

Thursday, 9th March, 1950



PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

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PARLIAMENTARY DEBATES
(PART I—QUESTIONS AND ANSWERS)

Thursday, 9th March, 1950.

The House met at a Quarter to Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

BOGUS RATION CARDS

*731. **Shri Sidhva:** (a) Will the Minister of Food be pleased to state whether Government have, at any time, during the Conferences of Provincial Ministers called by the Minister discussed the matter of fraudulent ration cards and if so, with what result?

(b) Is there any systematic check up of the ration cards in all provinces, including Delhi?

(c) Have Government at any time issued instructions to provincial Governments in this matter?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) and (c). Instructions have been issued to all State Governments to enforce strictly the provision of law against fraudulent ration cards. This matter was not again discussed at the Provincial Ministers Conference.

(b) Yes.

Shri Sidhva: May I know what is the total number of bogus ration cards in all the Provinces?

Shri Jairamdas Doulatram: I am afraid I will not be able to give the total number of bogus cards. The number detected and surrendered was about three lakhs.

Shri Sidhva: Was there a fresh check up conducted in Delhi, after the recent surrender of bogus cards?

Shri Jairamdas Doulatram: There was a fresh check up in Delhi and only one lakh seventy three thousand bogus cards were found and unsurrendered.

Shri Sidhva: Have Government considered any other system to stop these bogus cards?

Shri Jairamdas Doulatram: Continuous check-ups and continuous vigilance by advisory committees are the only remedies.

Shri Kamath: After these ghost ration cards were discovered, was any earnest attempt made by Government to find out who issued these ration cards or got them issued?

Shri Jairamdas Doulatram: I think enquiries were made as to how these cards came to be issued.

Shri Kamath: Was any one arrested?

Shri Jairamdas Doulatram: I shall enquire from the local administration.

Shri Kamath: No, I mean in Delhi Province.

Shri Jairamdas Doulatram: Yes, I shall make enquiries.

Shri Kamath: Still making enquiries?

Shri Jairamdas Doulatram: Because I never anticipated this question.

Shri Kamath: How long will this enquiry go on?

Mr. Speaker: Order, order.

MODERN HOTEL FOR DELHI

*782. **Shri Sidhva:** (a) Will the Minister of Works, Mines and Power be pleased to refer to my Starred Question No. 664 answered on the 16th December, 1949 and state whether the firm with which the negotiation was in progress for construction of a hotel in Delhi is completed?

(b) What is the name of the firm?

(c) Has the plan been approved by the Government?

(d) Is there any condition regarding the terms and conditions of the construction of the building apart from the period for completion?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The firm has since asked *inter alia* for some time to pay the premium and the ground rent, and their request is under the consideration of Government.

(b) Messrs. East India Hotels Ltd.

(c) The plan of the building will be approved by Government after the negotiations have been completed; and the firm architect is now working on the project.

(d) As the negotiations have not yet been completed, it is not possible to specify terms and conditions of the construction other than the period of completion.

Shri Sidhva: Last time the hon. Minister stated that the prohibition clause was a hindrance for the completion of the negotiations. May I know whether that clause exists now or whether it has been dropped?

Shri Gadgil: I have explained to the House, Sir, the general policy of the Government. Now, so far as this particular hotel is concerned, whatever be the law of the land then, the company will have to abide by that. The general policy is to have gradual prohibition, and as a first step the serving of liquor will discontinue from the 1st April, in the Constitution House.

Shri Munavalli: May I know how long will it take to complete these negotiations?

Shri Gadgil: The negotiations will be completed in the course of this week, and the agreement will be signed a day or two after that.

Shri Sidhva: In what circumstances was the liquor bar kept open in the Constitution House?

Shri Gadgil: At the specific request of some of the Members of this honourable House.

OFFICIALS SENT TO U.S.A. FOR STUDY

***733. Shri Sidhva:** (a) Will the Minister of **Communications** be pleased to state whether any officials have been sent to U. S. A. to study the latest developments in telegraph and telephone operations?

(b) If so, have they submitted any report and what are the particular subjects they are studying?

(c) What is the total cost incurred by Government on this?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes, Sir. Two officers were deputed on U.N.O. Fellowship.

(b) Yes. One of them studied the latest developments in the carrier telegraph and telephone systems, transmission and transposition problems, while the other studied the administrative, operative and technical problems connected with telegraphs and the working of trunk telephone exchanges. Both the officers have submitted their reports.

(c) The total cost incurred by Government is approximately Rs. 23,000.

Shri Sidhva: May I know whether the object for which these men were sent was to see that the present call system which is not operating properly, and where subscribers are made to pay for calls they have not made, is improved and the defects rectified? Is that the object for which they have been sent?

Shri Khurshed Lal: That is not the object. I will explain it to the House. These two officers were sent under the U.N.O. Fellowship Scheme. The arrangement is that the Government of India incur the pay and allowances of these officers sent for study and the U.N.O. gives half the travelling charges and \$300 per month. Under this Scheme they have to study various problems, and one of the officers was asked to study the latest developments in the carrier telegraph and telephone systems, transmission and transposition problems, while the other studied the administrative, operative and technical problems connected with telegraphs and telephone exchanges.

Shri Sidhva: Sir, as the present system of calls does not work satisfactorily, have Government made any arrangements to see that this system is improved?

Shri Khurshed Lal: My information is that the call system is working properly.

Shri Sidhva: May I know whether complaints have not been received by the General Managers that it is not working satisfactorily and that subscribers are being charged incorrectly for wrong numbers?

Shri Khurshed Lal: According to the information of Government, as I said, the system is working satisfactorily, and complaints of wrong numbers being given are very few and far between.

Dr. R. S. Singh: May I know whether the officers sent to U.S.A. would also study the use of facsimile in sending telegrams?

Shri Khurshed Lal: Yes, that is one of the items included in the course of one of the officers.

CATTLE PRESERVATION COMMITTEE

***734. Shri S. C. Samanta:** (a) Will the Minister of **Agriculture** be pleased to state when was the Cattle Preservation Committee formed?

(b) Is the Committee still functioning?

(c) What are the functions of the Committee?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) On 19th November, 1947.

(b) No.

(c) Does not arise.

Shri S. C. Samanta: May I know the number and names of allied committees and organisations functioning?

Shri Jairamdas Doulatram: I am not aware of any allied committees. If the hon. Member tells me what he has in mind and gives me particulars, I shall get him the information he wants.

Shri S. C. Samanta: What steps have Government taken to meet the serious shortage of approved breeding bulls?

Shri Jairamdas Doulatram: We are encouraging dairy development schemes in the Provinces. During the last two years we had about 30 schemes running and the Government of India gave Rs. 54 lakhs.

Shri S. C. Samanta: Has any concentration camp for dealing with the problem of unproductive cattle been established in the States with the help of the Centre?

Shri Jairamdas Doulatram: I do not think it has yet been started in any State.

Shri S. C. Samanta: Has the Key Village Scheme been taken up, and if so where?

Shri Jairamdas Doulatram: The Key Village Scheme has been taken up in a number of States; I do not have the names handy here, but I can get them for the Member if he wants.

Shri S. C. Samanta: Has the recommendation of the Committee, that permissive legislation should be taken up for compulsory castration of scrub bulls, been considered and taken up?

Shri Jairamdas Doulatram: I shall require notice for that.

Shri Raj Bahadur: How has this Committee gone defunct now? Did it submit any report before it became defunct?

Mr. Speaker: Who said it is defunct?

Shri Raj Bahadur: The Committee is not functioning now.

Mr. Speaker: The Committee has submitted its report.

Shri Jairamdas Doulatram: It has submitted its report and Government is implementing its recommendations.

TELEGRAMS IN HINDI

***736. Dr. M. M. Das:** Will the Minister of **Communications** be pleased to state:

(a) the expenditure incurred by Government for making arrangements for sending telegrams in Hindi;

(b) whether any new machineries were required for this purpose and if so, their total costs;

(c) the average monthly income for the last few months from Hindi telegrams; and

(d) what percentage of the total number of telegrams is covered by telegrams in Hindi in the big cities of the Hindi-speaking areas?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Rs. 34,352 up to the 31st January, 1950.

(b) No.

(c) Rs. 203/6/-.

(d) The average percentage for the places where Hindi telegrams are allowed to be booked was 0.26 during the period September—December, 1949.

Dr. M. M. Das: Because of the insufficient response received from the general public, do Government contemplate suspending this system for the time being?

Shri Khurshed Lal: My hon. friend must be aware that so far as the question of sending of Hindi telegrams is concerned, it has to be encouraged because Hindi is the national language of the country.

Dr. M. M. Das: May I know whether Government contemplates introducing a similar system of sending telegrams within the States in the respective State languages?

Shri Khurshed Lal: Government have under contemplation the introduction of facsimile telegrams. If this is introduced, telegrams could be sent in the respective State languages.

Dr. M. M. Das: May I know whether the Government is contemplating the introduction of Hindi telegrams in other cities and towns in the non-Hindi speaking areas?

Shri Khurshed Lal: It is contemplated to extend it as far as possible.

Dr. V. Subramaniam: In view of the Government contemplating the extension of the scheme of sending telegrams in Hindi, what arrangements are being made for the postal clerks and telegraph clerks to learn Hindi in the non-Hindi speaking provinces?

Shri Khurshed Lal: We have not yet completed the scheme of sending Hindi telegrams even in the Hindi-speaking areas. The question which the hon. Member raises will arise only later on.

EXPENDITURE ON CENTRAL TRACTOR ORGANISATION

*737. **Dr. M. M. Das:** Will the Minister of Agriculture be pleased to state:

(a) the total expenditure incurred up-to-date on the Central Tractor Organisation;

(b) the total number of employees in the organisation;

(c) the number of acres of land reclaimed by the tractors up-to-date; and

(d) the hours of work and the output per tractor per day?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) The total expenditure incurred upto 31st January, 1950 for the Central Tractor Organisation including capital expenditure is Rs. 1,07,40,000, the capital expenditure being Rs. 59,80,546.

(b) The total number of employees in the Central Tractor Organisation as on 31st January, 1950 is 1,860.

(c) The total area of waste land reclaimed by the Organisation upto 31st January, 1950 is 1,11,451 acres. This does not include 1,13,110 acres which were cultivated by tractors of the Organisation upto 31st January, 1950.

(d) (i) A Tractor ordinarily works eight hours a day on week days and four hours on Saturday. Sunday is a holiday.

(ii) On heavy reclamation work the output is half an acre on an average per hour with old machines purchased from Disposals.

Dr. M. M. Das: May I know whether any portion of this expenditure has been recovered from the Provincial Governments to whom these tractors were given on hire?

Shri Jairamdas Doulatram: About Rs. 24,00,000 have been recovered from the provinces for work done for them and the balance due from them is to be recovered.

Dr. M. M. Das: May I know whether any experiment or investigation is being carried out in the Central Tractor Organisation for the invention of simple agricultural implements suitable for this country?

Shri Jairamdas Doulatram: These experiments are being carried out in the Indian Agricultural Research Institute.

Dr. Deshmukh: Has the average cost of ploughing one acre been calculated and, if so, what is it?

Shri Jairamdas Doulatram: The cost is about Rs. 40 per acre for heavy reclamation work. For ordinary ploughing it is between Rs. 11 and Rs. 25 according to the soil.

Dr. Deshmukh: Is it not correct to say that this was the estimated cost? What is the actual cost per acre for this reclamation work done?

Shri Jairamdas Doulatram: I have given the figures.

Shri Dwivedi: May I know whether any land has been reclaimed in the Centrally Administered Areas?

Shri Jairamdas Doulatram: In Delhi a little over 2,000 acres have been mechanically cultivated.

Shri Satish Chandra: What is the total number of tractors?

An hon. Member: How many of them are broken?

Shri Jairamdas Doulatram: There are not many which are broken. If some are broken, then Members think that all are broken. The total number of tractors purchased was 220 of which about 190 are in action.

PRE-FABRICATED HOUSES FOR GOVERNMENT EMPLOYEES

*738. **Shri Kesava Rao:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether the C.P.W.D. will be allotted any share of the pre-fabricated houses to be manufactured and if so, how many per year; and

(b) whether they will be allotted to the Government servants who are without houses and if not, why not?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The administration of the factory for pre-fabricated houses is with the Ministry of Health. Attention is invited to the answer given by the hon. Minister of Health to Question No. 57 asked by Shri R. K. Sidhva on the 29th November 1949. Of the houses which the factory will turn out during 1950-51, the Ministry of Works, Mines and Power propose to purchase fifty. Owing to financial stringency, it will not be possible to purchase any more during the year.

(b) Yes.

Shri Sidhva: May I know whether the Economy Committee has recommended that this pre-fabricated housing scheme should go to the Works, Mines and Power Ministry and, if so, what is the result?

Shri Gadgil: The hon. Member knows very well the recommendations of that Committee.

Shri Sidhva: I want to know whether Government have considered that recommendation?

Shri Gadgil: That is under consideration.

Dr. Deshmukh: Would it not be cheaper to construct fifty houses in the ordinary way than to purchase these fifty pre-fabricated houses?

Shri Gadgil: Traditional houses can be built at cheaper cost though they take a little longer to build.

Shri Kamath: Has the Ministry committed itself to buying these houses whatever the cost may be?

Shri Gadgil: The present position is that on the assumption that the cost would be a certain sum, this Ministry has agreed to purchase fifty houses.

Shri Kamath: Is it not a fact that at Nilokheri Government have built houses which are far less expensive?

Mr. Speaker: These questions are being repeated.

Shri Kamath: Does Government approve of the design and the specification of the pre-fabricated houses?

Shri Gadgil: That is a question which my hon. colleague the Health Minister alone can answer.

HIRAKUD DAM

***739. Sardar Hukam Singh:** Will the Minister of Works, Mines and Power be pleased to state:

(a) the total amount spent in connection with the construction of Hirakud Dam so far;

(b) the actual amount spent in the construction of dam itself and the amount spent on the construction of bungalows for officers and other accessory buildings; and

(c) how long more this dam is likely to take for its completion?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The total expenditure incurred in connection with the construction of the Hirakud Dam upto 31st December, 1949 is Rs. 227.82 lakhs.

(b) The amount spent in the construction of Dam and subsidiary works is Rs. 196.90 lakhs, and on Buildings Rs. 30.42 lakhs.

(c) The Project, according to the present programme of construction is likely to be completed by 1955-56, subject to availability of adequate funds.

