اس فرض کے لئے یعنی دیوان صاحب کے مصارف کے لئے دو لاکھ انکو مالگزاری دیتے رہے ہیں۔ مجھے تحقیقات کرنے کے باوجود معلوم نہیں ہو سکا ان کی کہا آمدنی ہے۔ چاہے دو سو روپیہ ہو یا تین سو روپیہ یا چار سو روپیہ ہو۔ آپ نے ساری جائیداد کمیٹی کے حوالے کر دی ہے۔ یہ تھیک ہے۔ سارا کام

کہتی کو ہی کرنا چاہیے - اور  
 کسی قسم کا انتظامی کام سجادہ نشین  
 کے پاس نہیں رہنا چاہئے - لیکن  
 میرا خیال ہے کہ جو آمدنی ان  
 دو گوروں سے ہوتی ہے وہ سجادہ  
 نشین کو بدستور دی جانی چاہئے -  
 آپ غور فرمائیے کہ آج مہلکائی کا  
 زمانہ ہے - ستا زمانہ نہیں ہے -  
 اس لئے اس رقم میں کوئی کمی  
 نہیں کی جانی چاہئے سو یہ ذمہ  
 سو روپیہ کم کرنے سے درگاہ کی آمدنی  
 میں کوئی فرق نہیں پڑے گا - لیکن  
 درگاہ کے ہیڈ کے لئے - جس کو  
 اسلامی ٹیکنیکل الفاظ میں دیوان  
 کہتے ہیں - وہی دھیمہ ہونا چاہئے  
 جو وہ اب تک پاتا رہا ہے - اس  
 میں کوئی کمی نہیں کی جانی  
 چاہئے - وہ زیادہ بیشک ہو جائے  
 لیکن کسی کرنے کا تو سوال ہی نہیں  
 اٹھنا چاہئے -

ان الفاظ کے ساتھ میں اس بل  
 کی تائید کرتا ہوں اور میں سمجھتا  
 ہوں کہ یہ ہر محل اور ہر موقع  
 ہمارے سامنے پیش کیا گیا ہے - مجھے  
 امید ہے کہ اس کے ذریعہ آئندہ انتظام  
 بہت بہتر طریقے سے ہو سکے گا - اس  
 سلسلہ میں میں نے امانتداریات  
 نہیں بھیجی ہوئی ہیں جو کہ میں  
 وقت پر پیش کروں گا -

(English translation of the above speech.)

[Shri M. H. Rahman (Moradabad District Central): Mr. Deputy Speaker,

Durgah Khawaja Sahib Bill is before us. While presenting it, the Home Minister referred also to the personality of Khawaja Mueenuddin Chishti. He is one of the greatest of Sufis in India and there is perhaps no place in the world where his followers are not found, Crores of people, Hindus and Muslims, pay homage to his memory and his shrine in Ajmer, was, in his life time, and remains to this day a place of pilgrimage for Hindus and Muslims alike. We Indians cannot be too proud of this great Sufi. As a Sufi he rendered yeoman's service not only to Muslims but to the whole of humanity and his life is a model for the formation of character. Many Kings, Mughal Kings, Nawabs and Rajas donated huge properties as wakf for his shrine, erected buildings and mosques and started langars. It is necessary that proper arrangements be made for their administration. There were laws to this effect before India's independence. But at that time the Muslim members of the Central Assembly felt that this administration was not being done properly. There was friction between Sajjada nashines, mutwallis, khadims and others concerned. Complications and defects had appeared in administrative matters. As the Home Minister has stated, before India's independence also, a Commission was appointed, so that after ascertaining the views of different institutions and responsible persons during the course of a tour of the whole of India, it should make a report regarding the best method of their administration. Justice Ghulam Mohd. was the chairman of this Commission and Nawab Mahmood Yar Jung, Sir Mohd. Yamin and others were its members. These gentlemen toured the whole of India, took down the statements of responsible institutions and individuals, both Hindu and Muslim and made recommendations regarding the administrative machinery. For the interim period, they proposed the appointment of an administrator and recommended that Government should take upon itself the whole responsibility of looking after it. The Durgah has been

[Shri M. H. Rahman]

administered very creditably, by the Administrator, but it is clear that he cannot go on for long. One of its disadvantages is that the administrator takes on the role of a dictator. You may have any amount of supervision, but you cannot escape it. All the matters connected with ceremonies cannot be administered properly by one man. Therefore it is necessary to form a Committee and to entrust all powers to it. Shri Sadhan has raised this point in the House and on the occasion of the Wakf Bill I had also supported the system of election. The report also suggests that a Committee be formed on the election system. But in the present Bill, the system of nomination has been accepted in principle. At the time of the introduction of the Bill, I was also of the view that the election system would be more democratic than the nomination system. But at the same time, I feel that by following the election system in administrative matters of this kind many other evils may arise. People who prefer the election system sometimes adopt election tactics calculated to defeat the real objectives. This causes great hardship. Perhaps that is why Government considered the nomination system to be better. But it imposes a heavy responsibility on the Government and that responsibility is to see that the members it nominates are able to achieve the particular objectives for which they are being nominated. These members should do their work honestly. I would like to draw your attention to a few important clauses of this Bill. I congratulate Shri Pant on the fact that he has paid attention to this measure for passing which no steps have been taken so far, though it has come on the list many times, and has presented it in this House. I believe this Bill is overdue, because the whole of the work is now in the hands of the Administrator and it is necessary to entrust it to a Committee. It is our duty to see that this proposed committee of 5 or 7 members is faced with no obstacles or difficulties. I would like to submit a few points in this connection.

The first is that the Administrator would perform the duties of the Secretary also. He would be concerned with the Committee and this Committee would discharge its functions and make all arrangements through him. So it becomes necessary that while appointing the Administrator, the Central Government should consult the Committee and he should be a man whom the Committee choose, because the Committee has to do its day-to-day work through him. If you appoint an Administrator over the head of the Committee, he would come to think that as he has come on behalf of the Central Government, therefore he enjoys wide powers and it is upto him whether he accepts the advice of the Committee or not. On the other hand, the Committee would think that all powers are vested in it and that the Administrator should carry out its orders. The Committee would always believe, and believe rightly, that work should be done in such a manner as to achieve the objectives desired. Therefore, though the appointment of the Administrator may rest with the Central Government, it would be better if the Committee is consulted in the matter. My next point is about the Advisory Committee. The proposal for the establishment of a Advisory Committee says that this Committee which will consist of seven members will be appointed by the Central Government after consultation with the Chief Commissioner. There is no mention of the former Committee in this. I concede that the Chief Commissioner is a responsible person and it is necessary to consult him, but what is more important is that in the appointment of the Advisory Committee, the former committee under which it will have to work and which is in reality the responsible committee, should be consulted.

My third point is regarding clause 16 which is not concerned with any special ceremonies etc. but with administration matters. Under this clause, there is a provision for the formation of an Arbitration Board in

the event of a dispute or difference, between the Committee and the Sajjadanashin or Khadim or any other employee. One of the members of the Board will be from the Committee, one member will be from the opposite party and one member who will act as the chairman will be nominated by the Central Government. The decision of this Board will be final. In my opinion this is the most important thing. Administration cannot be carried on like this, because under this clause, any person including an ordinary employee can make a demand for the appointment of a Board for getting his dispute resolved. Retaining this clause in its present form would be highly improper. On the one hand you give power to the Committee and on the other you give a right to the Sajjadanashin or Khadim or other inferior employees to make a demand for the appointment of an Arbitration Board at any time they please and for any matter they like. I regard this as very serious. In my view this clause should be deleted and in its place a provision should be made to the effect that in the event of a dispute between the Committee and the Sajjadanashin or Khadim and Sajjadanashin the matter should be referred to the Central Government for decision. By doing so, day to day matters will not be referred to the Central Government for decision. If this proposal is not accepted, the Board will have to be set up every day and it would become difficult to carry on the administration.

Regarding the powers of the Committee, it has been stated that if the Committee deems it necessary, it can start the practice of issuing licenses for the Khadims. These Khadims have long periods of service to their credit and they include good men as well as bad men. Doing service is a religious sentiment and it has been carried on as a convention. I believe that so far as control is concerned, it should vest in the Committee, but there should be provision in the Act and the bye-laws under which the Committee should have a right to award punishment or impose fine on

a person committing a breach, considered by the Committee to be against the interest of the Durgah. This punishment can be of various kinds. It would not be proper to kill the sentiment for service or the religious convention regarding it and to start the business practice of issuing licenses. I would like the provision regarding license to be omitted. It is not a business or trade but a desire for service handed over from one generation to the other. I would suggest that you should increase your control by inserting a section in the bye-laws.

I would say one thing more and close. A stipend of Rs. 200 has been fixed for the sajjadanashin or the Diwan. From the time of the kings till now, the revenue of two villages was set apart as expenses for the Diwan. In spite of enquiries I have not been able to find out the income from these villages. Whether the income is Rs. 200, Rs. 300 or Rs. 400 you have entrusted the whole of the property to the Committee. This is of course right, and the sajjadanashin should have no administrative work, but I think that the incomes from these two villages should continue to be paid to him. These are days of dearth. Therefore this amount should not be reduced. A hundred or hundred and forty rupees would not make any difference in the income of the Durgah. But the head of the Durgah, called the Diwan in Islami technical language, should continue to get his old stipend. It might be increased, but in no case should it be reduced.

With these words I support this Bill as I consider it very opportune. I hope it would lead to better administration. I have certain amendments which I would move at the proper time.]

**Shri Mohiuddin:** (Hyderabad City): I am very glad that the hon. Home Minister has, after two years of the introduction of the Bill, now thought it proper that it should be pushed through the House. As he himself indicated in his introductory speech,



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there have been continuous disputes between the various parties in the Durgah. These disputes have gone on indefinitely for a very very long time, and they have not only damaged the reputation of the people who serve the Durgah, but also have affected the finances of the Durgah itself. Since the last 4 or 5 years, when the Government decided to appoint an administrator under an emergency Act, the administration of the Durgah has improved considerably. Cleanliness and sanitation have also considerably improved. The pilgrims are satisfied that the administration is run on a sound basis. There is no doubt that much still remains to be done. The Bill that has now been introduced makes the position still more satisfactory and fair.

My hon. friend from the opposite side, who spoke immediately after the Home Minister, said that he does not understand why the recommendation of the committee which was presided over by an eminent judge regarding the system of election has not been accepted by the Government, and the system of nomination has been introduced in the Bill. I think, as the hon. Member himself had said, he had not read the report as he could not find it in the library. I am really surprised that he could not find the report in the library. It must be there.

**Shri Sadhan Gupta:** It was not there.

**Shri Mohiuddin:** The committee recommended a peculiar system of election.

**Shri Sadhan Gupta:** I did not say that. I said that a system of election was there under the 1936 Act. We do not know what the committee had recommended. We were not given materials to understand why the elective system was substituted by

1936 Act did not work properly. The Government had appointed a committee in 1948 and this committee had recommended that the Durgah's affairs should be managed by a high-powered committee which, in the first instance, shall be appointed by the Governor General or the President of the Indian Republic as the case may be. In regard to this, their recommendation was that of the members of the high-powered committee, one shall retire every year and the surviving members should elect a person to fill the vacancy. Every year, one will retire and the rest of the four will elect the 5th. Or, if two members by chance retire, the remaining three members will elect the rest. This system as far as the election of members is concerned is extremely unsatisfactory.

**Shri Sadhan Gupta:** Quite.

**Shri Mohiuddin:** The Government have now decided that the committee should be appointed by the Central Government. I fully support this clause which provides for appointment by the Central Government. Of course, much depends as to whom the Central Government will appoint as members of the committee. If, in course of time, we find that the committee so appointed does not work satisfactorily, we can then think of amending the Act and if necessary introducing the principle of election in the high-powered committee.

The Ghulam Hassan Committee had recommended that the Nazim should have the powers of a magistrate for the specified areas in the Durgah and round about the Durgah. I think acceptance of this recommendation is essential and necessary. I hope the hon. Minister will inform us whether, in order to vest him with this magisterial power, it is necessary to introduce a clause in the Bill or it will be quite sufficient to invest him with

ments. They are all minor amendments and I hope the Government will consider accepting many of them.

One important point which Maulana Hifzur Rahman referred to was regarding the Board of Arbitration. At page 10 of their report, the Committee had recommended:

"All disputes arising out of the claims made by the Sajjadanashin, the Khadims or any other person to any rights or privileges or perquisites connected with or pertaining to the Durgah or any part thereof or ceremonies thereat shall be referred by the manager to the high-powered Committee whose decision shall be final and no Court of law shall entertain such claims and adjudicate upon them."

This was the recommendation of this enquiry committee and their recommendation was to vest the powers of final decision in the Durgah Committee itself. The Bill proposes that all disputes pertaining not only to the Sajjadanashin and the Khadims, but all servants of the committee, servants who are servants by contract shall be referred to a Board of Arbitration if one of the parties desires that it should be referred to arbitration. The words here in clause 16 are: "Sajjadanashin, any Khadim, and any person claiming to be the servant of the Durgah under some hereditary right or under some contract of employment." A chaprasi or a sweeper is a servant by contract. The contract is implied contract. If the committee or the Nazim gives him an order and he disobeys, or the Nazim fines him, he can immediately apply for appointment of a Board of Arbitration. Regarding the disputes between those persons who have got hereditary rights on the one hand and the committee or the Nazim on the other, they can be settled by some means,

comes into the picture, because every person, even a sweeper, is a servant of the Durgah by implied contract. I hope that some other way will be found for settling the disputes between the owners of hereditary rights and the committee. But if the Government insists on passing this clause, I would suggest that these words "or under some contract of employment" should be omitted, so that there can be no misunderstanding as to who has the right to refer the dispute to arbitration. It may be remembered that even now in labour disputes, arbitration is not compulsory, but it appears that the Government think that in the case of the Durgah employees, arbitration must be made compulsory.

I support this Bill and hope that it will be passed very soon so that the committee takes over the administration of the Durgah as soon as possible.

**Shri Vallatharas (Pudukkottai):** We have got very great regard for the benignness with which the Government has come forward to effect a disciplinary administration in this Durgah which has been the subject matter of great controversy for more than a century. Looking into the past history I should now submit that this is a momentous occasion on which we will have to feel proud about the very incomparable and unequalled sense of religious toleration and religious respect which the Government in this country during the last three centuries, whether alien or indigenous, has been showing, despite the fact that the past has been shrouded in animosity, warfare, and massacre amongst the various religions.

Looking into the history of Ajmer, one can easily see how Prithvi Raj and his followers were massacred there by those who invaded Muslims. Later on, about a century later, Muslims were massacred in that very

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— Durgah is one of the most famous shrines and it has attracted devotees not only from all parts of India, but from abroad, from the Continent of Europe and elsewhere. In a matter of this nature, I feel proud to say that whatever might be our political differences and communal clashes, the nation as a whole has got the greatest respect and regard for religions and their shrines and saints and their followers, and Portuguese Goa must take a lesson from us that in respect of the welfare of any religion in that particular area our traditional honour will ever be maintained at any cost.