Sardar Hukam Singh: Is it a fact that the progress of construction has been considerably stowed down because the bills for work done last year have not been paid to the contractors?

Shri Gadgil: I do not think that is the position.

Shri Biswanath Das: May I know the reason why the programme has been extended further by two years?

Shri Gadgil: The present position is, as I have stated in reply to (c) of the question, that the project is expected to be completed in 1955-56, subject to the condition that funds are adequately available.

Shri Shiva Rao: What are the overhead charges for the Hirakud Dam project in comparison with the total amount of the construction of the dam?

Shri Gadgil: It will require elaborate preparation to reply to this question.

Shri T. T. Krishnamachari: When are the Tikkapara, Naraj and the other parts of the Mahanadi projects going to be taken up and completed?

Shri Gadgil: At present we are only thinking of one dam at Hirakud. There are other subsidiary dams. They will take a good deal of time to be completed.

Shri Biswanath Das: May I know whether the designing of the dam has been completed by the American firm to whom it was entrusted?

Shri Gadgil: The position is that part of the design is complete, and part is still with the firm in America.

Shri Biswanath Das: May I know whether Government would be pleased to state when the construction of the dam is going to begin?

Shri Gadgil: According to the present programme, the actual construction will begin in the month of October this year.

Pandit Thakur Das Bhargava: What was originally the date fixed for the completion of this project?

Shri Gadgil: I have already stated that in reply to part (c) of the question.

Pandit Thakur Das Bhargava: That is the estimate now? Originally when was it estimated to be completed?

Shri Gadgil: This is the original schedule. If funds are not available.....

Mr. Speaker: His question is what was the original programme.

Shri Gadgil: 1955-56. That was the original schedule.

Shri Biswanath Das: May I know whether the Government will be pleased to state the financial implications of this extended time from 1954 to 1956?

Shri Gadgil: Up till now there has been no extension. The scheme is contemplated to be completed in the year 1955-56, but if funds are not available, then it will be very difficult to give this House the exact financial implications. But one thing is certain, that the whole economy of the project will be affected.

Shri Goenka: The hon. Minister stated that he has spent Rs. 1,96,00,000 on the construction and Rs. 30,00,000 on buildings. His subsequent answer was that the construction will not be started until October 1950. May I know how this sum of Rs. 1,96,00,000 has been spent?

Shri Gadgil: The hon. Member ought to know that there are such things as digging of the foundations and subsidiary works, and many other things like drilling etc. If he wants further details I am quite prepared to give him.

AGRICULTURAL COMMODITIES

*740. **Shri Kesava Rao:** (a) Will the Minister of **Agriculture** be pleased to state the agricultural commodities on which cess is levied in India?

(b) What are the amounts thus collected and how are they spent?

(c) Is it a fact that large amount of cess collected on cotton is remaining unspent?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) Cess is levied by the Central Government on cotton, lac, coconut, oilseeds, tea, coffee and rubber. Besides these, cess is also levied on articles included in the schedule to the Agricultural Produce Cess Act, 1940. A copy of this schedule has been laid on the Table of the House. [See *Appendix III, annexure No. 43.*]

(b) A statement showing the amounts collected during the last three years is laid on the Table of the House. [See *Appendix III, annexure No. 44.*]

The amounts are spent on financing schemes relating to research and development and marketing of the commodities concerned.

(c) No.

Shri Kesava Rao: May I know whether any portion of the cess collected goes to the States?

Shri Jairamdas Doulatram: I am not aware.

Shri Kesava Rao: Has there been any representation from the States that a portion of the cess should be given to the States?

Shri Jairamdas Doulatram: The cess is meant for the Committees which are all-India Committees on which the States must be, or can be, represented.

Shri S. C. Samanta: May I know which of the Agricultural Committees are self-sufficient and which get subsidies from Government?

Shri Jairamdas Doulatram: I think so far as the new programme for cotton production is concerned, the Cotton Committee will receive a subsidy from Government. With regard to the others I am afraid I have not got the information at present.

Dr. V. Subramaniam: Is the cess on oilseeds levied on the recommendation of the Oilseeds Committee?

Shri Jairamdas Doulatram: The Oilseeds Committee also give their opinion.

Shri Kesava Rao: May I know whether any cess is collected on tobacco?

Shri Jairamdas Doulatram: Yes, I think it is levied on unmanufactured tobacco.

RUST-PROOF WHEAT SEEDS

*741. **Shri Raj Bahadur:** (a) Will the Minister of Agriculture be pleased to state whether any rust-proof wheat seeds have been discovered by research at Surat or elsewhere in India?

(b) Have such seeds been sown anywhere in the country and if so, with what results?

(c) Do Government propose to make such seeds available for other parts of the country?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) No variety completely resistant to all the three kinds of rust, *vis.*, black, brown and yellow, has yet been evolved. Varieties highly resistant to brown or yellow rust, and some others tolerably resistant to black rust have been evolved.

(b) These varieties are undergoing small scale field trials in the States of Punjab, Madhya Pradesh, Uttar Pradesh and Bombay, and have not been tried out on a commercial scale, so far. It is, therefore, too early to assess the results.

(c) Yes, but only after varieties resistant concurrently to all the three rusts, and agronomically suited to the different tracts and soils are obtained. Until then, it is proposed to multiply in suitable regions the rust resistant varieties so far evolved, and to sow them as mixtures so as to ensure that at least a portion of the crop is saved from rust every season.

Shri Raj Bahadur: May I know whether research on rust-proof wheat seeds is being carried on at Surat independently of the research carried on by Dr. Mehta at Agra?

Shri Jairamdas Doulatram: What the hon. Member has evidently in mind is not the research on rust-proof seed, Surat is one of the centres where we are multiplying the new variety.

Shri Raj Bahadur: May I know the expenditure that is being incurred every year on this research?

Shri Jairamdas Doulatram: The total cost on all these schemes is Rs. 6,66,000.

Shri Raj Bahadur: May I know whether any improvement in yield has been effected by the use of the rust-proof varieties of seeds that have so far been evolved?

Shri Jairamdas Doulatram: It is intended to prevent disease attacking and destroying wheat: it has nothing to do with increase in yield as such.

Dr. Deshmukh: Can we have the names of the centres where research on this particular problem is going on?

Shri Jairamdas Doulatram: It is going on at Simla, Hoshangabad, Agra and Mahabaleshwar, apart from the Indian Agricultural Research Institute here.

COLD STORAGE PLANTS

*742. **Shri Jnani Ram:** Will the Minister of Agriculture be pleased to state:

(a) the number of Cold Storage Plants in India;

(b) whether Government propose to encourage the installation of such plants; and

(c) if so, in what way?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) 64.

(b) Yes.

(c) Assistance is given to private firms in respect of (i) selection of locality for setting up cold storage, (ii) technical advice regarding types of machinery available, (iii) grant of import licences, and (iv) release of controlled material such as iron and steel and pipes for construction of cold storage.

Shri Jnani Ram: What is the total capacity of all these sixtyfour plants?

Shri Jairamdas Doulatram: The average capacity is about 600 tons. But I might give some information with regard to the quantity actually stored. 6,12,500 maunds of seed potatoes besides 45,000 maunds of edible potatoes were stored, and 24,000 maunds of citrus fruit in Madhya Pradesh.

Shri Jnani Ram: Are these plants conserving food articles to their fullest capacity?

Shri Jairamdas Doulatram: There is further capacity for being used.

Shri T. N. Singh: Have Government received any complaints that some of the cold storage plants are really only ice plants?

Shri Jairamdas Doulatram: No such complaints have been received. I have read out figures of articles stored.

Shri Kamath: How many of these plants are being used by Government for putting matters in cold storage?

Mr. Speaker: Order, order.

SMUGGLING OF RICE TO CEYLON

*745. **Shri Sivaprakasam:** Will the Minister of Food be pleased to state: (a) whether Government are aware of the smuggling of rice to Ceylon from coastal borders of the Madras State; and (b) if so, what steps are being taken to put an end to such smuggling?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): Information has been called for from the Government of Madras and will be laid on the Table of the House when received.

Shri Sivaprakasam: May I know whether any restrictions are placed on the movement of paddy or rice from the villages in the interior areas to the villages along the coastal borders?

Shri Jairamdas Doulatram: I think the Madras Government have set up special arrangements to see that there is no leakage and I suppose that the villages round about must have been the subject of very early procurement.

Shri Rathnaswamy: Is a detailed examination being made in regard to articles consigned to foreign countries?

Shri Jairamdas Doulatram: I don't quite understand what the hon. Member means. We are dealing with the smuggling of rice from India to Ceylon.

Shri Rathnaswamy: I am told that certain bags consigned to foreign countries also contained some rice and I gather some cases were detected in the Madras Customs.

Mr. Speaker: The hon. Member wants to know about investigation relating to smuggling to countries other than Ceylon.

Shri Jairamdas Doulatram: I am not aware of it.

Shri Kesava Rao: What is the total quantity of rice smuggled to Ceylon?

Shri Jairamdas Doulatram: May be a better variety for aught I know.

RURAL EXPERIMENTAL POST OFFICES

*747. **Shri Zangre:** (a) Will the Minister of **Communications** be pleased to state whether it is a fact that rural people who want to establish experimental Post Offices are required to deposit in advance Rs. 250 for the establishment?

(b) What is the total number of Rural Experimental Post Offices?

(c) Is it a fact that the Experimental Post Office is discontinued if such post office does not fetch any surplus income over and above the expenses?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) The fact is not as stated. It is the aim of the Government to provide as many postal facilities in rural areas as possible. With this end in view post offices in rural areas are opened where they serve a well demarcated village unit having a population of 2,000 or more or a compact group of villages with a similar population where no two villages are separated by a distance of more than four miles provided the loss in opening such a post office does not exceed Rs. 750 per annum. In the case of rural post offices where this condition of population is not satisfied the permissible limit of initial loss is Rs. 500 per year. It is only when a rural post office opened in the interest of general public is expected to work at a loss exceeding the permissible limit that the local people are required to pay a non-returnable contribution in advance, for a year at a time, to cover the excess of the anticipated loss over the permissible limit. It is only in the case of post offices required to serve limited interests that no loss is borne by the Government. For such offices non-returnable contribution to cover the anticipated loss for a year at a time is required to be paid in advance by the interested party.

(b) The number was 7,190 on the 1st February, 1950.

(c) No. The rule is that an experimental post office required in the interests of the general public may be made permanent if the loss in its working does not exceed Rs. 240 per year.

श्री जांगरे : मध्य प्रदेश में ऐसे डाकखाने कितने हैं ?

Shri Zangre: How many such post offices are there in Madhya Pradesh?

श्री खुरशीद लाल : मध्य प्रदेश के बारे में मैं नहीं बतला सकूंगा ।

Shri Khurshed Lal: I am not, just now, in a position to give information with regard to Madhya Pradesh.

Shri Ramaswamy Naidu: Is it the policy of the Government to have a post office for every two thousand people?

Shri Khurshed Lal: That is what I have said.

Shri Sidhya: I understood from the hon. Minister that he would require deposits to be made in the event of certain post offices being opened in villages. But is it not a fact that Government stated in the last Budget session that the increase of the rate of the postal cover from 1½ annas to 2 annas and of the

half-anna post card to 9 pies, was on account of opening rural post offices to a large extent? If that is so, may I know why they demand this deposit from the villagers?

The Minister of Communications (Shri Kidwai): I think the hon. Member has not followed the reply. Last year the rule was that for every post office Government will bear a loss of Rs. 250 a year, but later in the year we first raised it from Rs. 250 to Rs. 500 and later on to Rs. 750. Up to Rs. 750 in the first year and then to a decreasing extent the loss would be met by the Government. When the loss is expected to exceed this amount, only then the local people are asked to make the deposit. In other cases where our rules do not satisfy the requirements for a post office, and a particular party wants a post office to be opened, then that party is called upon to make up that loss.

Shri Sidhva: Is it fair that the rural people.....

Mr. Speaker: That is asking for opinion. The hon. Member may differ in his views, but he may only ask for information.

Shri Sidhva: It is very serious.....

Shri Kidwai: The policy has been approved by this House last year.

Shri Gautam: May I know how much did the Government derive from the increase in postal rates and how much of it was spent on the rural post offices?

Shri Kidwai: Both these things have been shown in the last year's Budget and in the present Budget and can be easily discovered.

DISMANTLED RAILWAY LINES

*748. **Shri Zangre:** Will the Minister of **Railways** be pleased to state:

(a) whether the dismantled railway link from Kurud to Likma (N. G. in Bilaspur Railway District) before the war will be relaid at present; and

(b) whether any attempt was made to construct a bridge on the Mahanadi River at Rajim (N. G. from Raipur to Rajim)?

The Minister of Transport and Railways (Shri Gopalaswami): (a) The Raipur Forest Tramway connecting Kurud and Likma belonged to the then Central Provinces Government. When the line was dismantled, in addition to the cost of rails taken over, the Provincial Government were also paid the estimated cost of relaying the line as compensation to be utilized either for development and improvement of roads in that area or for relaying the line subsequently. The Government of India are not aware of any proposal to relay the tramway at present.

(b) No attempt appears to have been made to construct a permanent bridge at Rajim.

Shri Zangre: Is there any proposal to extend this line from Raipur to Jagdalpur in Bastar State in view of the fact that there are jungle products, fauna, and mineral products in the area?

Shri Gopalaswami: There is no line at present and the re-laying of it is a matter in which the State Government has to move in the first instance.

Shri Zangre: Is there any railway line in Bastar State or any road in Bastar State?

Mr. Speaker: How does it arise out of this?

Shri Zangre: Is there any proposal to construct a new bridge at Rajim which is a mela place?

Shri Gopaldaswami: I am not aware of it. The Railways have not considered the matter at all.

TRANSPORT OF JUTE

***749. Shri B. R. Bhagat:** Will the Minister of Transport be pleased to state:

(a) whether jute grown in the district of Saharsa (Bihar) cannot be marketed due to transport difficulties; and

(b) if so, what steps do the Government propose to take to remove the transport difficulties?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) and (b). The hon. Member's attention is drawn to the reply to an identical Starred Question No. 548 given by the hon. Minister for Commerce on the 27th February, 1950.

Shri B. R. Bhagat: May I know whether it is a fact that large quantities of jute transported in country boats through the river have perished in frequent boat-sinking mishaps?

Shri Gopaldaswami: I do not know about perishing, but there has been some difficulty in transport on account of transport facilities being required more urgently in other places.

Shri B. R. Bhagat: Have enough wagons to transport all the jute grown during the year been provided last year?