So far as this Durgah is concerned, I am yet to know what its annual resources are. A faint idea is given in the report of 1949, that the income will be about Rs. 50,000 per year and it may be Rs. 1 lakh if sufficiently cared for. During the last five years the administration of the Durgah was conducted under the emergency regulation provisions and the Government should be in a position to tell us what the actual or approximate income per year is, what the annual approximate or actual expenditure has been, and how the surplus from the income that remained after expenditure has been dealt with and whether any amount of money has been spent towards the growth of Islam or the education of Muslims or in connection with their religious functions. We are in the dark; I request the Government to make us intelligent about this factor as to the finance of the Durgah and the reformatory work that they have been able to carry on during the last five years, particularly amongst the Khadims, to raise their status and their sense of discipline and welfare, and under the present context, how much of amount has been spent or incurred in the establishment, that is, the Central Committee, the Advisory Committee, and so on. If the ques-

have all these paraphernalia of five committees or so much of labour on the part of Government. One of the worst and most calumnious institutions that are existing in this country, and inevitably has to exist, is that of the religious endowments whether it belongs to Christians, Hindus or Muslims or any other sect. There, fraud, misappropriation and so many things do exist. During the last thousands of years, there have been several avatars of God. There have been great prophets that have come to reform society. In spite of them, defalcation of money dedicated to religion and God has been the foremost amongst some of the greatest devotees. And this Government, I can say without any fear of contradiction, can never be efficient to put an end to these frauds in the religious institutions. The one earnest attempt that would be desirable on the part of any Government will be to avail a better standard of administrative talents and secure the efficiency of administration and also to infuse a better spirit into the people who are associated with the institutions. I see in this Bill that that particular objective is pervading all through its provisions. It wants to see that a better administration is created, and that a sense of understanding between the devotees and the Government is created. The mutual confidence that must be established between the beneficiaries and those who administer the Durgah is patent in this one respect, namely that Government want to take some steps for the conservation of the shrine in the interests of the worshippers and the devotees.

2 P.M.

In 1950, Sardar Vallabhai Patel in the course of his speech clearly said that it was not the intention of the Government to take this over as one of the administrative wings of Government, but that in consonance with

help in the set up of the proper establishment and management of this institution. That is all the concern here between Government and the Durgah.

When the income is to the tune of Rs. 50,000 to Rs. 1 lakh, it is necessary to see what portion of this income can be utilised towards having a suitable establishment staff who can take care of the institution in a proper manner. If we look at the question with that basic understanding, we shall find that it is not at all proper to have so many committees. The late Sardar Patel had said then that the central committee, the advisory committee, the diwanship, all these combined together had created an atmosphere of utter confusion and despair. When that had been the sense, why should confusion and chaos transpire any more by retaining and multiplying the same departments? It had resulted in clashes between the mutawalli, (that is, the manager) and the central committee, between the advisory committee and the mutawalli and then there were clashes also between the Khadims and the diwans who claim hereditary rights, and so on. Thus, there were circumstances which established a sort of factious rivalry amongst the different classes of people that were involved in the concern of the Durgah.

Sardar Patel also made this pertinent remark then that if this institution was going to be continued as a place in the name of religion for purposes of extortion, for practice of crimes etc. and as a monopoly where all sorts of atrocities can be committed, then the persons responsible for all this should be cleared out of that atmosphere itself. This is a clear indication that in 1950 when the Durgah Khawaja Saheb (Emergency Provisions) Bill was moved, the condition within the Durgah was very abominable. I can quote several instances by reference to the report to show how confusion had been created within the Durgah. On the side of the mutawalli, that is the manager or the

secretary or whoever it might be, about 5,000 Khadims had joined, and there was a clash between them and the diwans, i.e. the hereditary descendants of the great saint, called Saj-jadanashins. For instance, if in a house where there are two wives and one husband, the two wives begin to clash with each other always, then what will be the fate of the husband? We have also got the Tamil proverb, which says:

*Irandu pendattikkaran patta padu.*

Mr. Deputy-Speaker: That is no longer possible under the Hindu Marriage Bill.

Shri Nand Lal Sharma (Sikar): He is talking of the old Act.

Shri Vallatharas: Our friend will have a room for all such quarrels in spite of the marriage Act.

Kamban describes the condition of Ravana in his Ramayana in the following words:

*Kadan pattar nenjam pol kalan-ginan Ilanguivendan.*

He says that Ravana began to totter and became nervous just as an indebted man. But here the situation is even more serious. The trouble which a husband experiences when his two wives are quarrelling with each other or Ravana's mental chaos have become proverbial troubles. Similar is the trouble when the central committee is involved in a fight between the Khadims on one side (along with the mutawallis) and the diwans on the other, between the diwans on the one side and the advisers on the other, misappropriation and waste of income intervening—all aggravated by a strong public opinion all round. The report itself says that several of these Khadims toured the whole country with their great financial resources, with a view to canvassing public opinion, and they submitted their reports sometimes falsely, sometimes under forged names and so on.

From all these, it will be clear that this small institution has grown up

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to be a menace, and it has completely polluted the so-called Muslim atmosphere in Ajmer. In 1940, it was a fact worthy of note that the Muslim population there was nearly 50,000, but after 1947 it has dwindled down to as low as 9,000. And the report says that it is very difficult to find out of these 9,000 people even a few disinterested persons, independent persons, persons of some status and with a sense of discipline who could be chosen to form the members of the constituent body in regard to the management of the Durgah. So, even the 9,000 Muslims who are there now cannot largely be relied upon to contribute even one independent member to serve on the committees. The Khadim population's influence, the influence of the diwans etc. are so intricate there that none of these 9,000 Muslims is free from their influence. So, the committee had recommended that whatever might be the mode of appointment of the mutawalli, or the advisers or the arbitration body or the main body, interested persons in that atmosphere should never be appointed; otherwise, the system would not work well.

Bearing in mind all these things, I would solicit your consideration in regard to the question whether it is worthwhile to have such a complicated machinery as is contemplated. What Sardar Patel had said was to the effect that these four institutions were existing in the midst of so much of chaos, and rancorous mentality, that the Durgah had almost been brought to a stage of breakdown. We must take this into our consideration and see whether it is not possible to simplify the administrative machinery.

We are not concerned with the religious functions of the diwans or the sense of devotion which the devotees have got, or the degree of service which we must expect from the Khadims and others. I confine myself, as the Bill tries to do, only to the temporal affairs. If an institution of this

type with an income to the tune of about Rs. 50,000 to Rs. 1 lakh could not be managed during the last one century in a proper manner, then it is a thorough shame. If one reads the history of the management there, for a period of 70 years, from about 1863 to about 1936, one will find how when a pilgrim goes to the Durgah in Ajmer, some of these Khadims put the pilgrim on auction so to say, and hand over the pilgrim to the person who gets the highest price, and finally the pilgrim is fleeced almost to his last pie. Thus, the people who go to the shrine with the greatest of devotion to the great saint are put to so much of annoyance by these attendants. One of the eminent Muslim devotees who happened to be a member of the Legislature in 1936 said, while speaking on the original Bill, that they wanted that the visitors should be accommodated with convenience and be freed from the atrocities of these attendants. This was the most important request that he advanced in the course of his argument on the Bill introduced in 1936.

The hon. Member who preceded me said that conditions have improved after 1950. I am at a loss to see how they have improved. Yesterday I came in contact with two Marakkayar families of Karaikal, who had gone to Ajmer recently in connection with the Id and had returned from there. I happened to meet a very intelligent and most amiable member of the Khadim community also following them. I am not at all encouraged by the versions that they have given. Some things might have improved, but the improvement that is said to have been effected is no improvement at all.

In view of the chaotic conditions, the limitations of resources, and the way in which the Durgah has been subjected to these mutual clashes among its own attendants and devotees, why should we not straightway go and draw a straight line by which all these chaotic and miserable anecdotes shall



be cut off, and a new atmosphere will be begun? Why should you require five members for a committee? I am not going to criticise vindictively any intention on the part of Government. But I do feel that there is no imagination on the part of the draftsmen of this Bill; they want to adhere only to the previous things. They do not want to think afresh in the light of the new circumstances and conditions. When 25 people were not able to manage the institution well for nearly 75 years, even when the body consisted exclusively of Muslims of very great status in public life, and who happened to be Members of the two Legislative Chambers in 1936, what is the use of putting again a number of people in the committee to do the same thing now? Ordinarily, one man would be able to manage this institution. Let him be the best Muslim and let him be a retired officer, or let him be a government officer nominated afresh through the Public Service Commission or any other institution; he will be able to manage the institution very well. I challenge the Government whether they could at all repudiate the suggestion that this Durgah is incapable of being managed by one devout Muslim who could be selected on merits. What is the use of having five absentee members to manage the institution? The report says that one member must be a district judge either in service or retired, or an advocate above 50 years of age and with 25 years of experience, and having a lot to do with Muslim law and Muslim propaganda.

I would least prefer an advocate. His whole life as an advocate has been smeared with so much of sin everyday. Though it is all going to be expiated under the provisions of the Constitution, I do not gloat, because a lawyer born in this country is born as the reflection of the sins he committed in the previous generation. Whatever that may be, a lawyer, to my mind, is not at all competent to manage all these, especially a lawyer who has ingrained

himself for 25 years in the profession. A young man of middle age with some bright outlook, with enthusiasm for work and also with religious devotion, must be put there.

**Shri B. S. Murthy (Eluru):** Bright look or outlook?

**An Hon. Member:** Inlook.

**Shri Vallatharas:** In look and outlook—both, because face is always an index of the mind. If we take it in the higher sense, these two must go together. Where is the necessity for an advisory body for the Mutawalli or manager? Here the same mistake is committed in this Bill, in so far as the connection between the Mutawalli and the Central Committee is concerned. The Report has taken great pains to show how the Mutawalli's position under the old Act of 1936 has proved to be a miserable one. Now also, all the administration of this should be through the Mutawalli by the Central Committee. The Mutawalli is to be appointed by the Government; he is not to be appointed by the Central Committee, and the Mutawalli will have an advisory body. If any trouble arises between the advisory body and the Mutawalli, it must be referred to the Central Committee, and whatever the Central Committee decide will be binding. What are all these? Why these so-called nettings in the Arabian sea, in the Bay of Bengal or the Indian Ocean? Why should there be an advisory body for the Mutawalli? Mutawallis are expected to know their business. Suppose we appoint a Collector for one or more districts. There is no advisory body to advise him. We have in this country one man in charge of the religious or charitable endowments in a region consisting of three Districts and more and we are happy to see that during the last two years the tempo of efficiency and discipline has improved very much in respect of these so-called institutions of old. He is capable



[Shri Vallatharas.]

enough. When a Mutawalli is appointed, he needs no advisory body at all. If at all there is an advisory committee, it must be an advisory committee to the Central Board, whether it consists of a number of persons or one. So the advisory body must not be given to the Mutawalli. He should be a servant. The Report has made a specific recommendation that the Mutawalli must be appointed by the Central Committee, the Mutawalli must be a paid full-time servant, and the Mutawalli's salary, leave and other things must be settled only by the Committee. That goes to show that they studied in detail the chaotic condition prevailing by reason of the undefined inter-relationship between the Central Committee and the Mutawalli. They have come to state that the appointment of the Mutawalli must be such that the Central Committee must exercise full discipline and power over him. It must be in that sense. So I would like the Government to consider this, why not the Mutawalli be placed under the perfect control of the Central Committee? The Central Committee is appointed by the Government; even the vacancies are filled by the Government. The Committee can be superseded at any time and any member of the Committee can be dismissed if he is not acting in conformity with the progress and growth of the institution. Having all these powers, it is better to see that the Central Committee has got disciplinary control over the Mutawalli.

As regards the arbitration body, I am at a loss to understand what is the exact position of that body in this constituent institution. When a dispute arises between persons about hereditary rights or about administration, one hon. Member wanted to know who should institute that reference. But apart from that, when hereditary rights are involved, they are civil rights. They must be subject to civil court jurisdiction and nobody can usurp its power

regarding those rights. I will say, 'this is your right' or 'this is not your right'. Suppose a dispute arises as to duties or functions to be performed by the nominees or the employees in that institution; I can understand the Central Committee or the Mutawalli being empowered with powers in respect of other matters; but in respect of hereditary rights, I submit that in the entire history of the religious endowments in this country, all such rights are subject only to the jurisdiction of civil courts. Even a village munsif, if he has hereditary rights to establish has to establish them in a court of law. So the restriction of that right to a particular committee of this type is not at all desirable. I would submit that it comes into conflict with the avowed principles in the Constitution where people have got the right to establish their rights through access to a court of law. If such a committee is to sit in judgment over that, it will be a restraint on the civil right of the parties.

Then, Sir, I will point out only one more thing. The Committee had pointed out that the Khadims, who number about 2000 families or individuals—I do not know—deserved greater attention by the administrators of this Durgah. They need social reform; it has to be introduced on behalf of these Khadims. That report was published some four years ago. I should like to know whether Government have attempted anything in the way of contemplating or formulating any social reform for the Khadims, or whether after considering it, they have discarded it as unnecessary. Without this social reform, there is no use of hoping that the Durgah will be run on the pious and desirable lines. So I think the report is perfectly right in expecting that perfect social reform must be strictly introduced or imposed even by compulsion upon these Khadims. Out of the 2000 Khadims, I learn from the report that more than 500 are almost on the begging line. One of the things most harrowing to read is the nuisance of the beggars—a regular begging system

or something of that type. As the devotees enter, so many people surround them asking for alms. This nuisance is very great. Then there is the nuisance of these attendants who always go and pester these devotees: that also continues. These two things—whether we call it beggarism or nuisance, imposition or infliction—must be ended, and there should be provision made for these 500 people for some employment within the premises or within the 17 villages that are the property of this Durgah. I understand there is ample scope for providing employment, at least to some extent instead of allowing any member to get himself abandoned in the street.

Then education among the Khadims is a matter of great importance. The pay of Rs. 200 to the Diwan seems to be very much low. He was enjoying two villages, as I understand from the report. All the income from these villages must be given to this Diwanship. He is entitled to it. It may be Rs. 150 or Rs. 500; and there need be no stigma created, which is repugnant to these devotees, that the hereditary lineage of that great saint has been subjected to salary or something of that type in the form of service. So whatever income remains out of these two villages, deducting the expenditure, may be handed over to these Diwans, and that will be an honourable position.

These are my observations on the present Bill. The Home Minister should try to steer right through to the end of passing. Whenever a Bill is brought, whatever may be the arguments, reasonable or unreasonable, there is always, a tendency to say, 'things work well and the present state of things is very good; we do not see any reason to traverse back and if any occasion arises, we will look into it.' I do not want to describe this attitude in harsh language. But some of the opinions that are expressed by several hon. Members in this House on so many Bills—so many suggestions—are very sound, based upon a perfect study and also based upon a proper interpretation. Whether the Government agree with them or not, they must

necessarily pay attention to them and consider them and give in their replies certain reasons why they are able to agree or unable to agree with them. In this sense, some of the suggestions made deserve the attention of the Government. I want that the machinery of administration must be simplified. We must not linger on to the traditional committees of 1929 or 1930, advisory bodies, managing bodies and others. Instead, a modern outlook can be imposed upon the conception of the Bill, and in that way I wish the Bill should be passed. These are the things which should predominantly deserve the consideration of Government, and I wish they will deserve due consideration.

Col. Zaidi (Hardoi Distt.—North-West cum Farrukhabad Distt.—East-cum Shahjahanpur Distt.—South): First of all, I would like to congratulate and thank the Home Minister for making himself interested in this very important Bill and taking it out of some dusty pigeon-hole where it has been lying for a long time. I need not dilate on the importance of the Durgah as the most important Muslim shrine in this country. But, it is something more than just a Muslim shrine. Ajmer has always stood as an example for the large-hearted tolerance and the catholic outlook of the people of this country. Those who have been to Ajmer which has got the Durgah and also the great and well-known temple of Pushkar have seen how thousands of Hindu pilgrims who come to Pushkar also went their way to Khwaja Saheb Durgah and that has been the feature of our national life of which all of us feel very proud and happy.