Shri Gopaldaswami: Sufficient transport was provided till the difficulties in connection with the transport to Assam and back cropped up. Since then we have had a committee at work on the question of easing the transport difficulties that have cropped up in consequence of that.

Shri B. R. Bhagat: Are Government aware that due to huge piling up of jute stocks in this area, the price of jute has gone down?

Shri Gopaldaswami: I am willing to take the hon. Member's statement of fact.

Dr. Deshmukh: Was this scarcity of wagons for the removal of jute due to the fact that more than the necessary number of wagons were provided for sugar transport?

Mr. Speaker: Order, order.

RAILWAY CLEARING ACCOUNTS OFFICE

***750. Shri D. S. Seth:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that it has since been decided to shift the Railway Clearing Accounts office and the E. P. Railway Headquarters office from Delhi and if so, when and to what places; and

(b) if the reply to part (a) above be in the negative, why is the allotment of Government accommodations at Delhi proposed to be denied to the staff in the offices referred to above?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) and (b). Railway Clearing Accounts Office and E. P. Railway Headquarters, Office are included in the list of Offices to be moved out of Delhi. The continued existence and location of these Offices are, however, under examination in connection with Regrouping of Railways and no decision has yet been reached.

Shri E. K. Chaudhuri: May I know on how many occasions formerly was this proposal of removing the Clearing Accounts Office from here mooted?

Shri Gopaldaswami: I cannot remember the number—I think it has been raised several times.

Shri E. K. Chaudhuri: And each time the proposal has been shelved?

Mr. Speaker: Order, order.

Shri Sidhva: Sir, the hon. Minister for Works, Mines and Power stated the other day that this office along with others will be removed outside. May I know whether now it is not to be removed? He said it was a final decision. May I know whether that final decision is still maintained or there is any change?

Shri Gopaldaswami: The hon. Minister for Works, Mines and Power was perfectly correct when he said that these offices were included in the list of those offices to be removed out of Delhi. But that particular list cannot be implemented in regard to these two offices till a decision on more fundamental issues is reached.

Shri Sidhva: Why then should decisions be taken before arrangements are made in advance?

PASSENGER TRAINS RUNNING BETWEEN AGRA FORT AND BANDIKUI JUNCTION

*751. **Shri Raj Bahadur:** (a) Will the Minister of Railways be pleased to state the number of passenger trains running between Agra Fort and Bandikui junction before 1989 and at present?

(b) Do Government propose to restore the pre-war number of passenger trains on this section to meet the increased traffic to and from Jaipur the capital of Rajasthan State?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Two passenger trains each way at present as against three before 1989.

(b) No, as it is considered that the traffic requirements will be met by further strengthening the composition of the existing trains as and when passenger stock becomes available for the purpose. The composition has been recently augmented to some extent.

Shri Raj Bahadur: May I know whether there is any proposal under consideration of Government to extend this train from Bandikui to Jaipur?

Shri Santhanam: We are anxious to extend this train and also put more trains as and when rolling stocks and locomotive power are available.

Shri Raj Bahadur: Is any proposal for running a *janata* express on this line under consideration?

Shri Santhanam: It will be duly considered, Sir.

PROCUREMENT OF CEREALS

***752. Babu Ramnarayan Singh:** Will the Minister of Food be pleased to state the quantity of cereals obtained by procurement in the country, state by state and the amount paid for it during the year 1949?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): A statement showing the quantities of cereals procured by each State in 1949, is placed on the Table of the House. [See *Appendix III, annexure No. 45.*]

Information regarding the amounts paid by the State Governments for the quantities procured has been called for from the States.

Dr. Deshmukh: Does the statement indicate the rates at which the grain was procured?

Shri Jairamdas Doulatram: The statement only shows the quantities of grain procured. If the hon. Member wants the rates at which it was procured, I am prepared to furnish him that information.

Shri Sidhva: What is the quantity of wheat procured in 1949, as compared with 1948?

Shri Jairamdas Doulatram: In 1949 the total quantity of wheat procured was 5,03,000 tons. I am afraid I have not got the figures for 1948. But I believe there has been an improvement in procurement in 1949.

Shri Sidhva: By what percentage?

Shri Jairamdas Doulatram: I am not in a position to indicate the percentage when I have not got the figures.

Shri Satish Chandra: What was the total procurement bonus paid to the various States?

Shri Jairamdas Doulatram: I think last year it was probably about Rs. 8 crores.

Dr. Deshmukh: Is it a fact that the rates of procurement of the same cereal vary from State to State—in some cases so much as one hundred per cent?

Shri Jairamdas Doulatram: I cannot say about 100 per cent. For instance in C. P. the rate of procurement of rice would be very much less than what it is in the U.P. The rates do vary, because even under free market conditions, the rates varied.

Dr. Deshmukh: Will Government take any steps to see that there is uniformity in the rates of procurement?

Mr. Speaker: Order, order. That is a suggestion for action.

Shri Alagesan: May I know, Sir, which is the State that has procured the highest percentage and which the lowest?

Shri Jairamdas Doulatram: I have not worked out the percentages. But I think Bombay set up a record over its target.

Shri Alagesan: What was the percentage of procurement in the surplus provinces?

Shri Jairamdas Doulatram: I am afraid I cannot give the percentage. In fact surplus provinces have been able to increase their procurement—*e.g.*, C.P., Orissa, P.E.P.S.U. and Assam.

Babu Ramnarayan Singh: What is the agency for the procurement—is it done through governmental agencies direct or through contractors?

Shri Jairamdas Doulatram: The system varies from province to province. The report which our Ministry has circulated contains a note on the methods of procurement prevalent in the different parts of the country.

CO-OPERATIVE FARMS

*753. **Giani G. S. Musafir:** Will the Minister of Agriculture be pleased to state:

(a) the number of the co-operative farms, started under the movement of 'Grow More Food' campaign;

(b) the average output of cereals, per acre from these farms; and

(c) the total output of cereals from these farms during the last year?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) Information which is available shows that the number of co-operative farms, started under the Grow More Food Campaign, was 39 in Bombay and one in Saurashtra. Information in respect of Madras, Uttar Pradesh, West Bengal, Ajmer, Delhi and Himachal Pradesh is awaited. No Co-operative farms have so far been started under the Grow More Food Campaign in the other States.

(b) 15 Maunds in Bombay.

(c) In Bombay, the total output of cereals estimated from these farms was 54,915 Maunds. The output of cereals from the co-operative farm in Saurashtra was 400 Maunds.

کہانی - جی - ایس مسافر : کیا منسٹر صاحب کے خیال میں کوآپریٹو فارم کی یہ تعداد اس مقصد کے لئے کافی ہے ؟

Giani G. S. Musafir: Does the hon. Minister consider the number of the co-operative farms sufficient for the purpose?

श्री जयरामदास दौलतराम : काफी नहीं है ।

Shri Jairamdas Doulatram: The number is not sufficient.

Shri P. G. Sen: May I know what is the total acreage under these farms?

Shri Jairamdas Doulatram: The total area under co-operative farms of all types, apart from those started under the 'Grow More Food' scheme is 40,234 acres.

Shri P. G. Sen: May I know the number of labourers employed in cultivating one acre of land under these farms?

Shri Jairamdas Doulatram: I am afraid I would require notice of that question, as it would involve securing information from all the societies.

Shri Kannamwar: Are any special facilities afforded to these co-operatives?

Shri Jairamdas Doulatram: The special facilities that are made available to them are technical aid, seeds, agricultural implements, etc. Any financial aid that is possible is also made available to them.

Shri Sonavane: What is the maximum and minimum area of these farms?

Shri Jairamdas Doulatram: I would require notice of that question.

گھائی - جی - ایس مسافر : کیا گورنمنٹ پنجاب میں کوئی اس قسم کے کوآپریٹو فارم قائم کرنیکی تجویز کرے گی ؟

Giani G. S. Musafir: Will the Government consider to set up co-operative farms of this type in the Punjab?

श्री जयरामदास दौलतराम : पंजाब का जवाब नहीं आया है, इसके लिये हम ठहर गए हैं ।

Shri Jairamdas Doulatram: No reply has, as yet been received from the Punjab. We have, therefore, postponed a decision for the present.

Pandit M. B. Bhargava: Have the Government organised any such co-operatives in the States of Ajmer and Delhi?

Shri Jairamdas Doulatram: Obviously not, so far as information with me goes.

Babu Ramnarayan Singh: How many of these farms are self-supporting?

Shri Jairamdas Doulatram: They are all trying to be self-supporting.

RESEARCH RE CONSTRUCTION OF ROADS

*754. **Giani G. S. Musafir:** (a) Will the Minister of Transport be pleased to state whether any research has been undertaken in connection with the laying of roads in the country at a cheaper cost, recently?

(b) If so, what are the results of such a research, and how long will it take to put it into practice?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes.

(b) Some success has been obtained particularly with respect to stabilised soil base-courses in the Punjab and Madras. It is too early to talk of final results (which cannot be known for some years). The new methods are being put into practice in several areas.

Shri Kamath: Has any foreign expert arrived in this country to aid, advise and add to Government's knowledge of the subject?

Shri Santhanam: I am not aware of any foreign expert being called for this purpose.

Shri Kamath: Is he being invited by Government?

Mr. Speaker: Order, order.

گھائی - جی - ایس مسافر : کیا گورنمنٹ کا رورل ایریا میں کوئی ایسی روڈ بنانے کا خیال ہے جس سے شہروں کے ساتھ دیہات ملا جاے اور آمدورفت کی سہولیت ہو ؟

Giani G. S. Musafir: Do Government contemplate construction of roads in rural areas connecting villages with towns and facilitate communications?

Shri Santhanam: All these experiments are on rural roads only.

Shri R. K. Chaudhuri: May I know in what areas this experiment has been made?

Shri Santhanam: As I have already stated these experiments have been conducted in the Punjab and Madras.

Dr. Deshmukh: Is there any definite and independent scheme for this: or are these experiments made in the ordinary way?

Shri Santhanam: We have got research stations, where mechanical stabilisation and chemical stabilisation methods are experimented on. Certain tracks are laid, they are watched and data collected; and on the basis of the data further extensions are being attempted.

Shri Kamath: Is it an integral part of the highway scheme of Government?

Shri Santhanam: No, Sir. This does not come under the highway scheme. This concerns only the rural roads. The highways are of cement concrete or metal. These are for mud roads.

Shri Kamath: Are these only by-ways?

Mr. Speaker: Order, order.

Dr. Deshmukh: Are we to understand that there are no experiments made so far as construction of highways is concerned?

Mr. Speaker: The question does not arise.

GUR MARKETING AND DEVELOPMENT BOARD

*755. **Shri Ranga Reddi:** (a) Will the Minister of Agriculture be pleased to state whether there is any proposal before the Government to form a Gur Marketing and Development Board?

(b) If so, what stage has the proposal reached?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) No.

(b) Does not arise.

Shri Ranga Reddi: What is the total production of gur in India?

Shri Jairamdas Doulatram: I am afraid I can give only approximate figures: it was about 81 or 82 lakh tons in 1947-48. Last year's figures are not yet available.

Shri Ranga Reddi: Is any quantity of gur being exported to foreign countries?

Shri Jairamdas Doulatram: I do not think any gur is being exported to outside countries.

Shri P. G. Sen: Is any quantity of gur being diverted for manufacture of alcohol?

Shri Jairamdas Doulatram: Gur is not being used for producing alcohol.

Shri R. Velayudhan: Is any portion of the Gur manufactured in India being exported to Pakistan?

Shri Jairamdas Doulatram: I do not think there is any ban on exports to Pakistan, but it is unlikely that it is being exported, because the price of Indian gur is higher.

COIMBATORE SUGARCANE BREEDING STATION

***756. Shri Ranga Reddi:** Will the Minister of Agriculture be pleased to state:

(a) whether Government have decided to hand over the Coimbatore Sugarcane Breeding Station to the Indian Central Sugarcane Committee;

(b) if so, whether the Station has been handed over to the Indian Central Sugarcane Committee; and

(c) if not, when it will be handed over?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) Yes.

(b) and (c). The Committee have been asked to take it over with effect from 1st April, 1950.

Shri Ranga Reddi: Why has the Sugarcane Committee been asked to take over this Breeding Station?

Shri Jairamdas Doulatram: Because they felt that they will be able to function it better if the Station was under their care.

Shri Ranga Reddi: What was the expenditure incurred by Government?

Shri Jairamdas Doulatram: The expenditure was Rs. 1,47,200.

Shri R. Velayudhan: May I know how many acres of land are there on which sugarcane breeding is going on at Coimbatore?

Shri Jairamdas Doulatram: I require notice of the question.

Shri R. K. Chaudhuri: May I know if the Indian Central Sugarcane Committee will also breed sugarcane instead of cultivating it?

Shri Jairamdas Doulatram: It will not breed sugarcane.

Dr. Deshmukh: Have the Government decided to hand over some money also to the Sugarcane Committee, over and above the expenditure already incurred by them?

Shri Jairamdas Doulatram: The Central Committee has fairly good funds at present. Therefore the Government do not intend to hand over special funds for this Institute especially.

AREA UNDER CULTIVATION IN PUNJAB

***757. Prof. Yashwant Rai:** Will the Minister of Agriculture be pleased to state:

(a) whether it is a fact that extra land has been brought under cultivation in the Punjab under Grow More Food campaign;

(b) if so, how many additional acres of land were brought under cultivation in the State of Punjab during the years 1948 and 1949;

(c) what amount of grant was given to the Punjab in the year 1948 and 1949; and

(d) what has been the produce during these years?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) Yes.

(b) The Central Government reclaimed 6,450 acres of land in the Karnal District during December, 1948 to May, 1949. Of this area 3,106 acres were

brought under cultivation during *Kharif* 1949 by the State Government. The additional area cultivated by the efforts of the State Government is being ascertained from that Government.

(c) A grant of Rs. 13,63,697 was sanctioned to the Government of Punjab between 1st January, 1948 and 31st March, 1949 and a grant of Rs. 34,57,590 and a loan of Rs. 1,25,33,900 between 1st April, 1949 to 28th February, 1950 which is to be spent in the current year.

(d) Separate figures for the above additional acreage have not been received. The produce of principal foodgrains during the crop years 1947-48 and 1948-49 was 23,81,000 and 24,61,000 tons respectively *i.e.* an increase of 80,000 tons.

Prof. Yashwant Rai: May I know the quantity of wheat produced?