So, this Durgah Sharif has stood for something very fine and very distinguished in our national life and deserves the attention of our national government. As the last speaker has pointed out, the shrines in India have often been centres of corruption and malpractices and it is only fair and proper that the Government should move in the matter and see that these

[Col. Zaidi]

of the national government, they are properly run and they are clean places from every point of view and worthy of the position they hold in the religious life of the country. I warmly support this Bill; but, I should like very briefly to give support to some of the amendments moved by my friend Maulana Hifzur Rahman.

**Mr. Deputy-Speaker:** Tabled, not moved.

**Col. Zaidi:** For instance, regarding the question of the appointment of the Nazim, it has been provided that he will be appointed on the recommendation of the Chief Commissioner. It is only proper that when there is going to be a Durgah Committee, the appointment of the Nazim should be made in consultation with the Durgah Committee. I do not think this would be unacceptable to the Government.

Similarly, there is provision for the appointment of an advisory committee composed of people who belong to Ajmer or the neighbouring districts. Here again, the appointment of the members of the advisory committee should be in consultation not only with the Chief Commissioner but also in consultation with the Durgah Committee.

One of the least satisfactory provisions of the Bill is the one regarding arbitration. As Maulana Hifzur Rahman has clearly pointed out, this is likely to lead to great deal of confusion and interference with the day-to-day work and is likely to lead to a breakdown of discipline. For, every employee of the Durgah has the right to question any orders passed and immediately ask for arbitration and it is likely to work to create a great deal of confusion and undesirable consequences. When Government is being vested with the power of full control, every employee will have the right to seek redress from the authorities and I share Maulana's fears that this provision regarding arbitration, perhaps, will not be conducive to the satisfac-

tory development of the administration of the Durgah, which the Government aims at.

Lastly, Sir, there can be no difference of opinion that the khadims about whom there have been so many complaints in the past should be under the proper control of the authorities. But, I do not think the provision regarding their being licensed is a very happy one. I think that for the proper control of the khadims the provision regarding their being licensed is undesirable and unnecessary and without the question of their being licensed they can also be very properly and adequately controlled.

Apart from these few modifications which I would plead for, I wholeheartedly support the main structure of the Bill and welcome it as a step in the right direction.

सरदार ए० एस० सहगल (बिलासपुर) : दुर्गाह ख्वाजा साहेब का बिल जो कि पेश किया गया उस के बारे में मैं अपने विचार इस हाउस के सामने पेश करना चाहता हूँ।

इस बिल में जहाँ तक एक कमेटी बनाने के बारे में कहा गया है उस में कहा गया है

"The Committee shall consist of not less than five and not more than seven members all of whom shall be Hanafi Muslims and shall be appointed by the Central Government."

यह बात ठीक है। लेकिन मैं चाहता था कि अगर हनीफ मुसलमानों के सिवाय भी और कोई मुसलमान भी ले लिये जाते तो यह एक बहुत अच्छी बात होती। यह जो दुर्गाह ख्वाजा साहेब अजमेर हैं इस को कदल मुसलमान भाई जो हिन्दुस्तान में रहते हैं या जो बाहर के मुल्कों में रहते हैं, वही आदर की भावना से नहीं देखते, बल्कि और मजहबों के जितने भी लोग हैं वे भी बड़े आदर भाव से इस की तरफ देखते हैं। मैं समझता हूँ कि यदि जितनी बड़ी बड़ी मुसलमानों की और जगहों हैं वहाँ से भी आदमी

ले कर इस कमेटी में रखे जाते तो ज्यादा बंदोबस्त होता। मैं आप से अर्ज करता हूँ कि जिस तरह से एन्डाउमेंट एक्ट हैदराबाद में है अगर उसी तरह का एक्ट हम बनाते और उसी तरह से जो बड़ी बड़ी जगहें चाहे वह मुसलमानों की हैं, चाहे हिन्दुओं की हैं और चाहे सिक्खों की हैं उन पर लागू करते तो ज्यादा अच्छा होता। मैं ने जहां तक हैदराबाद स्टेट में जा कर जानकारी प्राप्त करने की कोशिश की है मुझे पता चला है कि वहां जितनी भी आमदनी लाखों रुपयों की होती है वह सवा बहाल के रहने वाले जो जो बच्चे होते हैं, उनके ऊपर खर्च कर दी जाती है। इसी तरह से जितनी भी दगाहें हैं और वहां से जितनी भी आमदनी होती है और जितना भी पैसा वहां पर चढ़ावे के रूप में चढ़ता है उस को खर्च करने के लिए जो अधिकार कमेटी को दिये गये हैं उससे बहुत सी संस्थाओं को मदद देकर काम करते हैं। आपने जो तरीका आइट का इस बिल में रखा है वह बहुत ही अच्छा तरीका है। जब खर्चा करने वालों को यह पता होगा कि जो रुपया वे खर्च करेंगे उस को बाद में आइट भी किया जाएगा तो उस सन्त में वे सोच समझ कर खर्च करेंगे। इस तरह से जो रुपया बुरे कामों पर खर्चा हुआ करता था वह अब नहीं होगा।

इस के बाद आप ने इस बिल में प्रोवाइड किया है कि सेंटरल गवर्नमेंट नाजिम को एप्पाइंट करेगी। मैं चाहता हूँ कि जो कमेटी आप बनायेंगे उस को कम से कम यह आप एक्छ या अधिकार तो दे दीजिये कि वह नाजिम को एप्पाइंट कर सके। आज जब कि हम डेमोक्रेसी के जमाने में से गुजर रहे हैं, प्रजातन्त्रवाद में से गुजर रहे हैं और हमारी एक डेमोक्रेटिक गवर्नमेंट है तो ऐसी हालत में यह कोई ठीक बात मालूम नहीं होती कि नाजिम को आप अपनी मर्जी से एप्पाइंट करें। इस लिये मेरी प्रार्थना है कि कम से कम जो कमेटी बने उस को यह अधिकार दे दिया जाए कि वह जिस चाहे नाजिम नियुक्त कर ले।

इस के साथ ही साथ आप ने, जब भगई पैदा होते हैं, उन को नियंटान के बार् में, जो एक

दलाज बनाई है उस के मुताबिक आप ने यह कहा है कि इन का फैसला एक बोर्ड आफ आरीबट्रेंट करेगा। मैं मानता हूँ कि एमे भगई अक्सर जो बड़े बड़े धार्मिक स्थान हैं वहां पर हो जाया करते हैं। लेकिन मेरी प्रार्थना यह है कि जो बोर्ड आफ आरीबट्रेंट आप मुकर्र करे उस में किसी ऐसे आदमी को रखें जो कि या तो कोई हाई कोर्ट का जज हो या कोई रिटायर्ड जज हो या अगर कोई और बड़ा जज हो उसको रखें तो ज्यादा अच्छा होगा।

आप ने कमेटी को यह अधिकार दिया है कि वह बाई लाज बना सकती हैं, कानून बना सकती हैं। यही कमेटी उस दगाह का इन्तजाम करेगी। यह बहुत अच्छी बात है। मैं तो होम मिनिस्टर साहब से यह प्रार्थना करता हूँ कि जो हालत वह दूसरी धार्मिक जगहों की देख रहे हैं और जो बड़े बड़े और दूसरे धार्मिक स्थान हैं और जिन का इन्तजाम ठीक ढंग पर नहीं चल रहा है सारा पैसा बुरी बातों ऐसे आराम या चुनावों में पार्टी के काम आता है। उन के बार् में भी वे कोई ऐसा बिल लायें ताकि उन का काम काज ठीक तरह से चल सके। मैं तो चाहता हूँ कि एक ऐसा बिल लाया जाता जो कि तमाम जितने भी धार्मिक स्थान हैं उन पर लागू होता। सिक्खों के बार् में मैं कहता हूँ। सिक्खों के दो गुरद्वार बहुत ही नामी गुरद्वार हैं पंजाब के बाहर। जो कि बिहार में पटना साहब और नान्दड़ यानी हजूर साहब के नाम से मशहूर हैं। इन दोनों जगहों के लिए इस तरह का एक बिल लाना निहायत जरूरी है। पहले हजूर साहब (नान्दड़) का इन्तजाम निजाम के हाथ में था। बाद में इस सिलीसले में एक कमेटी एपायंट की गई, आपने वहां किसी को मुकर्र किया और आज वहां पर बहुत ही सुन्दर ढंग से काम चल रहा है। लेकिन इसके बावजूद वहां पर कोई कायदा नहीं है, कोई कानून नहीं है जैसा कि यह बिल कहता है और जब तक कोई कायदा या कानून नहीं होगा, तब तक वहां का इन्तजाम ठीक तरीके से नहीं चल सकता है। इस लिये मेरी आप से यह खाल अर्ज है कि दरगाह ख्वाजा साहब के लिए आप जिस तरह का कानून बना रहे हैं, उसी की बिनियम

[सरदार ए० एस० सहगल]

पर आप हमारे बड़े बड़े धार्मिक स्थानों के लिए भी—चाहे वे हिन्दुओं के हों, मुसलमानों के हों या सिखों के हों—कानून बना कर हमारे सामने रखें, ताकि उनका भी अच्छी तरह से इंतजाम हो सके।

इन शब्दों के साथ मैं इस बिल की टाईट करता हूँ।

**The Deputy Minister of Home Affairs (Shri Datar):** Sir, while welcoming the provisions of this Bill a number of hon. Members have made certain suggestions and in some other cases have tried to support the amendments moved by other hon. Members. Now, I should like to make a reference to some of the points raised by hon. Members with a view to showing that what they have stated would not be the correct approach to the question.

In the first place it was contended that under the former Acts which were in force for some time there was an elective element for the purpose of constituting a committee of management. That is true to a certain extent. But the experience that the Government have got was far from satisfactory. You will find that under the three Central Acts passed in 1936, 1938 and 1948, a committee of management had been set up consisting of Muslims. Its composition included an *ex-officio* element, namely the Sajjadanashin, mutawalli and an elective element, the electoral college being the Khadims and the Muslim M.L.As. of various provinces, etc. The total number was about 25. It was found that the majority of members of this committee took no part at all in the administration with the result that ultimately those who were the local members tried to carry on the administration in their own way. Naturally factions developed and the matter was aggravated to such an extent that after Partition when some members had gone away and only a few members—about seven—had remained, they carried on the administration—I would say maladministration—in an extreme-

ly unsatisfactory manner. Therefore, Government had to appoint a committee, the committee to which reference was made by the Home Minister.

You will be surprised to learn that hon. Members of this committee themselves suggested that if there was to be an end of the maladministration, an administrator should be appointed forthwith. On the recommendation of this committee an administrator was appointed. He has been carrying on the work till now and as my hon. friend just now pointed out, the whole administration is being put on a very satisfactory basis.

Now, so far as the khadims are concerned, they are not a class of people who are peculiar to Muslims. We have got also the Pandas, or the guides, at the various pilgrim centres. Wherever we go we find this class of people doing some good service, but in many cases not doing good service, perhaps disservice to the pilgrims. As my hon. friend Shri Vallatharas pointed out, it is true that even before pilgrims arrive at Ajmer, they are sold away or leased to various khadims or Pandas. Instead of helping them the khadims harass them and take as much out of them as possible. So, this is a very unfortunate state of affairs not confined to Muslims; its roots are in the degradation of human nature itself, where even in sacred institutions we bring in mercenary considerations, thus degrading the institutions.

So far as the Khadims are concerned, it will be found from the provisions of the Act, that they are kept under control. If any questions concerning them arise, naturally they have to be referred to arbitration. Coming back to the main question which my hon. friend Shri Sadhan Gupta raised, it is very difficult in such cases to have an elective element, and if attempts in such direction are made, then the usual results would follow and there would not be proper administration at all. You would see that so far as this committee of enquiry was concerned, they also recommended that there should be a

committee appointed by Government, in the first instance, and they subsequently stated that it should be a self-appointing committee, so that certain members should retire and others should be appointed by the remaining members. This recommendation of the committee was not found to be satisfactory. It was considered, in view of the peculiar position at Ajmer, and in view of the fact that there had been mismanagement for centuries together, that the ultimate authority should vest in the Central Government. That is what the committee recommended and with certain modifications the recommendations of the committee have been fully accepted by Government. An hon. Member contended that there was a very complicated machinery. We have no complicated machinery at all. Formerly we had the Sajjadanashin who also was a Diwan so far as holding of certain jagirs was concerned. There was also a mutwali and between themselves the management was not carried on very properly. Therefore, what the committee has recommended is this. So far as Sajjadanashin is concerned, he is a religious officer. He is the descendant of the Khwaja Sahib and therefore his position should be kept as it is and that position is not affected at all. Because he deals with the rituals he deals with the spiritual side of the management and so far as that is concerned, it is entirely left to him. So far as the temporal management is concerned, formerly there was a mutawalli; but that mutawalli will no longer be there. In his place there would be an officer who would be known as Nazim. He would be a purely executive officer who would carry on the orders and act under the directions of a committee that would be appointed by the Central Government and the committee would work for five years.

So far as the composition of this committee is concerned, we have got two conflicting views. Certain members suggested that there ought to be more members on this committee. It is very difficult to find out very good people for the constitution of the

committee and if the number is raised to twenty or twenty-five, then besides being highly expensive, it would not work at all. Therefore, it was found that the number ought to be as small as possible, so that they could meet more often and transact business properly.

Then it was found that persons directly dealing with Durgah Khawaja are not Hanafi Muslims. The Khadims are Hanafi Muslims. Therefore, the original proposal was that they should belong to Sunni Muslims. But it was considered that it would be better to confine the membership of the committee as also the advisory committee only to Hanafi Muslims, so that no particular difficulty, or deadlock or bitterness may arise so far as membership is concerned. Now all that has been done is that there will be a principal officer known as Nazim. The committee would consist of five persons appointed by the Government of India. Now there are certain matters which it may not be necessary for this committee, this larger committee with its overall management to deal with. It is only for this purpose that something like a local committee but of an advisory nature has been appointed and that is known as the advisory committee. In all laws dealing with devasthanams, as you may be aware so far as Tirupati Devasthanam is concerned, under the Religious Endowments Act, there are two committees, one a general committee of management corresponding to the advisory committee and the other dealing with the ritual or spiritual matters. Therefore, it will be extremely wrong to say that either the committee should be very large and that the committee should be an elective one or on the other hand that there should be one officer all along. Sometimes, if you appoint a good officer, he might carry on well, but that would not be proper because we should have a committee where the deliberations have to be carried on and the advice has to be tendered properly. It is for this reason that we have introduced a committee and that committee will



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carry on the work so far as the overall arrangements are concerned. The advisory committee will advise and will help the Nazim in particular and the committee in general so far as the day to day administration is concerned. For example, we have eminent Muslims on these two committees and naturally the work is likely to be carried on fully in accordance with the tenets of the Muslim religion. There is a special provision which has been made that in all these cases the administration will have to be carried on in consonance with the Muslim tenets and also with the teachings of the great saint whose shrine it is. Therefore, I submit to the House that so far as this point is concerned, there is no substance; the committee is a very small one and it will carry on the work absolutely efficiently. You will also understand that there will be no Mutawalli and the Sajjadanashin will get what remains after meeting all the charges. I would point out that so far as this report is concerned, they have also stated that the Sajjadanashin shall be entitled to receive the income from the villages of Hokran and Kishanpur, after deducting the cost of management as perquisites of his office. The average income was taken into account and the average expenditure was also taken into account and after taking all these things, Rs. 200 has been fixed as the salary of the Sajjadanashin in return for the perquisites of the office and also out of consideration for his having given up the two villages which had been originally attached to him as Sajjadanashin. There were a number of villages formerly. All the villages now vest entirely in the Durgah. Fourteen villages have belonged to the Durgah all along and two villages which originally belonged to the Sajjadanashin as part of the grant to him as Diwan—Diwan and Sajjadanashin are practically the descriptions of the two capacities of the same person—are coming to the Durgah. The Mutawalli's post has been abolished and the land also is now vested in the Durgah.