Shri Jairamdas Doulatram: I have just indicated that separate figures for the additional acreage have not been received.

CATTLE SUPPLIED TO DISPLACED PERSONS IN ANDAMANS

*758. **Giani G. S. Musafir:** Will the Minister of **Agriculture** be pleased to state:

(a) whether displaced persons rehabilitated in the Andaman Islands, have been supplied with cattle by Government;

(b) whether Government had fixed any standard of health, weight, etc. for the cattle supplied;

(c) whether Government have received any reports regarding the deficiency in the cattle of such standards;

(d) the total cost of purchasing these cattle; and

(e) if the answer to part (c) above be in the affirmative, what steps Government proposed to take in the matter?

The Minister of Food and Agriculture (Shri Jairamdas Doulatram): (a) Yes.

(b) Yes.

(c) A complaint was received from the Andamans that some of the animals purchased from Madras compared unfavourably in build and stature with those purchased from the Punjab and were not capable of working in "deep mud" or "for long hours at a stretch". The complaint was inquired into, and Government were satisfied that the quality of the Madras animals were in conformity with the price paid therefor.

(d) Rs. 2,94,999.

(e) Government are considering the suggestion that future settlers in the Andamans may be given cash advances for purchasing the cattle.

Dr. Deshmukh: May I know the number of persons who have been settled in the Andamans to whom these cattle were distributed?

Shri Jairamdas Doulatram: I am afraid I am not dealing with that aspect. I think it was about 200 families.

Shri Alagesan: May I know which breed was purchased?

Shri Jairamdas Doulatram: I find that they made enquiries from Madras, Mysore and Orissa and ultimately it was decided that, as the Andamans were closer to Madras than any other place in climatic conditions, the remaining cattle should be purchased from Madras.

Shrimati Velayudhan: May I know the total number of cattle that was purchased from Madras?

Shri Jairamdas Doulatram: 51.

Shri R. K. Chaudhuri: May I know the number of Sindhi bulls purchased?

Shri Jairamdas Doulatram: Or Punjabi bulls?

Mr. Speaker: I am now taking up the question of Dr. Deshmukh, No. 735.

PRODUCTION AND CONSUMPTION OF TELEPHONES

***735. Dr. Deshmukh:** (a) Will the Minister of **Communications** be pleased to state what is the value of the telephones produced in India annually?

(b) What is the value of total annual consumption of telephones in India?

(c) What steps have been taken during the last three years towards increased production of Telephones in India?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Complete manufacture of telephones is not undertaken in India at present but the value of telephones assembled in India annually is about Rs. 28 lakhs.

(b) The value of total annual consumption of telephones in India is also about Rs. 28 lakhs.

(c) Government have established a factory for the manufacture of telephones at Bangalore. When this factory goes into full production which it is expected to do in the next three years, India will become self-sufficient in the matter of telephones.

Dr. Deshmukh: Why are the Government unable to supply telephones?

Shri Khurshed Lal: To whom?

Dr. Deshmukh: To the public.

Shri Khurshed Lal: Telephones cannot be supplied to the public, not for want of telephone instruments, but for want of exchange equipment.

Short Notice Question and Answer:

RAILWAY ACCIDENT NEAR SULLEREPETA

Shri V. K. Reddi: (a) Will the Minister of **Railways** be pleased to state the number of persons killed and injured in the Railway accident reported to have taken place on 3rd March, 1950 at 11 P.M. near Sullerepeta, 50 miles north of Madras?

(b) What is the extent of other damage resulting from the accident?

(c) Have the Government been able to ascertain the cause of accident and if so, what is it?

(d) What assistance was rendered to the sufferers and their families?

(e) Is there any truth in the reports that sabotage was the cause of the accident?

(f) Is it a fact that some fish-plates were removed?

(g) What steps do Government propose to take to prevent recurrence of such mishaps?

The Minister of Transport and Railways (Shri Gopalaswami): (a) to (g). At about 28:15 hours on the night of 3rd/4th March, 1950, No. 1 Down Madras Calcutta Mail derailed between Tada (mile 48 from Madras) and Sullerepeta (mile 50½). The train consisted of an engine and eleven bogies. The engine and the first four bogies on the train capsized, the leading bogie (a class I and II composite) having been completely smashed. The front end of the fifth bogie telescoped into the rear of the fourth; the next five bogies, viz., 6th to 10th, derailed. The last bogie remained on the rails.

Six persons were killed and ninety-six received injuries, six out of these being of a serious nature.

A preliminary rough estimate of the total cost of damage to the engine, rolling stock and permanent way is 2½ lakhs of rupees.

The accident occurred at 28:15 hours. The Assistant Surgeon, Sullerepeta with his staff arrived at the spot within about 50 minutes of the occurrence and started giving first-aid to the injured. Doctors from Gudur arrived at 2:50 hours and from Bitragunta at 3:15 hours, with all necessary medical equipment. A medical van special from Madras also arrived at 4.00 hours.

Of the six seriously injured two were able to proceed on their journey and four were taken to Madras by an Ambulance Car by road.

Three persons with minor injuries and four with serious injuries are now in the Government Hospital, Madras, and the latter are stated to be progressing well.

Arrangements were also made for supply of food and refreshments to those in need of them. These were speedily brought over by rail from Sullerepeta and Madras.

Onward journey for all passengers was also arranged as required by them.

Relief trains from Madras and Bitragunta, and an officers' special with labour, a police force, etc., arrived between 5:30 and 5:44 hours. Through communication was restored at midnight of the 4th/5th March.

The Government Inspector of Railways, Bangalore, held his enquiry on the 6th instant to ascertain *inter alia* the cause of the accident.

According to the preliminary information available, two pairs of fish-plates at either end of inside rail at the commencement of a curve were found removed and the inside rail was found displaced.

A tool box nearby was found broken open and a spanner removed therefrom was left at the foot of the tool box.

Sabotage is indicated but the Government Inspector's report must be awaited on this and other points.

The Madras Government have been addressed for the early appointment of a Claims Commissioner.

Intensive patrolling by the Railway Engineering Department in collaboration with the State Police and village watchmen is being done. Vulnerable points are specially guarded. Other possible precautionary measures have also been taken by both the M. and S. M. Railway Administration and the Madras Government.

Shrimati Durgabai: Is the news correct that appeared in the press that half an hour before this major accident happened a passenger train passed on this line and, if so, in between the passing of the passenger train and the arrival

of the Calcutta Mail was the line checked up? Is it the practice to check up the line between the passing of one train and the coming in of another?

Shri Gopalaswami: Not during such a short interval as that.

Shri Rathnaswamy: In view of the frequent accidents is it contemplated to instal any safety devices to avoid such accidents?

Shri Gopalaswami: There have been a few cases recently but I do not think that these disasters have been so frequent in our country.

Shri V. K. Reddi: What is the number of railway accidents that took place during the year 1949?

Shri Gopalaswami: I think I have given information about this in my Budget speech and also in reply to the debate on cut motions.

Shri Alagesan: Is the engine in such a condition that it can be put on the rails again?

Shri Gopalaswami: Yes; it can be put on the rails again. An expenditure of about Rs. 10,000 is estimated as being required for putting the engine in good condition so as to be used on the lines.

Shri Audikesavalu Naicker: May I know whether Government will give the necessary compensation to those who were either killed or injured in the accident?

Shri Gopalaswami: Yes.

Kanwar Jaswant Singh: May I know whether any of the crew of the engine or any other Railway official on the train were like guards, etc. injured in this accident?

Shri Gopalaswami: Miraculously the driver is quite safe as also the guard. One of the firemen, I believe, got an injury.

Dr. V. Subramaniam: What was the total number of passengers in the first two carriages?

Shri Gopalaswami: I am unable to give that information. It is quite obvious that the first bogie was nothing like being full.

Shri Alagesan: Will this patrolling of the permanent way be undertaken as a permanent measure?

Shri Gopalaswami: It would be difficult to maintain the special precautions which we have taken as a permanent measure but we are considering the question as to what can be done to make more satisfactory arrangements for patrolling the line in future, though they may not be of the same magnitude as we have made at present.

Dr. V. Subramaniam: Is there any intention of running a pilot engine before passenger trains for a few days?

Mr. Speaker: That is a suggestion for action.

Shri Rathnaswamy: Has Government's attention been drawn to some concrete suggestions contained in the *Hindu* of the 3rd instant in regard to avoiding disasters of this kind?

Shri Gopalaswami: I am afraid our attention has not yet been drawn.

Shri Sidhva: The hon. Minister stated that railway accidents were few compared with other countries. Whether they are few or many is immaterial.

Thursday, 9th March, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1950

First Session

of the

PARLIAMENT OF INDIA

1950



CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—

In Volume II,—

1. No. 1, dated the 24th February, 1950,—

- (i) Page 809, line 19 for "cbroadly" read "broadly".
- (ii) Page 814, line 20 for "alsod" read "also a".
- (iii) Page 826, line 24 after "have" read "got".
- (iv) Page 831, line 12 for "stile" read "still" and in line 13 for "wouild" read "would".
- (v) पृष्ठ ८५४, पंक्ति ६ में "बैठेगो" के स्थान पर "बैठेंगे" पढ़ें।
- (vi) पृष्ठ ८५७, पंक्ति ४ में "डब्बो" से पहले "और" को निकाल दें।
- (vii) Page 865, last line for "15th" read "25th".

2. No. 2, dated the 25th February, 1950,—

- (i) Page 884, line 27 from bottom for "latterly" read "laterly".
- (ii) Page 898, line 11 for "fact" read "feet".
- (iii) Page 901, line 11 omit "a" after "had".
- (iv) Page 903, line 10 from bottom for "low" read "law".

3. No. 3, dated the 27th February, 1950,—

- (i) Page 950, line 5 from bottom for "alternation" read "alteration".
- (ii) पृष्ठ ९६१, नीचे से पंक्ति १३ में "श्री ए० पी० सिंह" के स्थान पर "श्री ए० पी० सिन्हा" पढ़ें।
- (iii) पृष्ठ ९६६, पंक्ति १ में "मा" के स्थान पर "या" पढ़ें।
- (iv) Page 967, line 9 for "ot" read "to".
- (v) Page 970, line 9 for "Mangers" read "Managers".

4. No. 4, dated the 28th February, 1950,—

- (i) Page 984, line 11 for "Mr. Chairman :- The question is" read "The motion was adopted".
- (ii) Page 986, for the existing last line read "The House then adjourned for lunch till half past two of the clock".
- (iii) Page 994, line 27 from bottom for "onse" read "ones".
- (iv) Page 1010, line 16 from bottom for "Mr. Gaganvinari lal" read "Mr. Gaganvihari Lal".

5. No. 5, dated the 1st March, 1950,—

- (i) Page 1021, line 22 for "has been callous" read "has been even callous".
- (ii) Page 1033, line 25 from bottom for "on" read "or".
- (iii) Page 1053, line 21 for "Shri Ethirajula Naidu" read "Shri Ethirajulu Naidu".
- (iv) Page 1054, transfer lines 29 and 30 after line 31.
- (v) Page 1064, line 4 for "cadamom" read "cardamom".

6. No. 6, dated the 2nd March, 1950,—

- (i) Page 1090, line 17 for "Hon. Members three minutes" read "Hon. Members say three minutes".
- (ii) Page 1096, first line for "section" read "selection".

7. No. 7, dated the 6th March, 1950,—

- (i) Page 1143, line 11 from bottom for "fact" read "face".
- (ii) Page 1150, line 18 for "in" read "the".

(ii)

(iii) Page 1060, line 13 from bottom *delete* "no".

(iv) Page 1164, line 4 from bottom *for* "Shri Satis Chandra" *read* "Shri Satish Chandra".

(v) Page 1165, line 26 *for* "Dr. Matthai" *read* "Dr. Mathai".

(vi) Page 1171, line 2 *for* "as" *read* "or".

(vii) Page 1174, last line *for* "Hudget" *read* "Budget".

8. No. 8, dated the 7th March, 1950,—

(i) Page 1179, line 11 *for* "question" *read* "questions".

(ii) Page 1221, line 13 *for* "by" *read* "but".

9. No. 9, dated the 8th March, 1950,—

Page 1260, line 21 from bottom *after* "so far," *read* "but no".

10. No. 10, dated the 9th March, 1950,—

(i) Page 1306, line 28 from bottom *for* "gah" *read* "Durgah".

(ii) Page 1321, line 28 *for* "has " *read* "This".

11. No. 11, dated the 10th March, 1950,—

(i) Page 1342, line 23 from bottom *for* "panel" *read* "penal".

(ii) Page 1352, line 3 from bottom *for* "Houses" *read* "House".

12. No. 12, dated the 11th March, 1950,—

Page 1385, *for* the existing line 18 from bottom *read* "another thing that I wish to submit is this. It is but fair that, when the".

13. No. 14, dated the 14th March, 1950,—

Page 1507, line 11 from bottom *for* "Shri A. P. Fain" *read* "Shri A. P. Jain".

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PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 9th March, 1950.

The House met at a Quarter to Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

11-53 A.M.

PAPERS LAID ON THE TABLE

ACTION TAKEN ON ASSURANCES, PROMISES AND UNDERTAKINGS GIVEN DURING
NOVEMBER-DECEMBER SESSION, 1949.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha) :
I beg to lay on the Table a statement showing the action taken by the Government on various assurances, promises and undertakings given during the November-December Session 1949 of the Constituent Assembly of India (Legislative). [See *Appendix IV.*]

GENERAL BUDGET—GENERAL DISCUSSION—*concl'd.*

FIRST STAGE—*concl'd.*

The Minister of Finance (Dr. Matthai) : We have had a prolonged and animated debate on the Budget and, speaking for myself, may I say that I derived a great deal of enjoyment and profit from the discussion.

Various matters were raised in the course of the discussion which related to the financial proposals and other matters were also raised which related to problems connected with the administration and the working of the various departments of Government.

To-day, I do not propose to deal with the criticisms of financial proposals and matters relating to the working of Ministries for this reason that the consideration of the finance Bill will give hon. Members sufficient opportunity to express their views on these matters and I take it when Demands for grants are under consideration, the House will have full opportunities of expressing their views regarding the working and the administration of the Departments of Government.

I propose to deal really to-day with the major issues which hon. Members have raised during the three-day debate but before I do so, I would like, if I may, to make a very brief reference to what newspapers call the 'highlights' of the debate.