Therefore, it will be found that so far as this question is concerned, what has been done is quite reasonable and to a certain extent, it errs on the side of generosity so far as the remuneration of the Sajjadanashin is concerned. If, for example some savings are there, then according to this, that amount will be used, after meeting all the expenses, in the interest of the family of the Khawaja Saheb and also in the interest of the indigent in general. You will also note one very important provision included here, namely, that no beggary will be allowed within the premises of the Durgah. Everything has to go on according to the rules laid down there and all the offerings have to be received only by the Secretary and by nobody else, so that it will be found that whatever is received by way of offerings goes to the diety, goes to the shrine, and will be used for the proper upkeep and maintenance of the Durgah.

Something was stated about the arbitration. So far as clause 16 is concerned, two contentions have been offered. One is contained in an amendment by my hon. friend who says that there should be no arbitration at all, but that whenever there is any dispute between the Sajjadanashin, Khadims or other employees regarding certain rights, then the matter should be referred to the Central Government, and the Central Government's decision in this respect shall be entirely followed. You will find that in this connection after appointing these two committees, the Central Government does not desire to come into the picture to the fullest extent possible because all these are matters which are more or less of a local nature and susceptible to a solution provided there is an arbitration. In regard to this there were certain words which were referred to and were considered as objectionable, namely, "under some contract of employment". If, for example, a dispute arises regarding the terms of a contract of employment, then what ought to be the remedy? Should the parties go to a civil court? So far as going to a civil court, or incertain

cases criminal courts, is concerned, we find that all these religious institutions have been hot beds of litigation. In fact, even now, there is one litigation pending, and some provision has been made regarding the Sajjadanashin and his appointment as Sajjadanashin is subject to the final orders of the civil court. Therefore, the question that arises is whether we should allow the litigation to follow a long and protracted course or whether the remedy by way of arbitration, which can be used even under the Code of Civil Procedure, can be used here and can be availed of for the purpose of deciding all the matters at issue. I am told that some such expressions as "under some contract of employment" in the provision for arbitration have been introduced in a number of university Acts. We know to our great shame that often times even in the universities there are disputes going on between the teachers and the universities or the teachers and the taught. So far as the teachers or employees of the universities are concerned, it was considered advisable that in all such cases there ought to be a provision for arbitration, according to which, instead of the matter being taken up to the civil courts, it should be open to the persons concerned—the parties aggrieved—to have an arbitration. In such cases you will find that if there is an arbitration and if the matter is finalised as it has been, and if afterwards the committee passes a resolution in terms of this, then that can be executed as a decree. You will see from clause 18 of the Bill that whenever any orders have been passed by the committee and they are not obeyed or are not enforced, naturally those orders have the force of a decree or order of a civil court. A civil court can execute those orders as if they were the orders or decrees of a civil court. That also gives a very easy and summary remedy, and, therefore, you will find that in all these cases even where there are certain rights which arise out of a contract of employment, it would be very convenient to the parties to have an arbitration clause and to have the whole matter settled. Now, the whole scheme

is that if possible, all these things should be settled on the spot so that no matters needs come to Government. As I stated, Government would appoint a principal committee; they would appoint an advisory committee; they would appoint the principal officer, the Nazim. So far as this principal officer is concerned, it was contended that the committee's views also should be taken. As a matter of fact, the views of the committee would be considered, but the name of the Chief Commissioner has been mentioned because he is an independent officer. As a matter of course, generally, you will find that whenever a secretary has to be appointed to the committee, either the chairman or the committee as a whole is usually consulted, and, therefore, it is not necessary to bind this particular appointment by any particular limitation. Therefore, you will see even so far as this question is concerned, the matter has been settled not in any haphazard or absent minded manner but after considering all the provisions and especially after taking into account the background of the circumstances as they unfortunately existed at Ajmer. It is in the interest of India—it is in the interest of not only Muslims but of Hindus also that such great religious institutions ought to be carried on very properly. There ought to be a proper management and nothing should be done to harm the great cause for which this great saint lived 800 years ago. I would like the hon. Members to read this report and especially that portion of the report where the *sufi* doctrine has been explained in an extremely eloquent manner. I almost thought I was reading some book on vedantic doctrine; the two are so common. He was a great saint who lived a very simple life and who was, as the Home Minister said, actuated by the greatest humanitarian principles. Therefore, in the light of all these circumstances, I would submit to this House that whatever has been done has been done after full consideration.

Only one point remains. It was contended that the Nazim should be

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given some magisterial powers. That is a very controversial point. It is true that the Committee made such a recommendation but as far as possible we now follow the principle that there ought to be separation of the executive from the judiciary. Here this Nazim would be an executive officer and if he were invested *ex-officio* with the powers of a magistrate, perhaps unpleasant results are likely to follow. After all there is the machinery for maintaining law and order and there is the machinery for enforcing the decisions. In those circumstances in the latter cases he can go to the civil courts and so far as the former cases are concerned he can approach the District Magistrate or other authorities. Therefore, I would advise not to invest the executive officer with any judicial powers. I, therefore, submit to the House that this Bill has been considered properly and all the provisions and terms that have been introduced are for the purpose of seeing that the management is carried on in the best way possible, especially so far as the pilgrims are concerned.

Shri Chattopadhyaya (Vijayavada): I did not wish to disturb the eloquent speech which the hon. Minister was making but he was making it once again as others had made it for the past three days to empty benches; again there has been lack of quorum and this is going from bad to worse. I am afraid if business is going to be carried on this way, it does not seem very hopeful. I think we should be able to get quorum. It is not even lunch time now; there is no excuse at all.

Shri Datar: Lunch time is past now; it is 3 P.M.

Mr. Deputy-Speaker: I will count. With me there are 46.

There is quorum now; the hon. Member has attracted Members from the lobby.

Shri Raghavachari (Penukonda): Can a rule be made that it is the responsibility of the Government or anybody who is in charge

of the Bill to see that there is also quorum?

Shri Rane (Bhusaval): Is it not the duty of the Opposition also to be present? We find that there are empty benches on the other side.

Pandit G. B. Pant: There are fewer Members there than here.

Mr. Deputy-Speaker: There is quorum now. I will put the motion to the vote of the House.

The question is:

"That the Bill to make provision for the proper administration of the Durgah and the Endowment of the Durgah of Khawaja Moinud-din Chishti, generally known as Durgah Khawaja Sahab, Ajmer, be taken into consideration."

The motion was adopted.

Clause 2 to 4 were added to the Bill.

Clause 5.— (Composition of Committee)

Shri Mohiuddin: I beg to move:

Page 2, line 9.

for "less than five and not more than seven" substitute "less than seven and not more than nine".

Ajmer is far away. It is rather difficult for the meetings to be held once in six months. The Bill provides that if a member is absent for more than a year, the Central Government may consider removing him from the membership of the committee. That of course is a very discouraging factor. The committee should meet at least once in a quarter; there should be at least 4-5 meetings of the committee every year. I have therefore given another amendment to the appropriate clause that instead of one year, six months should be substituted. If a member is absent for six months, Government may consider his removal from the committee. I, therefore, think that if membership is increased from 5 to 7—the minimum number—and the maximum increased from 7 to 9, there will be chances of more meetings being held every quarter or every six months. There will also be effi-

ciency in the administration of the affairs of the Durgah.

Shri S. C. Samanta (Tamluk): I support the amendment because there were 25 members under the original Act belonging to different parts of the country. Government will have to look to the interests of the Muslims spread throughout the country and therefore the number should be increased.

3 P.M.

Pandit G. B. Pant: I do not know if anything will be done by raising the figures from 5 to 7 and 7 to 9. Five to 7 is as arbitrary as 7 to 9; there is nothing sacrosanct about either. But in order to conduct the business expeditiously and methodically, the smaller the number the better. So, I personally think that 5 to 7 will perhaps work better than 7 to 9. It will be difficult to find in large numbers suitable persons who may be prepared to devote their time and energy to this somewhat thankless sort of task. So, it will be to the advantage of all concerned if the number of members is not raised. But, if it satisfies the Mover I would be prepared to leave "less than 5" as it is and to say "not more than 9"; that is, "not less than 5 and not more than 9" so that if he could find good men we may even appoint 9, but the Government may have the discretion of having 5, or 7 or even 9 as may be found expedient.

Mr. Deputy-Speaker: Is the hon. Member satisfied or does he want to press his amendment?

Shri Mohiuddin: Sir, I do not press my amendment.

Amendment made: Page 2, line 9, for "seven" substitute "nine".

—[Shri Datar]

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6.—(Term of office etc.)

Shri Mohiuddin: I beg to move:

Page 2, line 25,

for "twelve" substitute "six".

It is only a formal amendment because it does not look proper to provide in an Act that a member if he absents himself for 11 months and 29 days during the 12 consecutive months, he should not be asked as to why he should not be removed. If a Member accepts the responsibility on being nominated by the Government as a member of the Committee, we expect that he should attend the meetings at least once in six months. I hope the Government will accept my amendment.

Pandit G. B. Pant: I think the hon. Member had advanced arguments while he was speaking on his previous motion which will go against what he wants to be done now. He said that there may be no meetings for six months and these people being scattered all over the country the number of meetings may be very small. In the circumstances if no meetings are held in six months then the question of removing anybody would not arise. Even if one meeting is held, simply because a man has not been there for one meeting, it would not be I think an adequate ground for removing him. I would have no objection to having "six" but I think it is not fair and on the whole it is better to let "twelve" remain as it is.

Shri Mohiuddin: Sir, I do not press my amendment.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

**Clause 9.—(Power of Central Government to appoint Nazim)**

**Shri M. H. Rahman:** I beg to move:

Page 3, line 2,

after "appoint" insert:

"with the consultation of the Committee".

**Mr. Deputy-Speaker:** Amendment moved:

Page 3, line 2,

after "appoint" insert:

"with the consultation of the Committee".

He wants that the power of the Central Government to appoint Nazim should be in consultation with the Committee. That is what he wants.

**Pandit G. B. Pant:** The difficulty here is this, that the Nazim is to be the Secretary of the Committee and also a Member of the Committee. A member of the Committee cannot be appointed by the Committee itself.

شری ایم - ایچ - رحمان : وہ تو جیسا میں نے پہلے گزارش کیا تھا کہ جب آپ ناظم مقرر کر رہے ہیں تو کمیٹی کو اتنا اختیار تو دینا چاہئے کہ اس سے مشورہ کر لیا جائے ورنہ ناظم یہ محسوس کرے گا کہ میرا کمیٹی سے کوئی تعلق ہی نہیں ہے ۔

[**Shri M. H. Rahman:** As I have stated already when you are appointing a Nazim, the Committee should at least have the right to be consulted about it, for otherwise the Nazim would feel that he has nothing to do with the Committee.]

पंडित जी० बी० पन्त : यह नाज़िम जो है वह कमेटी का मंत्री भी होगा . It is said here:

"The Central Government may appoint a person to be the Nazim

of the Durgah and the Nazim shall by virtue of his office be the Secretary of the Committee as well as a member thereof."

पंडित जी० बी० पन्त : इस में यही है ।

इसमें लिखा हुआ है कि वह कमेटी का मंत्री भी होगा ।

شری ایم - ایچ - رحمان : ناظم ممبر کیسے ہوگا ؟

**Shri M. H. Rahman:** How will the Nazim be a Member?

पंडित जी० बी० पन्त : इस में यही है ।

"The Central Government may appoint a person to be the Nazim of the Durgah and the Nazim shall by virtue of his office be the Secretary of the Committee as well as a member thereof."

**Mr. Deputy-Speaker:** Is this in addition to the seven members? If not, is it not better to say: "The Central Government may appoint one of the members of the Committee as Secretary thereof" instead of saying "appoint" a person, who shall also be a member of the Committee" leaving a doubt as to whether he is in addition to the members of the Committee?

**Pandit Thakur Das Bhargava (Gurgaon):** I suggest that the Nazim should not be a member of the Committee. He should act as *ex-officio* secretary. Just like the executive officer of a municipal committee. He should not be a member of the Committee.

**Shri Datar:** Nazim is a very important officer here.

**Pandit Thakur Das Bhargava:** You are perfectly right.

**Shri Datar:** That is the reason why he should be a member.

**Pandit Thakur Das Bhargava:** Why should he be a member?

**Mr. Deputy-Speaker:** The Commissioners of municipal corporations are not members, but they are important officers.

**Shri B. S. Murthy:** I wanted to make a suggestion but I had no chance. If the Secretary happens to be a member of the Committee there will be a lot of confusion. Therefore, it is better that the Secretary may be there to guide and to be guided by the Committee. The Committee must be independent of the Secretary and the Secretary or the executive officer must be appointed by the Government directly.

**Pandit Thakur Das Bhargava:** In fact the Advisory Committee will be the Advisory Committee of the Nazim according to this Act. I think that the Nazim should be an executive officer and he should not be a member of the central committee.

**Shri Datar:** Please see sub-clause (3) which says:

"The Committee shall exercise its powers of administration, control and management of the Durgah Endowment through the Nazim".

**Mr. Deputy-Speaker:** Then he might create a party with himself as the Secretary with the members of the committee sitting by his side.

**Shri B. S. Murthy:** Please see also sub-clause (k) of clause 11.

**Mr. Deputy-Speaker:** It says:

"to delegate to the Nazim such powers and functions as the Committee may think fit."

What is the pecuniary advantage in having him as a member of the Committee?

**Shri Datar:** He can be given certain powers of the committee only when he is a member. If he is really an officer, he cannot be given powers.

**Shri D. C. Sharma (Hoshiarpur):** I think the Deputy-Speaker just now said that so far as the inclusion of the arbitration principle in this Bill is concerned, it had been taken from the principle which is followed in the universities.

**Shri Datar:** We are not dealing with that clause.

**Shri D. C. Sharma:** You said that there was something like that in the Universities Act.

**Shri Datar:** Yes.

**Shri D. C. Sharma:** What I mean to say is this. The Nazim can be appointed in consultation with the committee as the Vice-Chancellor of a university can be appointed in consultation with the members of the syndicate. The syndicate suggests a panel of names and the Chancellor selects a person from the panel of names. Therefore, I think that when it is said that the Nazim should be appointed in consultation with the committee, there is nothing revolutionary in that suggestion. I think on the parallel of the universities, something can be done to this effect. The committee can suggest a panel and out of that panel the Chief Minister can select a person. Therefore, I think it is a very salutary provision to appoint the Nazim "with the consultation of the Committee".

**Shri B. S. Murthy:** The hon. Deputy Minister was good enough to suggest that in the south we are having executive officers for the temples. Nowhere are the executive officers members of any committee. They are executive officers, pure and simple, to carry out the instructions and the directions of the temple committees. Again, the constitution of this Durgah Committee is something like a municipality and the Nazim is something like a commissioner and nowhere is the commissioner a member of the municipal council or committee. Therefore, there would again be trouble if the Nazim happens to be a member. If he is in direct control of the committee, and thus being an equal member of the committee, he will have his own overriding powers. In the Bill, as it is, he will not only be a member along with other members but also the Nazim, having many powers of an executive nature to control the whole Durgah. Therefore, in all fairness to the committee, and to the accepted practice of



[Shri B. S. Murthy.]

running the endowments and temples, I suggest the secretary may not be made a member.

شری ایم - ایچ - دھان : جیسا کہ ابھی آنریبل ممبر نے فرمایا ہے میں سمجھتا ہوں کہ یہ تو بہت خطرناک بات ہو جائیگی - ناظم تو ایکسککوتو آفیسر کی پوزیشن کا ہونا ہے - اگر وہ کمیٹی کا ممبر بن جائیگا تو کمیٹی کا کام ٹھیک طریقہ سے نہیں ہوگا - ہوم منسٹر صاحب فرور اس پر توجہ دیں اور ضرور فرمائیں -

[Shri M. H. Rahman: I think this will be very dangerous. A Nazim has the position of an executive officer. If he becomes a member of the Committee the latter will not be able to work properly. The Home Minister must consider that fact.]

Shri R. S. Diwan (Osmanabad): The appointment of the Nazim in consultation with the committee will create difficulties. While the committee will be elected after every five years, the Nazim may not be elected. He will be a permanent person. After the election of the new committee, is he to be changed? If he is not to be changed, are you going to consult the new committee again and keep the Nazim in his post or not? So, that kind of difficulty will arise. Therefore, the Nazim should be independent of the committee and there may be no necessity of consulting the committee in the appointment of the Nazim.

Mr. Deputy-Speaker: Is the Nazim a permanent appointee or is he only for a term of years?

Pandit G. B. Pant: No term has been fixed here in the Bill.

Pandit Thakur Das Bhargava: May I say a few words? According to clause 5, the composition of the committee is like this:

"The Committee shall consist of not less than five and not more than seven members all of whom shall be Hanafi Muslims and shall be appointed by the Central Government".

But in clause 9, we find this:

"The Central Government may appoint a person to be the Nazim of the Durgah and the Nazim shall by virtue of his office be the Secretary of the Committee as well as a member thereof".

This means that there will be five persons on the committee with the Nazim, if he is appointed a member, as a sixth member. The Nazim is also appointed by the Government. There are two points before the House. One is that the Nazim should be appointed in consultation with the committee and the other is whether the Nazim should be an executive officer only or he should be the secretary as well as a member. I beg to submit that nothing will be lost if we agree that the Nazim should be appointed in consultation with the committee. After all, the appointment will be made by the Government, and the Government will consult those people. If there is to be a homogeneous unit, it would be better that their consultation is taken so far as the appointment is concerned. So far as the office is concerned, I am of the view that his position would be just like that of an executive officer of a corporation or a municipality. He is then not a member of the committee. If he becomes a member, my apprehension is that there will be some dissensions in the committee. He will be equal to the other members and therefore he will be influenced by party factions and out of the five or six members, he will constitute the majority. If there are more than six members, that is, seven members, then also there will be dissensions. I think that in the interests of the better management of the



institution, he may be like an executive officer and not a member of the committee and as a person who would carry out the orders of the council and who will be in direct management of that work. Otherwise, if you mix both the functions, then the likelihood is that what we find in the municipal committees will be repeated here also. There are factions in the municipal committees, and similar factions in this committee will be fanned by the secretary. He will not be their servant but would be a member himself, and the work will not be carried out in the same efficient way as it could otherwise be done.

Secondly, when we come to clause 10, we find that an Advisory Committee may be formed to advise the Nazim in the actual discharge of his duties. He will, that is, the Nazim will have to go by the advice tendered to him. Now, it is customary to have an advisory body or committee when there are Boards, etc. If there is really a Central Committee, the Central Committee will see that its decisions are carried out by the Executive officer. Then, what has the Advisory Committee to do? If there are Advisory Committees, they should be for the entire Board or organization, just as we have got in many other institutions and in the Government of India also. There are many Boards, such as the Rehabilitation Finance Board and then there is an advisory committee for the Board. So far as this Bill is concerned, the Durgah is administered by the power of the Central Committee, but you have suggested three things: the Board, the Secretary and the Advisory Body.

Unless and until we define their powers and functions, it will be difficult to administer.

Mr. Deputy-Speaker: One is a local advisory body and the other is a body in which the administration vests.

Pandit Thakur Das Bhargava: Will the Advisory Committee carry out the instructions of the Central Committee? The Central Committee will really administer the institution. Thus, the Nazim, if he has got an Advisory

Body or an Advisory Committee, will work much better if he is just like an executive officer rather than a member of the committee.

Shri R. S. Diwan: Suppose the new appointment of the Nazim is only for five years.

Mr. Deputy-Speaker: All that has been discussed. Now, there are three points to be cleared. One is, whether the Nazim may be appointed permanently and not for a period; secondly, whether he should also be a member of the committee, and thirdly, if he is not to be a member of the committee, whether he should be appointed in consultation with the committee.

Pandit G. B. Pant: I think he need not be a member of the committee. We can remove the words "as well as a member thereof". But he will be the secretary of the committee. I hope there is no objection to it. The first Nazim will be appointed by the Central Government and the successors will be appointed in consultation with the committee. Because the first Nazim will be appointed even before the committee is formed, he may be appointed by the Central Government. But when any vacancy arises later, then the Central Committee will be consulted before the appointment is made. I think I have met all the points that have been raised.

Mr. Deputy-Speaker: The only point is that once he is appointed, he is a permanent man and by the efflux of time when a vacancy arises, it will be filled up in consultation with the committee.

Shri Datar: So, the Central Government may appoint a person to be first Nazim of the Durgah.

Dr. Krishnaswami (Kenchepuram): For what period?

Shri Datar: It is immaterial what the period is.

Mr. Deputy-Speaker: But by virtue of his office, he shall be the secretary of the committee.

Pandit G. B. Pant: At the end, the following sentence may be added:

[Pandit G. B. Pant]

"The successors of the first Nazim will be appointed by the Government in consultation with the committee."

Shri B. S. Murthy: I do not think it is fair either to fix the time or to say that he will be appointed in consultation with the committee, because.....

Mr. Deputy Speaker: I am not going to allow any further discussion on this point; enough has been said about this and the House has accepted the hon. Minister's amendment. The only point is how to put it. The suggestion of the hon. Minister is to add at the end a sentence like this: "The successors of the first Nazim shall be appointed by the Government in consultation with the Committee." The consideration of this clause is postponed for the present so that the necessary drafting changes may be made.

Shri K. P. Gounder (Erode): There is no qualification fixed for the Nazim.

Mr. Deputy-Speaker: That is left to the Government.

Pandit G. B. Pant: There is no qualification for the members either!

Clause 10.—(Advisory Committee to advise Nazim).

Shri Mohiuddin: I beg to move:

Page 3, line 12,

after "Chief Commissioner" insert:  
"and the Committee."

Pandit G. B. Pant: This will make the whole thing too cumbersome. The whole Committee is to be consulted about this Advisory Committee. The Advisory Committee is meant for local purposes and it will be entirely under the control of the Committee and their functioning is subject to the control of the whole committee. If the hon. Member presses his amendment, I have no objection to considering it.

Shri Mohiuddin: I do not press my amendment.

Pandit Thakur Das Bhargava: If you appoint an Advisory Committee, it must consist of independent persons

and the Central Committee need not be consulted.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11.—(Powers and duties of the Committee).

Shri Datar: I beg to move:

Page 3, line 39,

after "indigent" insert:

"descendants of Khawaja Moin-ud-din Chishti and their families and the indigent."

Mr. Deputy-Speaker: The hon. Minister wants to include not only indigent Khadims but also indigent descendants of Khawaja Moin-ud-din Chishti and their families.

The question is:

Page 3, line 39,

after "indigent" insert:

"descendants of Khawaja Moin-ud-din Chisti and their families and the indigent."

The motion was adopted.

Shri Mohiuddin: I beg to move:

Page 3, lines 31 and 32,

omit "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do."

Mr. Deputy-Speaker: Is the hon. Minister accepting it?

Pandit G. B. Pant: I do not see why these words should be omitted. These words are there to avoid confusion.

Mr. Deputy-Speaker: They may get passes or something like that.

Shri Mohiuddin: May I explain the amendment? The word licence is rather causing confusion. It seems that the people are feeling that it is rather offensive as well, because, they are performing certain religious functions according to their own notions and they are performing certain duties hereditarily for hundreds of years and now to ask them to take out licences is unnecessary and undesirable. I had therefore suggested that, instead of this clause saying that if necessary the Committee may grant them licences, I propose to add to the bye-laws, another clause saying that the Committee may make regulations for the conduct of or prescribe rules of conduct for the Khadims in the Durgah. The control that the Government want to have on the Khadims by issuing the licences can now, by accepting my amendment, be had by providing in the bye-laws rules of conduct. If they act against the rules of conduct, it will be for the Committee to take disciplinary action against them. The clause as it is proposed in Bill may lead to nothing. It is left to the Committee to issue licences or not to issue licences. The Committee may think that it is not necessary or may be influenced by the Khadims not to provide for licences to the Khadims. Instead of this, I am making it obligatory on the Committee to make rules of conduct and if anybody goes against them, disciplinary action can be taken and punishment awarded. I hope, with this explanation, the hon. Minister will accept this amendment.

Mr. Deputy-Speaker: Amendment moved:

Page 2, lines 31 and 32,

omit "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do."

Pandit Thakur Das Bhargava: I support the amendment. It is a very good one. The first thing is that the word licence may be repugnant to the Khadims and others. They will feel, we have been here for hundreds

of years, now the Government are controlling by the grant of licences. That would not be liked by them. The real point is that their conduct should be regulated. This suggestion is perfectly right. For instance, in other places also, when we go to Hindu shrines, the pandas become a nuisance. They pounce upon the pilgrims. The Khadims do the same thing. I do not know what functions they discharge. They are supposed to serve the pilgrims. But, instead of serving them, they annoy them by their presence, etc. Many of them come and say, you are our hereditary customers and we must serve you. The real point is that their conduct has to be regulated. It may be regulated even by licences if the Committee so likes. If the Committee puts a licence, they won't mind. If our Act says that, they will say our hereditary occupation is being interfered with by the Government, and Government say that they will issue licences after all these hundreds of years. I am of the view that whatever you may do, you have to do in a manner which may not hurt their feelings. Let what we want to do be done in such a fashion that we do not hurt them. I think it would be better if the amendment is accepted and if the Committee is entrusted with the right and duty of regulating their conduct, for example, by saying that they should not come in such large numbers in particular days or months and only serve when their turn comes. Something like this may be done. The word licence may be taken away from here. If necessary, the Committee may itself say in a bye-law that if they like, they may even provide for licences. We should not provide for licences in this Bill. This would hurt them.

Shri Datar: We are not providing for licences.

Pandit Thakur Das Bhargava: I know that.

شری ام - ایچ - رحمن :

امہلک ملت مہار ہوی ہے اور میں  
نے اپنی تقریر میں گزارش ہوی کی

[شری ایم - لیچ - رحمن]

تھی اور میں ملستہ صاحب سے پھر  
مرض کرتا ہوں کہ لائسنس کا  
مسئلہ میں جہاں تک سمجھتا ہوں  
اس رواج اور مزہبی تخیل کے بالکل  
خلاف ہے جو درگاہ میں خارمس کے  
بارے میں ہے - وہاں سجادہ  
نشین اور خادم یہ دو الگ الگ  
اپنی ذمہ داریاں اور اپنے فرائض ادا  
کرتے ہیں - خادم جس حیثیت  
میں وہاں کام کرتا ہے - خدمت  
انجام دیتا ہے - وہ ایک مذہبی  
خدمت سمجھی جاتی ہے - لائسنس  
کی شرط لگانا یا لیس کی اجازت  
دینا کمیٹی کو کہ اگر وہ ضروری  
سمجھے تو لائسنس لگا دے - وہ  
بزنس اور تجارت کی سی یوزیشن ہو  
جائے گی - اس بنا پر میں سمجھتا  
ہوں کہ جیسا کہ احمد مصی  
الدین صاحب نے بتلایا کہ ہائیڈرو  
آپ اس طرح سے کنٹرول کرنے کا حق  
دیجئے کہ وہ کوئی خلاف ورزی نہ کر  
سکیں - درگاہ میں کوئی ایسی بات  
نہ کر سکیں کہ جو درگاہ کے وقار نے  
خلاف ہو - لیکن لائسنس کی اجازت  
دینا کسی بھی طرح سے مناسب نہیں  
ہے -

(English translation of the above speech.)

[Shri M. H. Rahman: I have also tabled the same amendment. I would again submit that the idea of licensing is entirely against the custom and religious sentiment attaching to the office

of Khadim in the Durgah. The Sajjada Nashin and the Khadims have their separate duties and responsibilities, the service performed by the Khadim is regarded as a religious service. If the condition of licence is imposed or the Committee is allowed to give licence, if it considers necessary, the position would become analogous to some business or trade. I support the view expressed by Ahmad Mohiuddin that a provision for control be made in the bye-laws so that they may not be able to do anything which may be in contravention of the rules or against the prestige of the Durgah. The provision for licensing would in no case be proper.]

Shri B. S. Murthy: While supporting this amendment, I have got one more amendment, if that is acceptable to the Government. In the clause here, the wording is ".....to regulate their presence in the Durgah.....". The word 'presence' may be omitted and the word 'conduct' may be inserted in its place so that another clause in the bye-laws may not be necessary.

Pandit G. B. Pant: I am really unable to appreciate the amendments or their significance. The arguments that have been advanced by the speakers all go to support the clause as it stands. They, in a way, in fact indicate and anticipate that some of the Khadims are sometimes apt to prove a nuisance and instead of attracting worshippers or visitors to the Durgah, they are likely to scare them away. If there is no regulation, there may be confusion on more occasions than one. They all appreciate the need of regulating. They also appreciate the need of some sort of a control being exercised over the Khadims. Those who have read the report of the Durgah Enquiry Committee must have seen how the Khadims have been behaving. They have been really a source of trouble during the last 100 years so far as this particular Durgah is concerned. Some sort of regulation is necessary. That is admitted by all.

What do you mean by regulation? There must be some sanction behind it. If a person is asked to do a thing and if he fails to do that, he must undergo some penalty for such failure. All that is said here is that the Committee will regulate the presence of the Khadims in the Durgah. It is accepted by all that it should do so. If it feels, in so regulating their presence, it may introduce a system of licence. That is, it may lay down the conditions and give permission to the Khadims subject to their undergoing a penalty if they fail to observe the conditions. If there is nothing like that, how are they to be regulated whether it is regulation of conduct or anything? It is the Committee which has to do that. We do not say that licences should be given. What is stated here is, "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do". I do not know how Pandit Thakur Das Bhargava overlooked these words. He said—and some of the other speakers said: "You can authorise the Committee". We are doing no more than that. If the Committee thinks fit, it may do so. We are only interested in the regulation of traffic and in the maintenance of the proper dignity and standards befitting this great shrine. That is all I do not see why there should be any objection.

**Shri B. S. Murthy:** After having heard the Minister, may I ask that if the committee is given the permission to regulate, why should it not be given the option of the method of imposing certain rules of conduct?