I would like first of all to make a brief reference to Pandit Kunzru. Pandit Kunzru yesterday in a speech to which I listened with the greatest interest, as I always do to anything that falls from Pandit Kunzru, summed up his criticism of the budget by laying down the proposition that the Finance Minister is groping in the dark like the rest of us. The only comment that I wish to make on the proposition is that as a statement of the real position of the Finance Minister to-day it is an under-statement. What the Finance Minister is doing to-day is not to grope in the dark. What he is doing is to drive a ten-year old jeep along a narrow

[Dr. Matthai]

mountain road over a steep precipice on a moonless night. There is hardly a Finance Minister in any country in the world with which I am familiar who is not doing the same kind of thing. Save the position of this country. We have the enormous strain thrown upon our internal and external finance by the deficiency in our food supplies. We are having this very difficult problem of Kashmir which is putting a very severe strain upon our resources. We are having this increasing tension in our external relations. We are having all the complicated problems which have been thrown up by this sudden drastic devaluation. Does Pandit Kunzru seriously expect me to do anything except to grope my way in the impenetrable darkness that surrounds the financial world to-day? Pandit Kunzru's criticism therefore is—he meant it very kindly—not an original criticism. Like most things that Pandit Kunzru says, it is a platitudinous criticism. Pandit Kunzru is nothing if he is not platitudinous and that is why he is such a respectable figure in this House.

Now, let me turn to Acharya Kripalani. I listened with great respect to Acharya Kripalani. Whenever he makes his rare appearances in this House, I feel delighted and I look forward with eager anticipation. He has fulfilled my expectation. I listened with special interest to the concluding part of his speech where he told us the story of a man who had joined Government service. The point of the story was to elucidate the precise effect of Government employment upon the condition of your brain. As I listened to Acharya Kripalani, I said to myself that the learned Acharya is getting ripe for a Government job.

I will now turn to Mr. Shiva Rao. Now Mr. Shiva Rao whenever he speaks in this House, he speaks with the air of an elder statesman. The modulated accents, the upward gaze which he wears, all that has greatly impressed me. The newspapers, the morning after he made his speech, said that he made a notable contribution to the debate. The most notable of the contributions that he made was that the Finance Minister made a grave omission in that he did not include in his budget speech a picture of the special conditions of this country. The Finance Minister in all conscience has a very tough job and if he is able to produce a picture of the economic conditions, it is a little more than he is ordinarily able to do. To produce a social picture of a country with this infinite variety of social conditions and standards is something altogether beyond my ability to do, even if I had at my command all the leisure that Mr. Shiva Rao has. The painting of a social picture, I would leave to people who have developed the true U.N.O. mentality. I am not one of those.

Now I turn to the hon. Lady Member Mrs. Durgabai. Mrs. Durgabai yesterday made a very moving speech. Most of the speeches which were made in this House were made on behalf of what she called the common man. Mrs. Durgabai slightly varied the theme. She spoke for what she called the man in the street. Now she is very greatly disturbed about the conditions of the man in the street. Now I should like to advise Shrimati Durgabai that she should not worry to the extent that she does about the man in the street. There is nothing whatever in the budget which occasions worry on that account.

Now let us look at Mr. Sidhva. Sir it is always a pleasure to look at Mr. Sidhva. There is not in the whole of this House a more satisfactory and orbicular figure than Mr. Sidhva. Mr. Sidhva did not speak either about the common man or about the man in the street. Instead he spoke about Joint Secretaries. Now, for some reason Joint Secretaries have got right on top of Mr. Sidhva's brain. Sometime ago he put a question to me about the number of Joint Secretaries in our establishment and in my answer I said that partly the number of Joint Secretaries depended on the number of questions he put in the House. As the result of the Deputy-Speaker's intervention, there is now a possibility that Mr. Sidhva may lose his priority in the matter of interpellations. To that extent, I hope there will be an improvement in the position of the Joint Secretaries.

Now I come to Mr. Frank Anthony. I listened with interest to the speech that he made on the perils of extravagance, on the extravagances committed by Government and Government officials. I was greatly stirred. Then I had a close look at Mr. Frank Anthony while he spoke and to me it was amazing that an hon. Member with his sartorial set up and with his corporeal dimensions should hide behind this very pleasant exterior a heart that is pining for the simple austere life. On the question of economy I propose to speak later in some detail.

Taking Shri Satish Chandra's speech, a speech to which I listened with great pleasure, he regards the Budget with mixed feelings. One reason why he is unable to appreciate the points of view of the Finance Minister is that there is a fundamental difference between the Finance Minister's outlook and his own outlook. He told me that one explanation was that he was born at the time of the Russian Revolution whereas I was born in the dim Victorian age. I have been doing a little research on the chronology of these matters. I would like to supplement Mr. Satish Chandra's information. Karl Marx died in the eighties of last century; Joseph Stalin was born in the eighties of last century; I was also born in the eighties of last century. There is obviously a common galaxy of stars that guide our lives.

I must refer to the somewhat amazing speech which was made by the representative of Rajasthan in this House. He, first of all, made certain claims for Rajasthan. Then he soared to higher levels and he gave us a lecture as to the way in which Government of India should run its business and run its finance. The moral that I drew for myself when I listened to that speech was that is a very dangerous thing for people who live in houses made of cheap second-hand glass sheets to throw heavy stones at others. He would be well advised hereafter to stick to his own business.

I must refer to my hon. friend Shri Jaspat Roy Kapoor. That is the one speech, with which I found myself in complete agreement. Every point that he made seemed to me to strike the nail right on the head. I could almost hear the noise of the hammer as it fell on the nail.

I come to my friend Sri Mohan Lal Gautam. Mr. Gautam put a very straight question to the House, and I am very glad that he did so. He asked the House "Is the Finance Minister to follow the Congress or is the Congress to follow the Finance Minister?" He went on to say that there was a time when he thought that the Finance Minister was a socialist, and by implication, I gathered that his own impression is that to the extent I am not a socialist, to that extent I am departing from the declared policy of the Congress. I have in my time paid a lot of thought and attention to the teachings and writings of Mahatma Gandhi and the conclusion that I have come to is that in modern times there has never been a prophet who attached greater importance to individual personality and the need for providing the fullest scope for individual personality and free will than Gandhiji. Those who reduce the economic philosophy of Mahatma Gandhi to the cheapest variety of western socialism are doing very much less than justice to him. One of the great tragedies of history is that the greatest prophets of the world, after their time suffer more damage at the hands of their followers than at the hands of those who stood outside the charmed circle. If Mahatma Gandhi stood for anything, it was first the need of developing to the fullest extent the potentialities of the individual, and secondly to point out hard physical labour as one of the forms in which individual personality should express itself. If that is the right ideal of the Congress, for the life of me I cannot see anything in the Budget which is inconsistent with that. Sir, ever since I joined the Government, I have always kept before my mind the great ideals for which the Father of the Nation has stood and I refute the suggestion that in anything that I have done or proposed I have departed by so much as an inch from his philosophy and ideals.

Babu Ramnarayan Singh (Bihar) : Where is the Karachi Resolution ?

Shri Tyagi (Uttar Pradesh) : Cottage industries have been neglected.

Dr. Matthai : No, Sir. Having said that, there is one aspect of the situation to which I must invite the attention of the House. We are passing through very difficult and very critical times. We have as a Nation State just achieved independence. Whatever might be the outlook and the ideals with which we started as an independent Nation State, we are, for the time being, it appears to me, following, whether we like it or not, the orthodox pattern of Nation States in the Nineteenth century. Once you achieve independence, it is your responsibility to preserve that independence. You cannot preserve that independence unless you are prepared to organise a sufficiently effective defence organisation. There is no modern effective defence organisation that you can build except on large-scale industrial development. You cannot build it on the economy of three acres and a cow. We are faced with that situation. I respectfully suggest to the House that if this country has to preserve its newly won freedom, it has got to look these realities in the face and to have the courage to do the necessary temporising and compromising. Otherwise, we shall be lost as a nation.

I now come to Mr. Goenka. Mr. Goenka started his speech by paying me a tribute for what he called "my integrity". On my other virtues, he was absolutely silent. I gather, therefore, that he is not quite satisfied about my intelligence. That part of his sentiment, I fully reciprocate. He told me, a seasoned, hardened teacher of Economics that what is necessary for meeting the present inflationary situation is to create as large a surplus as you can. I listened with complete agreement, I must say, to Mr. Goenka's ideas on the present economic situation. I should like to tell him that if he analyses the budget carefully, he will find that there are some important non-recurring items of expenditure on the revenue side of the budget which under ordinary conditions in any other country would be met out of receipts other than revenue. Three years ago, when the Congress assumed office, and we were functioning as an Interim Government, we took a lot of trouble for determining what would be the proper postwar normal level of expenditure on Defence in this country and we estimated—we were then working for Undivided India—that it would be something like Rs. 110 crores. We are now Divided India. But our problems on that account from the point of Defence and external security are, if anything, more serious and if you make all advances for that, assuming we were not faced with conditions of special tension. I would fix—I am saying that without any particular authority—the normal Defence expenditure of this country at no more than Rs. 125 crores. The difference between a 125 and 168 then is the burden of expenditure which we are carrying on the revenues of the Government of India which in any other country would have been met mainly out of inflationary finance.

Then take this question of food subsidies. It is a non-recurring item. It is a special expenditure which under the present conditions, we have got to meet. Take the question of relief and rehabilitation. We are not going to be faced with it for all time and if, therefore, we were proceeding on ordinary lines of finance, these things would not be on the revenue side of the Budget and that gives the measure of the potential surplus that is in the budget. The point that I wish to make is this: If we are so fortunate that in the next few years we are able to find a tolerable solution for these very special problems, then to that extent, on the present level of taxation, we may have a surplus which should make a reasonable provision for developmental projects. Mr. Goenka then told me that any relief in taxation is an inflationary measure and that therefore, in providing for reliefs of direct taxation, I was going counter to the policy of Government in the matter of inflation. That is a matter to which I have given a good deal of thought, and no matter what all the textbooks in the world may say, the present level of direct taxation in this country is a positively inflationary influence. As I have said in my Budget speech, so I say again, it is not the monetary factor that determines inflation in this country. So much as the question of production of goods and services, that is the decisive factor. If that is so, then this present level of taxation, so far as we continue it, is not going to be dis-inflationary as Mr. Goenka thinks and his textbooks appear to think.

Yesterday Pandit Kunzru referred to something that I said in reply to the problem of capital deficit which he raised last year. I dismissed that criticism rather summarily last year and Pandit Kunzru has raised it again. He appeared to think that I have now been converted to a different view about it. I wish to assure him that I hold exactly the same view as I did last year and if anything, I hold it with more confidence. If you take the whole of the receipts and expenditure of the Government of India, not merely the revenue receipts and revenue expenditure, but also the capital receipts and the capital expenditure of the Government of India, if you take all the Government transactions together, the net result is in my opinion dis-inflationary and I say that for this reason. After all your revenue expenditure is met out of your revenue receipts that is to say, for every item of expenditure on the revenue side, you are financing it by withdrawing money, in the form of taxes, from circulation. With regard to your capital expenditure, part of it you are meeting by loans, which is again money withdrawn from circulation, and part of it by drawing on your cash balances. Now your cash balances are dormant money in the sense that they are not actually in circulation and, therefore, does not add to the purchasing power. If you draw from your cash balances and spend it, then the argument is ; that is inflationary. But more than the amount that we draw from your cash balances we remit abroad for the purchase of goods and services which come back to this country. In other words, the net effect of drawing money from the cash balances is to have goods in this way without the money being spent in this country, and I say that if you take the finances of the Government of India during the years 1949-50 and 1950-51, the net effect of Government expenditure is dis-inflationary.

Most of the criticisms during the discussion were centred on the main assumption behind the budget that the proposals for relief in taxation are going to help the economy of this country. What my critics have urged is this : Do not take this Rs. 15 crores, the total amount of money involved in your tax reliefs and give it back to the investing classes, but spend it on some kind of developmental or social welfare scheme. Then you are able to get production, to get social services created as the result of that expenditure. But the line that I have taken is that if you take this Rs. 15 crores and spread the amount over a variety of schemes over the whole of this country the extent to which it is likely to meet the situation is somewhat insignificant. On the other hand, if you take this money and use it in such a way that you are able to release further investment resources, which are latent in the country, you are probably likely to get far more than Rs. 15 crores. The crux of the problem is this : What is the best way of utilising this Rs. 15 crores, to put it straightaway into capital expenditure or to use it for the purpose of stimulating the investment resources of the country ? In which direction do you get better value for your money ? The assumption that I have made is that you will be able to get better value, as far as I can judge the situation, by tax reliefs. My critics are perfectly entitled to say that my assumption is wrong. Neither of us can come to any definite conclusion on the subject. It is the lot of a Finance Minister that in making his proposals at every stage he has got to take a chance ; he has got to make assumptions all along the line and so long as he is responsible for the finances of the country, he cannot shirk his responsibility for taking these chances and making these assumptions. It may be that my assumption is wrong, it may be that my critics' assumption is right and if hon. Members come definitely to the conclusion that the assumption on which I have formulated this budget is wrong, then the House has every right, not merely so but, it is the duty of the House to put somebody else in my place, whose, assumptions are more acceptable to the House. But the House has no right to ask me to swallow other peoples' assumptions. If I do, I would be shirking my responsibility.

A criticism which was made more than once is that the production that Government has thought of is industrial production. That is a statement which, to say the least, is inaccurate. Of the total provision made in the Budget for 1950-51.

9TH MAR. 1950

[Dr. Matthai]

for capital expenditure, less than ten per cent is going to be devoted to industrial production. The largest single item, is food production, either for short-term or for long-term schemes. A great deal of the capital provision is for the development of rail transport and for rehabilitation. Less than ten per cent I say, goes to industrial production. The House has no right to say that Government is not aware of the importance of agriculture.

I have been told that I have manipulated the Budget that in trying to reach a surplus for my beloved idea of surrendering to the capitalists, I have been trying to inflate the Budget on the revenue side. I think it was Mr. Mohan Lal Gautam who said something about tax receipts being taken direct to revenue instead of deposit account. That was a practice established by my predecessor in office and it is a practice which will reach finalisation some time in 1951-52. But we need not go into the details of these matters. If it is held that there are certain items included in the income-tax receipts which are not likely to be repeated, I should like to say in reply to my critics, that this is a matter which I and my advisers have considered with care, and we are satisfied that for the next few years, that is to say, as far forward as you can make estimates in these matters, unless there is a world depression or some abnormal occurrence of that kind, we may expect our tax receipts to be about the level which I have indicated in the 1950-51 Budget.