**Mr. Deputy-Speaker:** It is there: "If the committee thinks it necessary so to do." They may adopt any other method if they like.

**Shri B. S. Murthy:** Therefore, in order to avoid the word "licence" I suggest that "to determine the privileges of the khadims and to regulate their presence....."

**Mr. Deputy-Speaker:** I cannot go on allowing arguments. No, no. This is very wrong. I first of all allowed hon. Members to move their amendments. Then on those I allowed any hon. Member to speak. Then finally the hon.

Minister has to wind up. Then once again the hon. Member gets up and goes on giving a suggestion. How long am I to continue? I will not allow this.

**Shri B. S. Murthy:** The hon. Minister has been kind,.....

**Mr. Deputy-Speaker:** He may be kind. I will not be kind.

The question is:

Page 3, lines 31 and 32,

omit "by the grant to them of licences in that behalf, if the Committee thinks it necessary so to do".

*The motion was negatived.*

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

"That clause 11, as amended, stand part of the Bill".

*The motion was adopted.*

Clause 11, as amended, was added to the Bill.

Clause 9.—(Power of Central Government to appoint Nazim).

**Mr. Deputy-Speaker:** If you permit me to come back to clause 9 held over to enable the office to modify the wording if necessary, I would like the House to consider if this is suitable. I am not putting it straightway. I am only placing it before the House for such comment as may be necessary, and if it is agreeable, I shall put it to the vote of the House. The amendment reads:

Page 3,

for lines 1 to 4, substitute:

"9. Power of Central Government to appoint Nazim.—(1) The Central Government may, in consultation with the committee, appoint a person to be the Nazim of the Durgah and the Nazim shall in virtue of his office be the Secretary of the Committee:

Provided that no such consultation shall be necessary in the case of the appointment of the first Nazim."

It is only putting the other way. If the hon. Minister accepts, this may stand. There is no sanctity either in the one or in the other.

**Pandit G. B. Pant:** No, no. There is sanctity in what comes from you.

**Amendment made:**

Page 3,

for lines 1 to 4, substitute:

"9. Power of Central Government to appoint Nazim.—(1) The Central Government may, in consultation with the Committee, appoint a person to be the Nazim of the Durgah and the Nazim shall in virtue of his office be the Secretary of the Committee:

Provided that no such consultation shall be necessary in the case of the appointment of the first Nazim."

—[Pandit G. B. Pant.]

**Shri S. S. More (Sholapur):** Will this be an amendment from the Chair?

**Mr. Deputy-Speaker:** I shall tell him as to what has happened. What was done was that the amendments were all moved by the hon. Home Minister. They were suggested. Then I took the liberty of suggesting to the House this course. When I put it to the House I said the language merely requires some amendment. I said so.

**Shri S. S. More:** I accept what you say, that the amendment which you have suggested is a happier amendment.

**Mr. Deputy-Speaker:** Let it stand in the name of the hon. Minister, as moved by the Hon. Minister.

**Pandit Thakur Das Bhargava:** There is no harm in having it from the Chair. Where is the harm?

**Shri S. S. More:** He should not be a party.

**Pandit G. B. Pant:** If Shri More has no objection, let it be adopted in his name.

**Shri S. S. More:** I do not mind though I have not studied the Bill.

**Mr. Deputy-Speaker:** So, Shri Rohman's amendment has been covered and need not be put.

The question is:

"That clause 9 as amended stand part of the Bill".

The motion was adopted.

Clause 9, as amended was added to the Bill.

Clause 12.—(Remuneration of the Sajjadanashin)

**Shri Mohiuddin:** I have got an amendment to this clause.

Page 3,

line 46 and wherever it occurs in the Bill,

for "Sajjadanashin" substitute "Dewan".

The reason is there has never been any Sajjadanashin in the Durgah. Of course, the enquiry committee has used the word "Sajjadanashin" throughout its report. There has been a long dispute whether the daughter and the son of the Hazrat Moin-uddin Chishti had any issue. There has been long historical research in that respect and I am not in a position to say what are the facts. The word "Sajjadanashin" is usually used where there is a hereditary successor to the Pir. Otherwise, it is not generally used. That is why for hundreds of years the person who performed the religious functions was called "Dewan". What is the origin of the word "Dewan" I do not know. But the word was used and is still commonly used by the people who visit the Durgah. Of course, Sajjadanashin has come into use for the last ten or 15 years. I suggest that this word "Dewan" may be continued instead of the word "Sajjadanashin" because it causes misunderstanding.

**Pandit G. B. Pant:** There is no question of continuing. It is rather replacing the present term "Sajjadanashin" by "Dewan". We are continuing the present title of "Sajjadanashin". I read in the report about the appointment of a Sajjadanashin by Akbar 400 years ago and Sajjadanashins have been regularly appointed since. The term "Dewan" may create confusion. It is very closely allied to the word "Dewan". It is better to



use the word "Sajjadanashin". It has a long history. I do not see why we should drop it. It is a fine expression and it suits a shrine like the Durgah much better than the word "Dewan".

Mr. Deputy-Speaker: I need not put the amendment.

The question is:

"That clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill...

Clause 13.—(Succession to the office of Sajjadanashin).

Shri Datar: I beg to move:

Page 4.

for clause 13 substitute:

"13. Succession to the office of Sajjadanashin.—(1) As soon as the office of the Sajjadanashin falls vacant, the Committee shall, with the previous approval of the Chief Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit and immediately thereafter publish a notice in such form and manner as may be determined by the Committee, inviting applications within one month of such publication from persons claiming to succeed to that office.

(2) Where only one person claims to succeed to the office of the Sajjadanashin and the Committee is satisfied as to his right to succeed, it shall with the previous approval of the Chief Commissioner pass an order in writing according recognition as Sajjadanashin to such person.

(3) Where more persons than one claim to succeed to the office of the Sajjadanashin, the Committee shall, after consultation with the Chief Commissioner, refer the dispute to the Judicial Commissioner of Ajmer for a decision regarding the claim to succeed to that office, and the Judicial Commissioner, after taking such evidence as he considers necessary and after giving an opportunity to

the claimants to be heard in respect of their claims, shall communicate his decision to the Committee.

(4) The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision declaring the person found entitled to succeed to the office of the Sajjadanashin and according recognition as Sajjadanashin to such person.

(5) An order passed by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any court."

It appears long, but it is practically re-stating the position correctly. It only states very clearly what the position in this respect is. There were certain words of a doubtful character and therefore it has been very clearly stated, and whenever the post falls vacant, the committee, it is provided, shall, with the previous approval of the Chief Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit. And then it will be found in sub-clause (2) that if there is only one person and the Committee is satisfied, then there is no difficulty at all, but if there is more than one person laying claim to it, then the dispute will be referred to the Judicial Commissioner, and in sub-clause (4) it is stated: "The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision". It is a judicial decision. Sub-clause (5) states that an order by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any Court.

Mr. Deputy-Speaker: The question is:

Page 4.

for clause 13 substitute:

"13. Succession to the office of Sajjadanashin.—(1) As soon as

[Mr. Deputy-Speaker.]

the previous approval of the Commissioner, make such interim arrangements for the performance of the functions of the Sajjadanashin as it may think fit, and immediately thereafter publish a notice in such form and manner as may be determined by the Committee, inviting applications within one month of such publication from persons claiming to succeed to that office.

(2) Where only one person claims to succeed to the office of the Sajjadanashin and the Committee is satisfied as to his right to succeed, it shall with the previous approval of the Chief Commissioner pass an order in writing according recognition as Sajjadanashin to such person.

(3) Where more persons than one claim to succeed to the office of the Sajjadanashin, the Committee shall, after consultation with the Chief Commissioner, refer the dispute to the Judicial Commissioner of Ajmer for a decision regarding the claim to succeed to that office, and the Judicial Commissioner, after taking such evidence as he considers necessary and after giving an opportunity to the claimants to be heard in respect of their claims, shall communicate his decision to the Committee.

(4) The Committee, on the receipt of the decision, shall, with the previous approval of the Chief Commissioner, pass an order in writing in accordance with such decision declaring the person found entitled to succeed to the office of the Sajjadanashin and according recognition as Sajjadanashin to such person.

(5) An order passed by the Committee under sub-section (2) or sub-section (4) shall be final and shall not be questioned in any court."

The motion was adopted.

Mr. Deputy-Speaker: I think there are no more amendments to this clause.

Shri Datar: There is one more amendment, namely amendment No. 16 in the name of Shri Raghunath Singh.

Mr. Deputy-Speaker: The hon. Member Shri Raghunath Singh is not here. I give hon. Members ample opportunity to get up and move their amendments. If they do not move, that means they do not want to press their amendments.

Shri D. C. Sharma: Shri Raghunath Singh got up so many times to catch your eye so that he may make his speech, but you did not give him a chance.

Mr. Deputy-Speaker: I am willing to give him any number of chances now.

Shri D. C. Sharma: But the poor man has gone now.

Mr. Deputy-Speaker: It is rather curious. If he misses one chance now, is he not going to attend Parliament at all hereafter?

The question is:

"That clause 13, as amended, stand part of the Bill".

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 and 15 were added to the Bill.

Clause 16—(Board of Arbitration).

Shri Mohiuddin: I have got two amendments to this clause. One of them seeks to delete clause 16 altogether.

Mr. Deputy-Speaker: That amendment is out of order. The hon. Member can very well oppose clause 16.

شی ایم - ایچ - رحمان : کلاز ۱۷

میں میری اسلڈ میٹ ہو رہی ہے۔

[Shr] M. H. Rahman: I.....]

उपाध्यक्ष महोदय : उस पर मैं फिर  
भाऊंगा ।

**Shri Mohiuddin:** Then, I shall move  
my other amendment which reads:

Page 4, line 40,

omit "or under some contract of  
employment".

**Mr. Deputy-Speaker:** What is the  
number of the amendment?

**Shri Mohiuddin:** This has no num-  
ber. I gave notice of this amendment  
just an hour ago, and if the hon.  
Minister accepts it, it can be consider-  
ed.

**Mr. Deputy-Speaker:** Any amend-  
ment which has not been circulated  
earlier will not be allowed to be  
moved unless Government or the per-  
son in charge of the Bill accepts it.  
If the hon. Minister accepts this  
amendment, it can be moved. Is the  
hon. Minister agreeable to accepting  
this amendment?

**Pandit G. B. Pant:** I have no objec-  
tion to its being moved.

**Shri Datar:** It might be moved.

**Mr. Deputy-Speaker:** Is the hon.  
Minister accepting it?

**Pandit G. B. Pant:** I have no objec-  
tion to its being moved.

**Mr. Deputy-Speaker:** Only to mov-  
ing it? Very well, the hon. Minister  
waives notice.

**Shri S. S. More:** It is the privilege  
of the Chair and the House to waive  
notice, and not of the hon. Minister.

**Mr. Deputy-Speaker:** I would just  
like to remind the House that normal-  
ly amendments which are tabled at a  
late hour are not accepted. It is not  
only Government, but others also,  
who are interested in it, and they  
have also to apply their minds. But  
we have also been adopting this prac-  
tice, that if the Mover or the sponsor  
of the Bill, whether Government or a  
private Member, is willing to accept  
the amendment, then naturally they

must have a body to support them-  
selves, and under those circumstances,  
the House shows a little indulgence  
and is willing to waive notice and allow  
the amendment to be moved. But if  
it is only for the purpose of debating  
that it is to be moved, but ultimately  
it is going to be objected to, then let  
us save the time of the House by not  
allowing it to be moved.

**Pandit G. B. Pant:** I have no objec-  
tion to its being moved.

**Mr. Deputy-Speaker:** Is it only a  
question of its being moved? Are Gov-  
ernment going to oppose it ulti-  
mately?

**Pandit C. B. Pant:** I do not want to  
waste the time of the House.

**Mr. Deputy-Speaker:** I take it that  
this amendment is going to be accept-  
ed by the hon. Minister.

**Pandit G. B. Pant:** I have to see the  
reaction of the other Members also.

**Mr. Deputy-Speaker:** The hon. Mem-  
ber may move his amendment now.

**Shri Mohiuddin:** I beg to move:

Page 4, line 40,

omit "or under some contract of  
employment".

The reason is that arbitration is  
necessary and should be resorted to  
only when there is some dispute  
between the committee and the Saj-  
jadanashins, and the Khadims on  
account of their hereditary rights.  
But there could be no question of an  
arbitration between the committee and  
its employees. It may be a servant,  
a sweeper, or a chaprasi; they are  
all employees with whom the com-  
mittee has an implied contract, just  
as any driver or any servant has an  
implied contract with his employer.  
I do not quite understand the mean-  
ing of the phrase 'or under some con-  
tract of employment'. It simply  
means, according to me, that any  
servant employed by the committee,  
who is not a hereditary servant of  
the Durgah can also resort to this  
provision and can apply to the Gov-  
ernment of India for arbitration even

[Shri Mohiuddin]

on a small matter. That is why I say that these words should be deleted. Disputes arising between the committee and the Sajjadanashins or the Khadims in respect of their hereditary rights may, of course, be the subject of arbitration, in order that the disputes may not drag on and go to a court of law. But I do not want that there should be provision for arbitration in respect of trivial matters.

I hope, therefore, that the hon. Minister will accept my amendment.

Shri S. S. More: I believe he has already accepted it, and that is why it has been moved.

Pandit G. B. Pant: I have not already accepted it, but I do accept it now.

Mr. Deputy-Speaker: Amendment moved:

Page 4, line 40,

omit "or under some contract of employment".

Pandit Thakur Das Bhargava: The entire idea underlying this clause is that no dispute relating to the Durgah or to this committee may go to a court. That is the basic idea. If there is any dispute in regard to any hereditary right etc., the matter may be decided by the arbitrators. My hon. friend also accepts that position. He only objects to the words 'or under some contract of employment'. I find as a matter of fact that this is more in the nature of a special right being given to the Durgah so that the Durgah may not be dragged in in a court by A. B. or C. My hon. friend was speaking of some sweepers etc. They are under a contract of employment. If they bring a matter before the court, and the Durgah is also to appear in the court, then what is the fun in it? This provision means that no question relating to these matters will go to court. It will be decided by persons who are mentioned here, by independent persons, by representatives of this party or that party

together with an umpire who will be a person who has got no interest whatsoever in the matter. This means that a person need not go to court, and any matters of dispute that arise, whatever their nature, will be decided by arbitration. I think this is a very wholesome provision which should be accepted rather than objected to. I do not find any difficulty at all here. I have heard the hon. Member with rapt attention, but I could not find any difficulty.

Mr. Deputy-Speaker: Would that not be taking away the right of a person who is working under a particular contract?

Pandit Thakur Das Bhargava: He is objecting only to that part.

4 P.M.

Mr. Deputy-Speaker: What I feel is this. If there is a contract of employment, is it open to say, instead of going to the court of law by this Act, remove the jurisdiction of the court and then put in arbitration?

Pandit Thakur Das Bhargava: Yes. That is the real idea.

Shri Datar: By agreement.

Mr. Deputy-Speaker: It is not by agreement. If anyone of the parties has a complaint against the other party and wants to refer it to arbitration, but the other party is against arbitration?

Shri Mohiuddin: What I mean to say is that if arbitration is allowed even to the servants of the Durgah, there will be no discipline amongst the servants of the Durgah, there will be no obedience and in every small matter of discipline they can apply and go to arbitration. So there will be discipline. Arbitration is with regard to points arising out of hereditary rights and so on, which is made clear to a certain extent; otherwise, there will be no discipline and the Committee cannot carry on the administration.

Pandit Thakur Das Bhargava: The words are these: 'does not, in the

opinion of the Committee, relate to any religious usage or custom.' So they are all civil matters. All the other matters are mentioned here, why not this?

**Mr. Deputy-Speaker:** Every servant will go to court.

**Pandit Thakur Das Bhargava:** Now, he has to go to the munsif's court.

**Mr. Deputy-Speaker:** Going to a court is not so easy as referring to arbitration. Does the hon. Minister accept it?

**Pandit G. B. Pant:** I have no objection, if the House is agreeable.

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

Page 4, line 40,

omit "or under some contract of employment".

*The motion was adopted.*

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

"That clause 16, as amended, stand part of the Bill".

*The motion was adopted.*

Clause 16, as amended, was added to the Bill.

Clause 17 to 19 were added to the Bill.

**Clause 20.—(Bye-laws).**

**Amendment made:**

(1) Page 5, lines 40 and 41,

for "compound" substitute:

"compound and regulating the conduct of persons within the precincts of the Durgah".

(2) Page 5,

(1) after line 42, insert:

"(j) the regulation of the cooking of dregs and distribution of the food so cooked, notwithstanding any judicial decision relating to

the right of any person or class of persons to participate in such cooking or distribution";

(ii) line 43,

for "(j)" substitute "(k)"; and  
(iii) line 46,

for "(k)" substitute "(l)"

—[Shri Datar]

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

"That clause 20, as amended, stand part of the Bill".

*The motion was adopted.*

Clause 20, as amended, was added to the Bill.

**Clause 21.—(Transitional Provisions).**

**Shri Datar:** I beg to move:

Page 6,

for clause 21 substitute:

"21. **Transitional Provisions.**—The person holding the office of Sajjadanashin immediately before the commencement of this Act shall on and from such commencement continue to hold that office subject to the other provisions of this Act and to the final decision in the suit relating to that office which is pending on such commencement and to which the said person is a party".

This matter, it was stated, was pending in the Supreme Court. We have no information on that point. That is the reason why this has been added.

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

Page 6,

for clause 21 substitute:

"21. **Transitional Provisions.**—The person holding the office of Sajjadanashin immediately before the commencement of this Act shall on and from such commencement continue to hold that office subject to the other provisions of this Act and to the final decision in the suit relating

[Mr. Deputy-Speaker]

to that office which is pending on such commencement and to which the said person is a party".

*The motion was adopted.*

Mr. Deputy-Speaker: The question is:

"That clause 21, as amended, stand part of the Bill".

*The motion was adopted.*

Clause 21, as amended, was added to the Bill.

Clause 22 was added to the Bill.

Clause 1.—Enacting Formula and Title.

Amendments made:

(1) Page 1, line 3,  
for "1952" substitute "1955".

(2) Page 1,  
for line 1, substitute:

"Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—"

—[Shri Datar]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, the Enacting Formula, as amended, and the Title stand part of the Bill".

*The motion was adopted.*

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

Pandit G. B. Pant: I beg to move:

"That the Bill, as amended, be passed".

I do not think many words are needed now to commend this Bill to the hon. Members of this House. I have accepted almost every amendment which was acceptable to the

general body of the House itself and I have tried to remove every possible objection emanating from the quarters that are interested in the Bill. In fact, I have more than responsive; I have been submissive. So I hope this will be accepted unanimously.

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri D. C. Sharma: The hon. the Home Minister, in his opening speech, remarked that it had gladdened his heart to be able to bring this Bill forward in the House. I must say that it gladdens my heart also to be able to speak on this Bill, even though it be at the third reading stage. I do so for two reasons. When I look back upon my school life, I think there are two Urdu poems which still stick in my memory. One of those poem is about the revered saint, about whose Durgah we are passing a Bill today. The other poem was a poem by Dr. Mohammed Iqbal which was known as the complaint of a night-ingale in a cage.

I therefore say that by doing so, I am paying my homage to this great Sufi saint who was responsible, by and large, for founding the tradition of Hindu-Muslim amity. I have been to Ajmer several times and I have seen that this Durgah is common to all and that Hindus vie with Muslims in paying their homage to this great saint. Of course, I would have liked it very much that the Government should have brought forward a comprehensive Bill to cover all places of religious endowments. My friend Shri A. S. Saigal said that there should be a Bill like this for Huzur Sahab and Patna Sahab. My other friends also echoed similar sentiments. I should say that there should be a similar Bill for the temple of Lord Vishwanath in Banaras. I think this is not a problem which concerns only one shrine in India. It is a problem which affects so many



temples and religious endowments in India and I would urge the Government to be so bold as to bring forward a Bill which can make for the proper administration of these religious endowments.

I would not repeat what has been said that there are malpractices and all that kind of thing. I do not want to say all that. But, I should say, apart from other considerations, we need in this country a proper administration of all these religious endowments. But proper administration does not mean that everybody connected with these religious endowments should be elected. An hon. Member said that the Central Committee should be elected and all other committees should be elected. Of course, I believe in parliamentary democracy and parliamentary democracy cannot work without elections. But I must say that in India we are having a morbid passion for election; and we are overdoing these elections. We want elections in every sphere of life and I do not know where we shall be able to draw the line. But, I must say that so far as the administration of religious endowments is concerned we should not introduce the principle of elections. I do not want to refer to any religious endowment but I have in my mind some and I know how the principle of elections for the management of those religious shrines, has worked by far and large neither for the proper administration of those endowments nor for the enhancement of their prestige nor even for the proper performance of the ritualistic duties concerned with those endowments. I would, therefore, say that it is a very wholesome thing that the Government has done that they have not introduced this principle here. Religious endowments cannot be run like municipal committees or like district boards or State Assemblies. Religious endowments have a character of their own and, I think, the principle which the Government has adopted in the framework of this Bill should be something of a model for all other

Bills which are to come in the case of these religious endowments.

But I must say one thing that in this Bill we have adopted a strange kind of structure. I am sorry to refer to the structure of this Bill. We have the Chief Commissioner, we have the Nazim, we have the Advisory Committee and then we have the Arbitration Board. I do not know why our government cannot think of simplifying the structural organisations that are coming into being so fast in this country. These organisations are of different characters. For instance, what are the functions of the Chief Commissioner? Of course, he exercises statutory functions which I think.....

**Mr. Deputy-Speaker:** This is the third reading. It is not usual to go into such great details. Three hours have been allotted for this and now we have exceeded three hours.

**Shri D. C. Sharma:** Yes, Sir. But, we have also saved some time from the other Bills, for instance from the Bill which my learned friend Shri Pataskar put forward and, therefore, we can give some more time to this.

**Mr. Deputy-Speaker:** The next Bill probably wants more time.

**Shri D. C. Sharma:** I was going to say there is the Nazim. It has been said that the Nazim belongs to the category of an executive officer of a municipality. When I look at the position of the committee, I say that this committee belongs to the category of a financial undertaking. When I look at the Advisory Committee I say this belongs to the category of the Business Advisory Committee and when I think of the Arbitration Board, I say this belongs to the domain of labour disputes. I see so many things have been brought together in this Bill and the structure that has been proposed for the administration of this Durgah is a strange one. I, therefore, say that Government should think of a simple, homogeneous and harmonious structure. It is not that they should take

[Shri D. C. Sharma.]

one thing from a business organisation, one thing from a financial organisation and a third thing from a municipal organisation and put them together and say "Here we have brought these together and this is a proper structure." I say this matter requires very serious consideration and I think this kind of difficulty should be obviated in other Bills also.

I am glad that the hon. Minister has taken away some of the powers of the Nazim. But I must say that he has been very hard on the Khadims. We go to places of pilgrimage and we meet these pandas. Do you mean to say that these pandas should take a licence? These pandas are not a nuisance.

An Hon. Member: They are a nuisance.

Shri D. C. Sharma: They are a nuisance because you have other considerations in view. I say the pandas act as your hosts, as your guides and as your friends. They do all these things and I think it is an abuse of language to say that these pandas and Khadims are a nuisance. (Interruption) I would say that these persons should have been shown some tender mercy. I know our Home Minister is a very gentle-hearted person and has been very good to the Nazim. I would expect some small mercies for these Khadims also because to take these Khadims away from their temporary spiritual category and bring them into the category as in the Bill is not a very desirable thing from my point of view. It hurts my sentiment. I think tomorrow there may be a Bill for some Hindu religious endowment and something like this would be proposed to be put down there. That would hurt me. Therefore, I say the Khadim should have been given—if I can put it like that—a better deal than he has been given here.

The Sajjadanashin is being given an allowance of Rs. 200 a month. He

is a descendant of that great saint. I should say that I welcome this Bill and support it in the main but I would request the Government to bring into being a simple kind of structure which can make for the proper governance and administration of these bodies. With these remarks I support this.

Pandit G. B. Pant: This Bill is based on the recommendations of the high power committee which was presided over by a judge of the High Court. So, if there is any grievance, then it should not be laid at the door of the Government but of those who had better opportunities of studying the problem. So far as I am concerned, I have accepted almost every suggestion that has been made on the floor of this House.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

#### STATE BANK OF INDIA (AMENDMENT) BILL

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move:

"That the Bill to amend the State Bank of India Act, 1955, be taken into consideration."

This Bill is intended to convert the ordinance issued some time back into an Act of Parliament. I think it would be proper to state here the reasons for promulgating the ordinance. The other day I laid on the Table of the House a statement showing the objects and reasons for promulgating the ordinance and also the reasons for the emergency felt by Government.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Under the State Bank of India Act, a date was fixed, to be notified by the Government later on, called the 'appointed day', on which the Imperial Bank would cease to exist and its place would be taken by the State Bank, and all the assets and liabilities of the Imperial Bank would be automatically transferred to the State Bank. In fact, the Imperial Bank would convert itself into the State Bank of India on the appointed day and the State Bank would set into possession of all the properties and the Government notified later on that the 1st July should be the appointed day.

As far as the assets and liabilities of the State Bank, situated in India, are concerned, this Act of Parliament was quite enough to take care of those things, but there are certain assets and liabilities of the Imperial Bank situated outside the country. It has even now some branches outside—I think eight in Pakistan, one in the U. K., one in Ceylon and one in Burma. The assets and liabilities of those branches could not automatically be transferred to the new State Bank, started on the 1st July. There must be a legal entity, a corporate body, to make this transfer from the Imperial Bank to the State Bank. But if the Imperial Bank ceases to function as State Bank on the 1st July and the State Bank comes into existence on 1st July, then the legal entity to transfer the assets and liabilities of the Imperial Bank's foreign branches would not be there. So, it has been found necessary to continue a notional existence of the Imperial Bank as far as India is concerned, and also to allow it to continue as a legal entity in the foreign countries to effect this transfer. It was solely for this purpose that the ordinance was promulgated.

The House will remember that any Indian bank to open its branches in a foreign country will have to take a

licence and permission from the foreign country, just as a foreign bank to open a branch in India will also require a licence and permission from the Government of India. That also would take some time and the actual transfer of these properties could not be automatically done according to the Acts passed in India. That is why it was felt necessary that the Imperial Bank should be allowed to continue. Then certain legal documents also are to be enacted and that cannot be done unless the Imperial Bank continues in those foreign countries. Some formalities are to be undergone, some stamp duties and other taxes are also to be paid, and these are legal technicalities. Naturally, it was not possible to do them on the 1st July. It would take some time, and for these purposes also, it was necessary to continue the Imperial Bank in foreign countries. We cannot continue the Imperial Bank in foreign countries without having some sort of existence also here, and it has been found necessary to have a sort of a notional existence of the Imperial Bank here. The shareholders have ceased to exist, the Directors have ceased to exist, and the entire functions of the Imperial Bank now vest in the Chairman. The Chairman, the Vice-Chairman and two Managing Directors of the State Bank of India will from the body corporate of the Imperial Bank.

**Shri A. M. Thomas (Ernakulam):** Who will act on behalf of the notional body?

**Shri A. C. Guha:** The Chairman of the State Bank. The entire functions of the Imperial Bank now vest in the Chairman—of course he has the right to delegate his powers.

**Shri M. S. Gurupadaswamy (Mysore):** Will he be a notional Chairman?

**Shri A. C. Guha:** Notional shareholders?

**Shri M. S. Gurupadaswamy:** Notional Chairman.

**Shri A. C. Guha:** The Chairman will be the sole repository of the authority of the Imperial Bank for the purpose of transferring the assets of the foreign branches to the State Bank. Regarding the necessary structure and the administrative set-up of the notional bank, I have stated that the shareholders do not exist and the body corporate of the Imperial Bank is continued by the chairman, the vice-chairman and the two managing directors of the State Bank. Then naturally would come the question of the capital of the Imperial Bank as it cannot function without a share capital. So, the Reserve Bank will advance Rs. 10,00,000 to the Imperial Bank as its capital.

There are certain difficulties with regard to the employees. Under the Act passed by this House—the State Bank of India Act—all the employees of the Imperial Bank are transferred to the State Bank and that position remains. As regards the conditions of service, emoluments, etc., everything remains the same as put in the State Bank of India Act. But in regard to the employees in the foreign branches, though they belong to the State Bank, they would be eligible to do certain services for the Imperial Bank branches there. Though employees of the State Bank, they will have to carry on the work of the Imperial Bank branches in foreign countries.

The Imperial Bank Act is so amended as to preserve a skeleton organisation till such time as the Bank is dissolved by a further notification of the Government. By this Bill we are making certain amendments to the Imperial Bank Act also, because to keep in existence the Imperial Bank, that Act will also be operated. But under the changed conditions, certain amendments are required to be effected in the Imperial Bank Act and that is also done in certain clauses of the Bill.

In the State Bank of India Act, under section 48, we took certain powers to meet some sort of unforeseen difficulties and contingencies, but

that provision was not enough to meet the difficulties that we later on found. As regards the foreign branches of the Imperial Bank, we consulted our lawyers and our legal advice is that there is no way but to effect changes in the State Bank of India Act, in the first instance by the issue of an Ordinance and later on by converting it into an Act of Parliament. I can give this assurance that this will be only for a short time. As soon as the assets and liabilities of the branches in foreign countries are transferred to the State Bank, the Imperial Bank will cease to exist and that will only require a further notification of the Government of India. No new principle is involved and this action is taken only in pursuance of the implementation of what the Parliament wished and enacted. It was only a question of getting over some technical unforeseen difficulty. The present Bill purports to transform the ordinance into a permanent Act and I hope there is nothing contentious in this Bill and that the House will readily pass this Bill. At the second reading stage, I shall move a short verbal amendment to one of the clauses.

**Mr. Chairman:** Motion moved:

“That the Bill to amend the State Bank of India Act, 1955, be taken into consideration.”

**Shri N. B. Chowdhury (Ghatal):** While supporting the Bill I would like to make a few observations on this occasion. The necessity of bringing this amendment has arisen as a result of certain legal difficulties which, the authorities feared, they might have to face in foreign countries with regard to the branches of the Imperial Bank. While in India we have a State Bank from the 1st of July, in other countries some 11 or 12 branches of the Imperial Bank will continue to live because of such difficulties.

**Shri A. C. Guha:** I think there is some misconception; in these countries also by this time the State Bank

has started functioning. At the same time the Imperial Bank branches also continue and they will continue as long as the properties are not transferred to the branches of the State Bank.