I come now to this vexed question of economy. Mr. Sihva has been asking a great many questions regarding Government's attitude to the proposals of the Economy Committee. Sir, there is a great deal of difference between the situation which the Economy Committee faced and the situation that we are facing to-day. As I told the House in my Budget speech, the 1950-51 figures are not comparable at all with the 1949-50 figures. On account of the additional work which has fallen to the Government of India because of the fact that the Government of India have now taken over all the federal subjects and services of the integrated States, there is a large volume of administrative work which the Government of India has had to shoulder which was not before the Economy Committee when it made its examination. It is no use to-day proceeding on the recommendations of the Economy Committee. It is perfectly true that in comparison with such small estimates of savings as I indicated to the House from time to time, the estimates that I have put before the House are not encouraging. But the reason is this. Practically all the Ministries in the Government of India have had to make preparations and are now to take in hand additional administrative work required for looking after the federal services of the integrated States. I think I indicated in one of my Budget Papers the net expenditure. Making allowance for the revenue we get, the net expenditure we are incurring in 1950-51 in regard to the integrated States is of the order of Rs. 9½ crores. But as I indicated in my Budget speech, if you take the civil estimates for 1950-51 and deduct from them all the special expenditure which has fallen to us on account of the integrated States, our civil estimates show a reduction of somewhere about Rs. 22 crores as compared with the revised estimates of 1949-50, and I think the Government is entitled to some recognition of that fact.

I laid a great deal of stress in my Budget speech on the work of the Estimates Committee. I did so deliberately because I do not want to appoint another economy committee. It is for the Estimates Committee of the House, in view of the fresh administrative responsibilities which have been thrown upon the Government of India, to tell us in what directions can we reduce expenditure, and as I said, I am looking forward with great expectation to the work of the Estimates Committee.

A good deal has been said about the fact that all the reliefs contemplated in the Budget are reliefs intended for the more well-to-do classes of the population. Now, I am afraid that is a situation which a Minister, responsible for the Central finances, within the frame-work under which we are administering it to-day, cannot help. Take income-tax. People who are getting up to Rs. 250 a month pay no

income-tax and so I cannot give any relief there. If you take the income groups between Rs. 3,000 and Rs. 10,000 for whom this year I have made no provision for relief, but for whom I provided some relief last year, if you take the amount of income-tax that they pay and the relief that they get in respect of their earned income under the income-tax proposals, the amount of tax that they pay to-day is considerably less than what they paid in 1939-40. You do not expect me to go farther than that. I am unable to produce a scheme of complete relief when the whole country is called upon to bear additional burden because of the problem of security that is facing this country.

As regards excise duty, I think it is my friend, Mr. Khandubhai Desai, who told me that something might have been done in the direction of reducing the excise duty. This also is a matter that I have considered. Take for example the excise duty on medium and coarse cloth. It works out at three pies per yard. If I go as far as a reduction of one pie a yard, that is as far as I can go, in view of the present finances of the country. I assure the House the whole of that one pie will go, not to the common man, but to the middleman. And when Mr. Khandubhai makes a suggestion of that kind, I am compelled to ask him, "Is he speaking as a leader of labour, or is he speaking as a *Baniu* masquerading as a labour leader?" The answer that I have given myself is "Probably both".

Sir, there are other matters also to which reference has been made in the course of the discussion; but I shall take far more time than I have at my disposal if I were to refer to them. For the present, therefore, Sir, I will bring these remarks to a close. I will say only this in conclusion, that we are going through a time of grim realities, and I am convinced, looking at it from a practical point of view, that the only way in which we can survive as an independent nation is by agreeing to look realities in the face, and not to take shelter under the formulae which held good at an earlier time. Slogans had a valuable psychological use during the period of struggle for national independence. That struggle is over. Now when hard problems are staring us in the face, when it is a question of self-preservation, I suggest very respectfully to the House, that we must be prepared to compromise, we have got to temporise.

TRANSFER OF PRISONERS BILL

The Minister of Home Affairs and the States (Sardar Patel) : I beg to move for leave to introduce a Bill to provide for the removal from one State to another of persons confined in a prison.

Mr. Speaker : The question is :

"That leave be granted to introduce a Bill to provide for the removal from one State to another of persons confined in a prison".

The motion was adopted.

Sardar Patel : I introduce the Bill.

JUDICIAL COMMISSIONERS' COURTS (DECLARATION AS HIGH COURTS) BILL

The Minister of Home Affairs and the States (Sardar Patel) : I beg to move :

"That the Bill to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution, be taken into consideration".

The measure is a simple one and its necessity can hardly be questioned. All the States in Part C States except Delhi and Coorg have Judicial Commissioners' Courts as the highest court of appeal within that State. Unless we make specific provision for appeals from such courts to be made to the Supreme Court, the

[Sardar Patel]

latter Court will not be in a position to exercise the same appellate jurisdiction in regard to those Courts as it does in regard to other High Courts. We think that these appellate powers should be vested in the Supreme Court from the date on which the Constitution came into force and accordingly an ordinance was issued to deal with that matter. We have made certain modifications in chapter V of Part VI of the Constitution in order to adapt these provisions to the necessities and essential features of Judicial Commissioners' Courts.

The present Bill seeks to incorporate the Ordinance as a permanent feature of the Statute.

Mr. Speaker: Motion moved:

" That the Bill to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution, be taken into consideration."

[MR. DEPUTY-SPEAKER *in the Chair*]

Pandit M. B. Bhargava (Ajmer) : The Bill seeks to confer upon the Judicial Commissioners' Courts the status of a High Court for certain purposes. To all intents and purposes it is a Bill to perpetuate the conditions that are prevailing in the Chief Commissioner's Provinces in respect of the Judiciary. Those conditions are by no means very happy conditions. In fact, under the existing conditions the Judicial Commissioners' Courts enjoy all the powers of the High Courts under the law of the land both in the realm of criminal as well as civil law. They are the highest courts there, and formerly, *i. e.*, before the 26th January 1950 and before the Act abolishing the jurisdiction of the Privy Council was passed by the Constituent Assembly, appeal lay from the Court of the Judicial Commissioner of Ajmer, and I presume of the other similar provinces, to their Lordships of the Privy Council only. Now before the Ordinance was promulgated, under the Constitution no appeal could be filed in the Supreme Court from the Judgments and decrees of the Judicial Commissioners, because the Constitution contemplates that any High Court must consist of more than two Judges. That is article 216 of the Constitution. It is true that in Part VIII there are certain specific provisions enacted for States in Part C of Schedule I of the Constitution, but it is laid down in article 241 of the Constitution that Parliament can create a High Court for any of the States in Part C of the First Schedule or confer on any Court in any such State the powers of a High Court for certain purposes and it is under this article that the present Bill is being piloted. But we cannot forget the spirit of the Constitution and we cannot also forget that in modern Republican India no distinction can be made between the residents of one territory and the residents of another territory within the four corners of the Indian Union. In every State under Part A and Part B of the First Schedule, every citizen has a right to seek justice, and that justice is being administered by a number of Judges, but so far as the Chief Commissioners' Provinces are concerned, even the fate of a person who is convicted of murder and is sentenced to death is in the hands of one single Judge, while in other High Courts the sentence of a person condemned to death will come for confirmation before a Bench of the High Court. Similarly in civil matters, the position will be worse. Any judgment of the judicial Commissioners which decided civil cases upto the valuation of Rs. 10,000 and upwards was appealable before their Lordships of the Privy Council under section 110 of the Civil Procedure Code, but under the new Constitution article 133 provides that the value of the subject matter of any dispute should be not less than Rs. 20,000 for an appeal to lie before the Supreme Court unless otherwise provided by any special piece of legislation by Parliament. In this Bill there is no relevant amendment and therefore the position now is that any judgment or decree of the Judicial Commissioners before it is appealable before the Supreme Court must satisfy the requirements of article 133; *i. e.* it must involve a matter of the pecuniary value of at least Rs. 20,000. And further if it is a judgment confirming the judgment of a lower Court, it must involve a substantial question of law. My submission therefore is that in fact the

powers of the Judicial Commissioners under this Bill will be more than they were before the enforcement of this Constitution. This state of affairs, I respectfully submit to the hon. the Home Minister, should not be allowed to continue any further. After all, the right of a citizen to have justice must be the same in every nook and corner of the Indian Union, wherever he may be. Simply because a citizen happens to reside in any territory known as a Chief Commissioner's Province, he should not have less rights than any other citizen in any other part of the Indian Union.

My humble suggestion is that though the scope of this Bill is limited the hon. the Home Minister may see his way to accommodate the population of these Provinces. There are several ways under which appropriate relief can be given to these areas. Even under the present Constitution it can very well be arranged that for these areas there can be a bench of two or more Judicial Commissioners to administer justice and they can operate as a circuit court, visiting these areas at certain intervals and disposing of the civil and criminal appellate work in a sitting of the bench. That will not involve a very large expenditure to the Government and at the same time it will go far to meet the requirements of the situation.

Then I would draw the attention of the hon. Home Minister to article 241(4) under which it is open to Parliament to extend the jurisdiction of the existing High Courts in the States in Part A or the States in Part B so that the adjoining territories may be included within their jurisdiction. Instead of leaving such great powers in the hands of one man it is better that the jurisdiction of the High Courts of the contiguous areas is extended so as to include these small territories also therein. I think this is another way in which justice can be done.

There is one other point to which I would draw attention. At present the Judicial Commissioners' Court enjoys the powers of the High Court so far as the issuing of the writs of *habeas corpus* and *mandamus*, etc., are concerned. But in the present Bill, in clause 6, it is intended that article 226, which provides for similar powers of the High Courts as to the issue of writs of *habeas corpus*, etc., should not apply to the Judicial Commissioner's Court. My respectful submission is that this may create a great anomaly. The legal effect of it may be that the Judicial Commissioner's Court may refuse to exercise its existing powers under the law on the ground that article 226 has been taken away insofar as it is concerned and an exception has been provided in clause 6 of this Bill. Myself and certain other Members have sponsored an amendment. Our suggestion is that in clause 3 after article 134, it may also be provided that the Judicial Commissioner's Court, may be treated as a High Court not only for purposes of appeal to the Supreme Court but also for purposes of exercising the powers incorporated in article 226 of the Constitution. I am very glad that the hon. the Home Minister has agreed to incorporate that amendment. That will solve the problem.

Before resuming my seat I would again request the hon. the Home Minister that he may see his way to give relief to the people of these Provinces in the matter of judicial administration so that they may enjoy the same rights as their companions in other parts of the Indian Union. This is all I have to submit.

Sardar Patel: I am afraid there is a misunderstanding on the part of the hon. Member. What I propose to do is to accept at a later stage an amendment to clause 6 for omitting "226", which would serve the purpose. We are here declaring the Judicial Commissioner's Court to be a High Court for a certain purpose. Therefore it is not necessary to add anything here in clause 3 as the amendment suggests. That is the legal position.

Shri Shiv Charan Lal (Uttar Pradesh) : The purpose of this Bill is to recognize the Judicial Commissioner's Court as High Court for certain purposes. The two chief purposes of the Bill are these : One is to allow an appeal to be filed with the Supreme Court from the decisions of the Judicial Commissioners courts. The other is that certain powers conferred upon High Courts under the Constitution are to be given to these Judicial Commissioners' courts. I may in the very beginning

[Shri Shiv Charan Lal]

say that these Judicial Commissioners' courts are in a way the negation of justice. Are you giving the same justice to the Chief Commissioners' Provinces that you have given to the States in Parts A and B? Just look at the composition of the Judicial Commissioner's Court. In some courts there is only one judge, in some there are two judges, and in very few courts there are more than two. I do not think there are anywhere.

There are three chief reasons, according to me, why people living in the Chief Commissioners' Provinces cannot get full justice. The first is that the judges who work as Judicial Commissioners are not of the calibre of the judges of the High Courts. The judges of the High Court constitute the highest judiciary in the Province. The fate of the people is in their hands. Murder cases with death penalty go to them. They have to decide these cases and their decisions are final. The rights of the people to appeal to the Supreme Court are given in the Constitution. But every case cannot go to the Supreme Court. Even in a case where death sentence is given, an appeal cannot lie to the Supreme Court unless certain provisions are fulfilled. And those provisions are fulfilled in very few cases. For example, I may point out this. Where there is a government appeal, that is to say, the Sessions Judge has acquitted the man and the Judicial Commissioner's Court comes to a decision to convict the man and give him death sentence, only in such a case will an appeal lie to the Supreme Court; otherwise not. If a man has been given death sentence by the Sessions Judge and his appeal is decided by a single judge sitting in the Judicial Commissioner's Court and he also confirms the death sentence, then that man is doomed, because there will be no appeal to the Supreme Court. My submission is that in the first place these judges are not of the calibre of the Judges of High Courts, they are not paid so highly. Their qualifications are not the same as those of the Judges of the other High Courts. Sometimes we see that Subordinate Judges who are not even confirmed as District Judges in the other States are appointed as Judges of Judicial Commissioners' Court. Do you think you can place the lives of the people in their hands?

My second submission is that important cases with transportation for life or with death sentence as also other big civil appeals are to be decided by two Judges. But there are no two Judges here. Then, sometimes legal questions arise on which the matter is referred to a Bench of more than two Judges—three, four and some times five Judges. Sir, the law is made in those High Courts. The whole territory under the jurisdiction of those High Courts has to obey that law. Is that law to be made by one single Judge? Certainly it cannot be.

The third point is that the Bars of those Judicial Commissioners' Courts are also not first class ones. The clients cannot get the advantage of the best lawyer in that locality to fight out their case before these Courts.

My suggestion, therefore, is this. You have power under the Constitution to extend the jurisdiction of the High Courts over other areas. These small Chief Commissioners' Provinces can be included, for the purpose of a High Court, in the other Provinces. For example Vindhya Pradesh has a population of some thirty lakhs. Surely you cannot appoint two or three Judges there giving them the same salary as you give to the other High Court Judges. And you cannot attract on a low salary people of the calibre of Judges of High Courts. Then why not extend the power of the Allahabad High Court over the Chief Commissioner's Province of Vindhya Pradesh? You can do this in the case of other Chief Commissioners' Provinces also. In some places if there are small Provinces you can combine some of them for the purpose of creating a good High Court there. That will also serve the purpose.

Therefore, my submission is that instead of giving so great powers to these Judges of the Chief Commissioners' Courts, it is better that you either extend the power of the other High Courts over those areas, or you combine some small

Provinces into a big one for the purpose of creating a good High Court because that will, in a way, be giving a chance of similar justice all over the country. Otherwise the people living in these Chief Commissioners' Provinces will always be complaining of a groaning under a dissimilar justice.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE FOR SHRI K. M. MUNSHI FROM THE HOUSE

Mr. Speaker : Before the House proceeds with the Legislative Business, I would like to inform hon. Members that Shri K. M. Munshi has requested for leave of absence under Article 101(4) of the Constitution, on the ground that he intends to proceed to U. S. A. for medical treatment. He is likely to be absent for over sixty days.

Is it the pleasure of the House to grant him leave ?

Some Hon. Members : Yes, yes.

Mr. Speaker : So leave is granted. I shall communicate the decision to the hon. Member.

JUDICIAL COMMISSIONERS COURT (DECLARATION AS HIGH COURTS)
BILL—*contd.*

Mr. Speaker : We were discussing when we adjourned for lunch the hon. the Home Minister's motion that the Bill to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution be taken into consideration.

Shri Hyder Husein (Uttar Pradesh) : A certain amount of confusion has crept into the discussion over this Bill. The scope of the Bill is very limited : it provides for a forum of appeal against the highest court of appeal in certain States which are mentioned in the Second Part of Schedule I. In the olden days States like Hyderabad, Kashmir and others had what they called the "Judicial Committee" on the lines of Privy Council in England and those committees used to hear appeals against the decisions of the High Courts or the Chief Courts, as the case may be, in those States. But now the jurisdiction of the Judicial Committee of the Privy Council has been taken away and it is vested in the Supreme Court of India. There is no reason why the highest courts of Appeal in the States also should not follow suit and appeal against the decisions of the High Courts in such Provinces or States should not lie to the Supreme Court of India. The scope of the Bill is merely to provide that forum. It has, if I may say so, nothing whatever to do with the condition of the High Courts in those various States. Some hon. Members have said that their High Courts are not as satisfactory as they are in the Union. I am quite at one with them. There is no reason why the High Courts in those States should not be on the same level as in the Indian Union, but that, I respectfully submit, has nothing whatever to do with the scope of the present Bill. According to the present Bill only appeals against the highest Courts of Appeals in those States will lie to the Supreme Court under the Act, and this being the limited scope of the Bill, I have the honour to support it.

Dr. Parmar (Himachal Pradesh) : I stand here to support this Bill whole heartedly. We from the Chief Commissioners' provinces welcome this Bill, because it provides the right of appeal to the Supreme Court to the litigants these areas.

[Dr. Parmar]

As the previous speaker has pointed out, it is hardly necessary for me to go into the wider aspects of this Bill. As it is, the scope of the Bill is very limited. But all the same, I would like to point out on behalf of the residents of these areas that the status of the Judicial Commissioners should be raised by increasing their pay, or by other means, or as suggested by Pandit Mukut Bihari Lal Bhargava, the Judicial Commissioners may it as a High Court holding Circuit Courts in these areas.

As far as this Bill is concerned, we are in complete agreement with it, except for the deletion of reference to article 226 from sub-clause (a) of clause 6 and to which the hon. the Home Minister has agreed.

With these words, sir I support the Bill.

Shri Pooncha (Coorg) : I review this Bill from the angle of certain principles which form the basis of our Constitution. The question is whether the institution of Judicial Commissioners' courts should be continued in some parts of India for all time to come. My own humble opinion is that the single judge courts which will be for certain purposes constituted as High Courts for these areas should not be continued for all time to come. I can understand this Bill as a temporary measure, because under the circumstances we have got to continue these Judicial Commissioner's courts for sometime to come till other arrangements are made. But in accordance with the provisions of the Constitution, as has been pointed out by my hon. friend Pandit Mukut Bihari Lal Bhargava, the jurisdiction of the neighbouring High Courts of Part A, or for that matter Part B, States could be extended to these areas and the benefit of the regularly constituted High Courts could be given to the people of these areas. I take it, sir, that the present Bill is only a temporary measure in order to meet the present-day requirements and in the near future Government would take appropriate steps to extend the jurisdiction of the regularly constituted High Courts to these areas and thus enable the people of these areas to have justice properly administered. When I make this observation I do not for a moment think that these Judicial Commissioners have in any way failed in their duty or have given any sort of reason to doubt their efficiency. But human psychology being the same everywhere single judge High Courts should not be encouraged and that is my point. With these few remarks I support the Bill. I hope that some of the amendments suggested by us to improve the defects in the Bill will be acceptable to the hon. the Home Minister.

Shri Dwivedi (Vindhya Pradesh) : I rise to support this Bill, wholeheartedly I come from a State which has very recently become a Chief Commissioner's Province. Prior to that it was a Union where a full-fledged High Court was functioning.

My hon. friend Shri Shiv Charan Lal of Uttar Pradesh, who spoke immediately before the House for lunch, said that a province which has only a population of thirty lakhs or a little more should not be given a High Court of such cadre. He was also pointing out that such High Court judges are not competent and should not function as Appellate Court Judges. I may inform him that in Vindhya Pradesh before it became a Chief Commissioner's Province, there was a full-fledged High Court functioning without any limitations. Besides this, as we are now a Republic with equal rights for all and as such, we must impart equal justice to all parts of the country irrespective of the fact that in certain places the Judicial Commissioner's Courts are not exercising some of the powers of regular High Courts. It is in the fitness of things that, as in the case of other High Courts, the Judicial Commissioner's Courts also which are now being raised to the status of High Courts should enjoy the same powers, with of course the necessary formal limitations. In the present piece of legislation, the only thing that strikes me is the avoidance of article 226 of the Constitution which relates to the enforcement of Fundamental Rights. It is very satisfactory and encouraging that the hon. Minister of Home Affairs has kindly agreed to my amendment which will be moved at the proper time, and so provisions of article 226 also shall be enforceable in such courts.

With these few words I support the Bill wholeheartedly.

Sardar Patel : As was rightly pointed out, the scope of the Bill is very limited. It is intended to give appellate powers to the Supreme Court against the decisions of Judges called Judicial Commissioners in certain areas. It has been suggested that the jurisdiction of the Judicial Commissioners may be taken away and the areas, so far as judicial work is concerned, merged in the adjoining provinces. It was stated, 'Why should not Vindhya Pradesh be merged in the Allahabad High Court so far as judicial work is concerned?' Perhaps the hon. Member who suggested this is not aware, although he is practising in the Allahabad High Court, that several efforts were made to persuade the Allahabad High Court in the past to take over the jurisdiction of the Ajmer Province in judicial matters but they persistently refused to do so. Now, the Province of Delhi has been tacked on to Punjab and the Punjab High Court so far as judicial work is concerned. But the litigants from here are quite unwilling to go as far as Simla. It is not easy and they ask for itinerant Judges from the Punjab High Court to come here and function. It is very inconvenient to provide accommodation for them here. So, things are not easy as people suppose.

The scope of the present Bill is quite limited and un-exceptionable. It gives an advantage to the people of that area to have provision for an appeal to the Supreme Court. This right will hereafter be enjoyed by all people all over the area. Therefore it is better that for the present this Bill should be passed. Questions of merger may be considered later on when the atmosphere clears up. It may be that Vindhya Pradesh may be merged altogether in one or two of the adjoining provinces. There are already demands for that. There is opposition to that also. Such decisions cannot be taken all of a sudden without giving proper consideration to all aspects of the question. As I said, wherever possible we are prepared to consider these questions if it is advisable and practical. After all, justice should also be cheap and that is a compensating factor. Although from the lawyers' point of view it may be advantageous to have the provinces merged or the areas merged so far as judicial jurisdiction is concerned, from the litigants' point of view it may be better to have one Judicial Commissioner's Court in that area, so that they may not have to go too far and spend much money. So there are two points of view in regard to a question like this. At present we do not enter into the comparative merits of such questions. We are only considering the question of providing appellate jurisdiction to the Supreme Court on the courts of Judicial Commissioners so that the people of those areas may enjoy the same privileges and the same rights as the people of other areas. That is the real object of the Bill.

As I said, in clause 6(a) of the Bill, I am prepared to omit the figures "226". This will meet the requirements of the case. All the other amendments are unnecessary as the scope of the Bill is limited. It is unnecessary to spend much time over this.

Mr. Speaker : The question is :

"That the Bill to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution, be taken into consideration."

The motion was adopted.

Mr. Speaker : I will now put the Bill clause by clause.

May I know if any of the amendments to the various clauses are going to be moved?

Pandit M. B. Bhargava : Only the amendment to clause 6 (a) will be moved.

Mr. Speaker : I wanted to know whether I should put each clause separately or whether I could put all the clauses together.

Sardar Patel : All clauses except 6 may be put together.

Mr. Speaker : The question is :

"That clauses 2 to 5 stand part of the Bill".

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Shri Poonacha : I beg to move :

"That in part (a) of clause 6, the figures '226' be omitted."

Mr. Speaker: I do not think the amendment requires any argument to support it.

The question is :

"That in part (a) of clause 6, the figures '226' be omitted".

The motion was adopted.

Shri Poonacha : I have an amendment to part (b) of this clause. With your permission, Sir, I will move it in a slightly changed form. I beg to move :

"That in part (b) of clause 6, after the word 'references' occurring in the first line, the words and figures 'in article 219', be inserted."

Mr. Speaker : The question is :

"That in part (b) of clause 6, after the word 'references' occurring in the first line, the words and figures 'in article 219', be inserted".

The motion was adopted.

Mr. Speaker : The question is :

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Sardar Patel : I beg to move :

"That the Bill, as amended, be passed."

In doing this I just want to make one reference which I forgot to make. A general reference was made that these courts of the Judicial Commissioners are not up to the mark and cannot do as good work as the High Courts. These Judicial Commissioners' Courts are not an innovation made recently; they are institutions which are a hundred years old and some of them have contributed case-laws which show a good standard of work and thus they have laid the foundations for the establishment of High Courts there. In some cases the Judicial Committee of the Privy Council have agreed with their decisions and appreciated them. So it is not as if their work is not proper and good. It is quite good work and there is nothing to worry that their decisions would not be as good as the decisions of the High Courts.

Mr. Speaker : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

The Minister of Home Affairs and the States (Sardar Patel) : I beg to move :

"That the Bill to amend the Prevention of Corruption Act, 1947, be taken into consideration".

The Prevention of Corruption Act, 1947, came into operation with effect from the 11th March 1947. Section 5 of that Act introduced a new offence, namely criminal misconduct, covering cases of habitual corruption and certain dishonest or fraudulent corrupt action. Under section 1(3) of that Act, this section was to remain in force for a period of three years. It will, therefore, expire on the

10th March 1950. The total number of cases registered under this offence up to 31st December 1949 is 271. Of these, 61 have already been sent to court, eight cases resulted in conviction, eleven in acquittal and 42 are pending trial; 26 cases were dealt with departmentally. The number of cases pending sanction for prosecution is 18 and the total number of cases still under investigation is 139. These statistics relate to the Special Police Establishment under the Government of India only. The Anti-Corruption Branches of the various States are also prosecuting cases under this section. The House will recall that we appointed a Committee of some hon. Members of this House to go into the question of anti-corruption laws and suggest improvements. That Committee has recommended that this section will not have exhausted itself by the time it is due to expire and have recommended an extension of two years. The States have also generally agreed to this recommendation. Having regard to the figures I have given, I feel that there is no alternative for this House but to extend the operation of this section by a further period of two years. The offence was intended to cover cases of unlawful gains made during the war years. It is unlikely that any fresh cases under this section would arise. I hope, therefore, that this period of extension would suffice for the disposal of the cases that might be involved. I commend this amending Bill for the consideration of the House.

Mr. Speaker : The question is :

“ That the Bill to amend the Prevention of Corruption Act, 1947, be taken into consideration.”

The motion was adopted.

Mr. Speaker : The question is :

“ That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Sardar Patel : I beg to move :

“ That the Bill be passed”.

Mr. Speaker : The question is :

“ That the Bill be passed.”

The motion was adopted.

DURGAH KHWAJA SAHEB (EMERGENCY PROVISIONS) BILL

The Minister of Home Affairs and the States (Sardar Patel) : I beg to move :

“ That the Bill to provide for the appointment of an interim Administrator for the Durgah Khwaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters, be taken into consideration.”

As probably the House is aware, the Durgah of Khwaja Moinuddin Chishti at Ajmer is an object of veneration to a large number of people both in India and outside. The Saint, who lies buried there and whose intercession in mundane matters kings and beggars alike have invoked throughout history, belonged to the Sufi sect of divines which, if I may say so, provided a meeting ground between the followers of Hinduism and Islam in India. It was one of the disciples of this sect, that ill-fated Dara who wrote a Russian work *Meeting of the Two Oceans*, in which he sought to emphasise the community of ideas between the Vedantism of the Hindu and Sufi-ism of the Islamic religion. Sir, I am emphasising this aspect of the holy Durgah to bring out the reasons why this House must approach the problems of this Durgah with close and vigilant attention and to show that its sanctity and integrity must be preserved not merely in the narrow but also in the broader concept of religion and culture.

[Sardar Patel]

The affairs of this Durgah have claimed the attention of various Governments for centuries. Emperor Akbar was the first to take interest in its affairs. He was followed by Emperor Shah Jahan, who actively interceded to put the affairs of this Durgah into shape. Even in the departed glory of the House of the Moghuls, Emperor Farrukh Siyar and Shah Alam actively displayed their interest in it. Lastly, as an example of the catholicity of the veneration which this shrine commanded, I might mention that Doulat Rao Scindia himself provided for some aspects of its administration. In more recent times, the British Government has been intervening in particular in the appointment of *Mutawallis*. The Religious Endowments Act of 1863, was held applicable to the Durgah in certain matters. Things seem to have gone progressively from bad to worse, until it was realised—to quote the words of a visitor—“that the Durgah was not much cared for, and the exactions from the visitors and pilgrims were extortionate”. Accordingly, in 1936, the Durgah Khwaja Saheb (Ajmer) Act was passed, which provided for the management of the affairs of the Durgah by means of a Committee. This, on account of its heterogenous character—consisting partly of vested interests who were on the spot, but largely of people from outside including Muslim Members of the Legislatures—accentuated rather than solved the difficulties of administration of the Shrine. Endless disputes and litigation ensued. Formerly, there were only three parties to the many disputes, namely the *Sajjadanashin*, *Mutawallis* and the *Khadims*. Under this Act, a fourth party, namely the Committee, was added. Whatever chances there were of the scheme functioning were completely upset by the partition, which left a rump of a Committee, in which the vested interests held almost complete monopoly. The *Sajjadanashin* left for Pakistan, and a successor had to be appointed. This was done under the powers which vested in the Chief Commissioner of selecting, according to Mohammdan Law, the holder of the villages which were given to the *Sajjadanashin* in lieu of perquisites. Thus, mutual quarrels among the various dignitaries and servants of the gah, the drastic changes made by partition in the composition of the Committee, 3 P.M. a series of litigations and disputes, many of them of a collusive character, and certain evils which inevitably became associated with a hereditary class of privileged priesthood and servants—all these combined to create an utter chaos in the administration of this shrine.