**Shri N. B. Chowdhury:** I am glad that the position has been further clarified by the hon. Minister. Such difficulties might appear when new institutions of this magnitude are brought into existence. There may be unforeseen difficulties which may have to be overcome, but the point to be considered is whether this is one of the difficulties which could not have been foreseen by the Government. You are aware that recently in the course of a week we have come across some three or four instances of carelessness on the part of the Government. There was one Bill with regard to which the Speaker had to say something; he said that it had to be held up and could not be transmitted for sometime because the period of 14 days would be expiring if it was sent immediately. There was another Bill brought by the Home Minister in which case the amendments could not be supplied in time. Here is another instance.

The Imperial Bank of India Act was enacted in 1920 and these branches were functioning in those foreign countries for a long time. Could they not have anticipated these difficulties with regard to the transfer of the assets of the branches of the Imperial Bank and could not they have included these provisions in the original Bill itself?

**Mr. Chairman:** The Minister had already explained that opinion was divided; they took counsels from different lawyers and their opinion was divided.

**Shri N. B. Chowdhury:** The expert advice was taken after the Bill was enacted and the Ordinance was promulgated on 23rd June; it appears that they found out these difficulties after the State Bank Act came into existence and so they sought expert legal advice and on such advice they

promulgated an ordinance. That advice should have been taken earlier; I am sure they had not ascertained the opinion of the experts before they asked for the drafting of the Bill. Had they been careful enough, they would have certainly consulted the banking laws of the countries in which the branches of the Imperial Bank existed. This is certainly an instance where we can say that the necessity for this ordinance on the score of the difficulties of foreign banking laws could have been avoided.

The hon. Minister mentioned the existence of some 11 branches. I wanted this information from the Reference Branch and they had supplied me a list according to which I find that there are as many as 12 branches.

**Shri A. C. Guha:** Eleven branches.

**Shri N. B. Chowdhury:** They are at Rangoon, Colombo, London and nine in Pakistan.

**Shri A. C. Guha:** Eight in Pakistan.

**Shri N. B. Chowdhury:** Except for one branch—that is the Rangoon branch—all the other branches are situated in Commonwealth countries. The Hon. Minister had already explained that in some of these places at least, the State Bank had also started functioning while the branches of the Imperial Bank also continue to function. There are other difficulties also because they will have to get licences or other kinds of authorisations; there may be some documents which may have to be executed; the difficulties about stamp and others are also there. So, we would like to know all these things—namely, whether Government is experiencing any difficulty with regard to the transfer of liabilities and assets by these branches to the proposed branches of the State Bank in those countries. That position has to be made clear because here certain countries are mentioned with regard to the branches of which we do not for a long time know what is happening. What is the transaction; has

[Shri N. B. Chowdhury]

it gone down or up? Particularly with regard to the branches in Pakistan what is the position? What is the position with regard to the London Branch. We would like to know all these things and also whether it would be possible for the Government to expedite this change-over by negotiations.

I would like to know the position of the employees. The hon. Minister had also referred to these cases. We should be informed whether as a result of this changeover there is going to be any difficulty to the staff. We want that there should be a categorical assurance on the floor of this House that because of such transfer and the change in the name and other difficulties that the Government may have to face, the staff of the State Bank or the Imperial Bank would not be made to suffer in any way. It is a very peculiar position. We have heard about the notional existence of the Imperial Bank here and also the existence simultaneously of the branches of the Imperial Bank and the State Bank in other countries. We do not, therefore, know very clearly what exactly the legal position is. We all wished at the time of passing the State Bank of India Bill that we were going to have a full fledged State Bank from 1st July. Now, we find that there is some difficulty and the Imperial Bank has not in fact been terminated. We all wished that the Government should take proper steps so that the State Bank of India would be the only bank. There should not be any prolongation of the life of the Imperial Bank more than is absolutely necessary to effect the changes that are necessary in view of the laws of other countries over which we have no control.

**Shri M. S. Gurupadaswamy:** Sir, in psychology we come across various complexes like oedipus-complex, electro-complex and the like.

**An Hon. Member:** And inferiority complex.

**Shri M. S. Gurupadaswamy:**...and the Government of India and Shri A. C. Guha are now developing an Ordinance-complex.

**Shri S. S. More (Sholapur):** He is not using any of the complex.

**Shri M. S. Gurupadaswamy:** It is not meant for Shri S. S. More.

**Shri A. C. Guha:** Anyhow I am glad he has not suggested oedipus complex for the Government.

**Shri M. S. Gurupadaswamy:** This measure has been brought to regularise the step that has been taken by the Government in issuing an ordinance. Shri A. C. Guha said in his preliminary remarks that no principle is involved in this Bill. Certainly, no principle is involved. What we see here is only that the Government resort to the extraordinary powers given in the Constitution meant for extraordinary circumstances to rectify ordinary wrongs. Here is a case where the emergency power given by the Constitution is used to fill up the lapses of vision and foresight on the part of the Government. It is very unfortunate and it is really inexcusable.

**Shri A. C. Guha** pointed out that he had to continue notional existence of the Imperial Bank of India. That means we have to endure the shadow of the Imperial Bank for some more time to come till all the assets and liabilities of the various branches abroad are transferred to the State Bank. Sir, I want to know, what was the department doing at that time when it was drafting this measure? It may be said that this was not foreseen. They ought to have foreseen this when they brought a very important and vital measure of this kind. When they brought this measure they should have taken all care to see that nothing wrong or incorrect was done on their part in regard to the question. Now, there is not only loss of time of the House but also waste of time to the Government. I fear that by this delay the assets of



## Bill

the Imperial Bank may be frittered away. Suppose he wants to maintain a notional staff, a notional Chairman, a notional Vice-Chairman, notional employers, notional shareholders, notional officers—though everything is notional, even for this he has to spend some money. I want moreover to know what will be the expenditure which will be involved in taking over all the assets and liabilities from the Imperial Bank to the State Bank. It is said that some documents have to be transferred in foreign countries. I am afraid that foreign personnel are still working in these banks in foreign countries. I am sure the Government have not started branches of State Bank in those areas and only the Imperial Bank and its branches are functioning today.

We nationalised the Imperial Bank of India at the time giving very short notice to the board of directors and the shareholders thinking that if we give more time then there may be more wastage of money and the board of directors—the people who were managing the affairs of the Imperial Bank—may mismanage or mispend the money. I think, Sir, the purpose for which we nationalised the Imperial Bank so suddenly without giving sufficiently long notice, is now sabotaged and is not being realised because we have still to maintain branches and staff of the old bank in foreign countries.

Lastly, I may say, though the Bill does not deal with any question of principle it is concerned with the question of efficiency and competence of the administration of the Government. I am very sorry that such inexcusable lapses are growing and the Government is just sleeping like Rip Van Winkle.

**Shri A. M. Thomas:** My friend Shri M. S. Gurupadaswamy raised the question that in such a case it was inexcusable on the part of the Government to advise the President to issue an ordinance. I beg to differ from him. If this was not an occasion for

the issue of an ordinance what else could have been an occasion for the issue of an ordinance. I fail to understand?

Whatever it may be, I agree with the criticism that has been levelled by the first speaker, that in a matter like this the Government ought to have anticipated the difficulties and incorporated the necessary provisions in the previous Act itself. Perhaps the Government might have been under the impression that being a successor institution it would have been competent to deal in the foreign countries also, but, I think, legal advice, if it was necessary from foreign countries, ought to have been taken long ago especially in view of the fact that the Government was determined to have the Imperial Bank of India taken over on the 1st of July, 1955.

Sir, you remember the urgency with which this Bill was passed. The Government was not prepared to have the Bill examined even by a select committee of the House. Although there were some Members who wanted the Bill to be examined by a Select Committee, the House ultimately acceded to the plea raised by the hon. Minister that it was an urgent measure in view of the fact that the Government intended to take over the Imperial Bank on the 1st of July, 1955. But, in that case, they ought to have bestowed more attention with regard to the legal position. Whatever it may be, I must congratulate the Government since it has been able to find out the legal flaw before 1st July, 1955; that is before it was too late. In that respect I should congratulate the Finance Ministry.

Though my little legal learning does not assist me much in solving the difficulty that is now facing us, I have my own doubts and when I put the question: "Who will act on behalf of the Imperial Bank?" to the hon. Minister, he said: "The Chairman, Vice-Chairman and the Board of Directors of the State Bank of India will act". If the State Bank of India,

[Shri A. M. Thomas.]

which has come in the place of the Imperial Bank of India which has been registered in India, will not be able to deal with the situation, I find great difficulty in accepting the position and I hope the hon. Minister will explain whether a fictitious person will be of any use for legal purposes in foreign countries. A question can very well be asked as to whether the courts in foreign countries will accept this fictitious person or this notional person.

**Mr. Chairman:** How is it fictitious? The hon. Minister says it still exists.

**Shri A. M. Thomas:** But, Sir, the same personnel of the State Bank acts on behalf of the notional person also. So, in the case of transfers of the assets of the State Bank, will it not be one and the same person acting on behalf of both? If the previous legislation will not be of help in the foreign countries, I respectfully ask whether the legislation constituting this fictitious person, this notional person who is none other than the State Bank of India which is constituted under this Act, will be sufficient in foreign countries? I hope the hon. Minister will explain the position in his reply.

I wish to raise one more question and that is with regard to the work of the State Bank which is going on in foreign countries. I wish to know whether the volume of work has suffered. The report that was seen published in the press with regard to the working of the Imperial Bank after it was taken over on the 1st July, 1955, has not given us a very encouraging picture. Of course, the period covered is one month only and it is a short period. You would have noted that the deposits are increasing but the advances are gradually coming down. According to the figures published in regard to the working of the bank, after it was taken over on the 1st July, 1955, the advances have come down. I wish to know from the hon. Minister why this phenomenon has occurred. It is a serious matter.

The Government must move every nerve and take every step to see that the efficiency of the institution is not impaired in any way after it has been taken over by the Government. I am sure that the Finance Ministry will be very zealous in guarding the efficiency of the Imperial Bank which has now taken the shape of the State Bank of India. From the very beginning, the Government must keep a watch over the work: I say that the Reserve Bank also must keep a watch over that work before it is too late, and if any difficulty is found it must be rectified. We must not wait for a long time as we have waited in the case of the Industrial Finance Corporation where we tried to remedy matters years afterwards. I hope the Government will bear that aspect in mind and that from the very start of the working of the bank, the Government or the Reserve Bank, as the case may be, will keep a vigilant watch over the working of the bank.

It has been the convention in this House just to touch the working of the previous Act also when we deal with the amending Bills, although it may not come within the scope of the present Bill. I raise another point also.

Apart from the shortage in advances to which I have already referred, I should like to refer to another question, and that is, whether the State Bank which has come into existence on the 1st July, 1955, has taken any steps in opening branches. We have adumbrated a scheme for opening as many as 400 branches. I wish to know whether the State Bank has made any attempt in that direction and whether any branch has been opened.

**Shri A. C. Guha:** The hon. Member may please refer to one of the Unstarred Questions today for this.

**Shri A. M. Thomas:** Anyhow, it is better that the House is enlightened, when we are discussing this Bill, what attempt has been made by the Government in that respect. I was not

able to find out from the newspapers the fact of the opening of any branches anywhere. So, I would like to know the development in that direction and how far the State Bank has succeeded in opening branches. With these words, I welcome the Bill.

**Shri A. C. Guha:** I am glad that the Members have all approved of the necessity of this Bill and I am sure there cannot be any two opinions in this matter. Two Members have accused the Government for lack of foresight. I think I can only say that we could not surely foresee all these things. This Bill was debated in this House for 20 hours, and there were so many lawyer Members and legal experts including yourself Sir,—the Chair—but none of them even mentioned that there might be some difficulty about this property of foreign branches.

**Shri S. S. More:** Is this meant as a censure?

**Shri A. C. Guha:** None has mentioned that there may be any difficulties about the foreign branches. Anyhow, that was a lapse on the part of the Government surely.

**Shri A. M. Thomas:** The House is a sovereign body; it is not an expert body.

**Shri A. C. Guha:** There are so many experts here and Members of Parliament are supposed to be experts on any subject, from the Durgah Khawaja Saheb Bill to the State Bank of India (Amendment) Bill the next moment.

**Mr. Chairman:** So, the Government has not got any duty to discharge in this matter?

**Shri A. C. Guha:** Sir, I admit that there has been a lapse on the part of the Government, but anyhow, as Shri A. M. Thomas has said, it is good that we could detect this lacuna in time.

**Shri M. S. Gurupadaswamy** and **Shri N. B. Chowdhury** have asked for some assurances as to the safety of the assets in foreign branches. I

think there is no risk of those assets being anyway frittered away or wasted or going out of the control of the State Bank of India. They will all come to the State Bank of India in due time and I can give some figures. On 1st July, 1955, on the Property and Assets side, the business amounted to Rs. 13,62,00,000. On 8th July, it came down to Rs. 10,53,00,000. On the 15th July, it was Rs. 9 crores and on the 22nd July, it came down to Rs. 7,36,00,000. So the Members will see that the transfer is being effected rather quickly and in an orderly manner.

**Shri N. B. Chowdhury** has said something about the employees. I have already mentioned that the terms of the emoluments and the service conditions will remain the same as mentioned in the State Bank of India Act and the employees will remain as the servants of the State Bank of India. But in foreign countries, they will have to do also the work of the Imperial Bank. That is the only provision here. There is no risk of any of their privileges being impaired in any manner.

**Shri N. B. Chowdhury:** May I know whether there would be any additional work for them because of this provision?

**Shri A. C. Guha:** There may not be any additional work. This work would have to be done by them in any case.

**Shri M. S. Gurupadaswamy:** Will there not be any notional work?

**Shri S. S. More:** There will be some emotional work!

**Shri A. C. Guha:** **Shri A. M. Thomas** has expressed a fear about the legal competency of the Chairman and the Vice-Chairman and others of the State Bank to effect this transfer of the assets of the Imperial Bank in foreign countries to the State Bank. We have consulted the highest legal authorities in India and also in the United Kingdom and we feel that the arrangements that we are making

[Shri A. C. Guha]

here are correct and that those officers will be quite competent to make this transfer. There would not be any difficulty in making this transfer.

Shri S. S. More: May I know whether this legal consultation was made after the original State Bank of India Bill was passed into an Act or before that?

5 P.M.

Mr. Chairman: He wants to know when this decision was taken and whether any legal advice was sought?

Shri A. C. Guha: Obviously, the advice was sought after the State Bank of India Bill was passed; otherwise we would have put this in the original Bill itself.

Shri Thomas has said that the deposits of the State Bank are increasing, but the advances are decreasing. On 1st July the advances were Rs. 118 crores and on 22nd July they were Rs. 109 crores. But he should also remember that this is the slack season and in this season the deposits of every bank generally go down.

Shri A. M. Thomas: What was the figure in the corresponding month last year?

Shri A. C. Guha: I have not got it now. Anyhow, he has suggested that the Reserve Bank should keep a close watch over the working of this Bank. Surely, we shall do that. He has also asked if the State Bank has been taking any steps regarding the opening of new branches. Up to some time in July, three new branches have been opened, one in Gandhidham in Kutch, another in Nowgong in Assam and the third in Hoshangabad in Madhya Pradesh. Of course he would realise also that because this is the change-over period, it would take some time to settle down and start the actual work for which the State Bank has been set up. Considering that position, I hope you would admit that the State Bank has been taking some action in the direction of starting new branches, I think within two or three minutes, we can pass the second reading of the Bill also.

Mr. Chairman: The question is:

"That the Bill to amend the State Bank of India Act, 1953, be taken into consideration."

*The motion was adopted.*

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, the 5th August, 1955.*