It was to deal with this situation that I decided in January last year to appoint a Committee presided over by Mr. Justice Ghulam Hassan of the Allahabad High Court to enquire and report on the administration of the shrine, to recommend measures necessary to improve it, and to examine certain specific aspects of the Durgah management. The Committee has now made its report, which is under consideration, and I should like here to pay a tribute to the Committee for the thoroughness with which it has gone into the various matters and the ability with which it has grasped the essential points of the administration of the Durgah. Earlier, however, the Committee submitted an interim report because it felt that matters could not be allowed to drift until the finalisation of its report. In this interim report, it recommended that the so-called Committee of Management which was functioning as a rump should be replaced by an Administrator to be appointed by the Central Government. We did so under an Ordinance. With certain other interim arrangements necessitated by a knowledge of the working of the Administration and considered essential for the efficient discharge of his duties by the Administrator and for the proper upkeep of the Durgah, the Ordinance is now being replaced by an Act. I should like to explain, however, that the arrangements contemplated are merely provisional and we hope, as soon as our consideration of the report is finalised, to come to this House with a permanent measure for the administration of the Durgah.

I should now like to explain the provisions which we have incorporated in the Bill. The administration and control of the Durgah Endowment will vest in the Administrator to be appointed by the Central Government. We have purposely

not defined, the qualifications of the Administrator, as his powers would be executive, and we propose to have an efficient executive officer to administer the affairs of the Durgah. I emphasise this aspect because I notice that some hon. Members have an amendment for providing a judicial officer. There is also provision that the two villages which have been assigned to the *Sajjadanashin* for the time being in lieu of his perquisites shall vest in the Administrator. This has been done on the ground that these villages are really part of the Durgah Endowment, and the *Sajjadanashin*, as the dignitary in charge of the spiritual affairs of the Durgah, is only entitled to the net income and has no proprietary or ownership interests in this property. As regards the *Mutawalli*, who looks after the temporal affairs of the Durgah, there was a dispute which went to the Privy Council on the question whether the office was hereditary. The Privy Council has held that it was not, and there the matter rests. Obviously, therefore, the Administrator must appoint a *Mutawalli*. As the House would expect in the administration of such an institution, disputes which are not at all of a religious character arise. In fact, the history of the Durgah, particularly in the recent past, has been full of such disputes which have clogged the efficient management of the shrine. In such cases it is essential that both expense and waste of time should be avoided. The procedure of settlement of disputes should be summary and effective. For this reason, we have appointed the Chief Commissioner as the sole authority for deciding these disputes. I do not think that these disputes are of a nature which can properly be entrusted to judicial authorities, nor are they of a character which necessitate their decision by *Ulemas*. The last point which I have to explain relates to the *nazars* or offerings on behalf of the Durgah. I concede that this question is controversial, in that it affects many vested interests. There have been disputes in the past about the allocation of these *nazars* and offerings between the *Sajjadanashin* and the *Khadims*. The matter went to the Privy Council, but unfortunately the Durgah Committee was not made a party, so that the proceeds were allocated only between the two contending parties. Our case is on the basis of the Committee's findings that these must vest in the Durgah and therefore, we have provided that the Administrator shall receive these *nazars* or offerings. I realise that the Committee has made certain recommendations for the collection and disposal of these offerings. The Administrator will, no doubt, take necessary measures for collection of the *nazars* or offerings, but as regards its disposal, it is obvious that the needs and requirements of the Durgah must have precedence over the claims of other beneficiaries. I would like to assure the House, however, that the legitimate claims of beneficiaries, such as the descendants of the Saint and the deserving *Khadims*, will be taken into account in so far as the receipts permit. I should like to explain that the *Sajjadanashin* has voluntarily agreed to relinquish the share to which he was entitled under the decree of the Privy Council in favour of the Durgah. This will undoubtedly make the task of disposal much easier.

Sir, I think I have explained the circumstances under which this Bill has become necessary and the contents of this measure. The Ordinance will expire on the 17th March, 1950, and I much regret, therefore, that I shall not be able to accept any dilatory motion. On the other hand, I would like to stress the need for expeditious and early passage of this measure.

Mr. Speaker : Motion moved :

"That the Bill to provide for the appointment of an interim administrator for the Durgah Khwaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters, be taken into consideration."

خواجہ علیہت الہیہ : on a point of order : اس قانون میں دفعہ ۶ میں نذر کے متعلق جو ایک کلاز بتایا گیا ہے میں اسکی کلمہ بہ یکیشین (Clarification) دیا جاتا ہوں کہ یہ نذرانہ اور چڑھاوے جو متباروں کو ماتے ہیں اس کے متعلق مدتوں سے جھگڑے ہونے کے بعد یہ طے پا چکا ہے کہ زبان کے لوگوں کو یہ نذرانہ کی طرح سے ملنے آئے

[خواجہ عنایت اللہ]

ہوں اور انہوں کو مالدا چاہئیں۔ تو ایسی صورت میں کانستٹیوشن کے ۳۱ کلاز کے نمبر ۲ سے یہ بالکل خلاف پوتا ہے یا نہیں۔ پوزیٹیو کرپسز نے بھی اسکو مان کر حصہ دے دیا ہے کہ یہ ان لوگوں کی جائداد ہے اور انہوں نے یہ بات دیا جائے اور اس رپورٹ میں بھی یہ چیز مان لی گئی ہے کہ یہ ان لوگوں کی جائداد ہے مجھے استیٹس سے کوئی تعلق نہیں ہے اسکا انتظام ضرور ہونا چاہئے مگر جو چیز ہاؤس یا نڈرائے ہوں وہ ۷۰۰ برس سے ان لوگوں کے ملتے ہیں مجبوراً اسکو کہتے ہیں اپنے صرف مہل لیتے ہیں ہر جگہ کا یہی قاعدہ ہے جو جو ممبرک مقامات میں جیسے مکہ مدینہ سب جگہوں پر یہی ہوتا ہے لہذا اسکا چھکڑا بھی طے ہو چکا ہے اسلئے موردے خیال میں یہ کلاز کانستٹیوشن کی دفعہ ۳۱ کے خلاف پوتا ہے۔

श्री त्यागी : मैं यह दरिआनत करना चाहता हूं कि मुजाविर जिनको कि बढ़ावा जायदाद के तौर पर मिलता है, जैसा कि मेरे दोस्त अभी बतला रहे हैं, तो क्या उनकी संकाईं वगैरह कराने की या मरम्मत कराने की कोई जिम्मेदारी भी है ?

خواجہ عنایت اللہ : ہاں ہے۔

श्री त्यागी : मगर वह जिम्मेदारी चूकि अब एडमिनिस्ट्रेटर साहब अपने हाथ में ले रहे हैं, तो लाजिमी बात है कि एडमिनिस्ट्रेटर के पास बढ़ावे की जो आमदनी है, वह भी एडमिनिस्ट्रेटर के पास जायेगी।

خواجہ عنایت اللہ : اسکا تو بہت آسان جواب ہے۔

(English translation of the above)

Khawaja Inait Ullah (Bihar) : Sir, on a point of order I would like to have a clarification of the provisions of clause 6 of this Bill which relates to *nazars*. As a result of protracted litigation it has already been established since long that such *nazars* and offerings should be received by the *Mujawars* like private property and they should continue to receive them. Then in such a case does it not absolutely infringe the provisions of clause (2) of article 31 of the Constitution. The Privy Council have also agreed to give them this share and established that this is the property of these people and should be distributed amongst them. It has also been admitted in this report that this is the property of these people. I am not at all concerned with the estate. Some arrangement should be made with regard to this. But all such *nazars* and offerings are being received by these people since the last seven hundred years. The *Mujawars* utilize this as a means of their sustenance. This is the practice prevailing at every sacred place such as Mecca, Madina and all other holy places. Moreover this disputable point has already been decided. It is, therefore, that I feel that this contravenes the provisions of article 31 of the Constitution.

Shri Tyagi (Uttar Pradesh) : Sir, may I know, just as my hon. friend was telling us that the *Mujawars* receive offering like the property, whether or not any responsibility devolves on them for carrying out the repairs and looking after sanitation etc.?

Khawaja Inait Ullah : Yes. It does.

Shri Tyagi : But now when the Administrator is undertaking this responsibility in his own hands, then it seems all the more necessary that the income accrued from such offerings, etc. should also go to them.

Khwaja Inait Ullah : There is a very simple answer to it.

Mr. Speaker : I have not been able to follow the point clearly but it seems *prima facie* that clause (2) does not apply.

The Minister of Law (Dr. Ambedkar) : I respectfully submit that it cannot be a point of order.

Mr. Speaker : He wants clarification over the point.

Dr. Ambedkar : If my hon. friend or those in whom he is interested feel that what they call the *Nazrana* is a private property and therefore, cannot be taken away except in accordance with the provisions contained in article 31 that would be a matter of litigation after the Bill is passed. He must establish that it is private property which cannot be taken for the use of the Durgah.

Khwaja Inait Ullah : It is already established by the Privy Council's order.

Mr. Speaker : The Law Minister says that it may be a point of contention between parties after the Bill is passed.

Sardar Patel : The Bill does not take away the beneficiary functions of the *Khadims*. It is not possible to under-write all the losses of the *Khadims*. What we propose to do is to appoint a good Administrator for good management and whatever is the balance it may be distributed among deserving *Khadims*.

Dr. Ambedkar : May I further submit, Sir, that notwithstanding the decision of the Privy Council to which my hon. friend has referred, it is still open to the parties to arrive at a new arrangement so that they may merge their rights and agree to the distribution of the shares in a different manner ?

Mr. Speaker : As I understand the hon. Minister, the Committee was not a party to the Privy Council decision. That is a further point. I was just considering that clause 6 did not refer to acquisition for public purposes at all. That is why I was saying that clause (2) does not apply. Am I right in that interpretation ?

Dr. Ambedkar : Well, all I can say is that this is certainly not a point of order.

Mr. Speaker : We will proceed with the consideration of the motion before the House.

Shri Biswanath Das (Orissa) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of July 1950."

Shri T. Husain (Bihar) : Are we having a general discussion ?

Mr. Speaker : I shall take up the general discussion along with this amendment.

Shri Biswanath Das : It is not my purpose to move this amendment as a dilatory motion especially when the Bill is sponsored by so respectable a leader as the hon. Deputy Prime Minister. This Bill, coming soon after the New Constitution, raises an important principle which deserves consideration. Referring in this connection to the relevant provisions of the Act of 1935, Religious Endowments were a provincial concern. In the New Constitution, this has been kept in the Concurrent List. Not only has it been kept in the Concurrent List, but it has been kept with an extended scope. It is therefore in the fitness of things that the hon. Deputy Prime Minister with all his anxiety to safeguard and preserve the interests of so sacred a place of the Muslim community in India and outside, has brought this provisional arrangement in the shape of a Bill. So far as his intentions are concerned, there cannot be any doubt though I am sure that despite his best wishes and his honest efforts resourceful people outside India will make capital out of this. But, whatever people

[Shri Biswanath Das]

outside may say, the time has come when I think we should make up our minds to see whether the Centre or the Provincial Governments should lay their hands on religious institutions, as different from the administration of endowed properties. I see that under the Act of 1933 certain powers have been vested in the Committee appointed under that Act. Those powers have specially limited themselves to the temporal side of the religious institution. But the Bill, provisional though it may be, vests very wide powers in the hands of the management, which is made responsible to the Central Government. Therefore, the position boils down to this namely whether the Central Government, that is the Government of India, is going hereafter to take all responsibility in matters not only of temporal administration of endowed properties, but also the religious aspect of the same. As seen from the Bill, as also from the very lucid speech of the hon. Deputy Prime Minister, all his anxieties are directed towards bringing the administration of the endowment to a proper state, so that the people who visit these shrines and the holy places may not be inconvenienced, and the endowments that they make may not be mis-used or wasted or utilised by people who have no claim to the same. With all that, the fact remains that if the Central Government gives the lead in the direction they have chosen to do, the provincial legislatures and provincial ministries will have to follow suit taking the cue. Therefore, it assumes a very important aspect because the Central Government have been and are taking up a new course of action.

In this connection, let me refer to clauses 6 and 7. Clauses 6 and 7 confer very wide powers, especially clause 6 which says that it shall be lawful for the Administrator or any person appointed by him in this behalf to solicit or receive on behalf of the Durgah any *nazars* or offerings from any person, and all such *nazars* or offerings shall be deemed to be part of the Durgah Endowment for the purposes of the Act. Therefore, they have to take positive steps in this regard. Who is this authority? This is an authority appointed by the Government of India and that authority is expected to use the power, prestige and authority of the Government of India. Is it desirable and necessary that the Government of India should assume authority and invest it in the hands of an officer? Who is, after all, this officer? The Bill is based on the recommendations of the Committee. The Committee has made it clear on pages 93, 94 and 95 that no persons other than the *Sunnis*, and even among the *Sunnis*, a specified class of people belonging to a certain sect, have to be thought of. Not only other sects among Muslims, but also people of any other persuasion have no claim in this regard. In this connection, I might state that the shrine in question is one in which people of all classes and communities are interested. Referring to the historical aspect of the question, I may say that since the days of the Moghuls, Hindus, Parsis and people belonging to other classes and communities are also interested in this shrine they have been visiting it and making endowments. Therefore, is it fair that you should exclude all people? The Bill is based on the report of the Committee and the recommendations of the Committee have made it clear that the vast powers and the high-powered Committee that they have recommended shall be confined to persons of *Sunni* persuasion. Assuming that the Government of India do not accept this portion of the advice tendered by the Committee, what will be the position?

It will give a clue to the people outside India to carry on an agitation against the Government of India and this unfortunate Government will have to suffer in reputation for no fault of theirs and only for their honest anxiety to keep the shrine in good order. I think, Sir, that all these questions ought to be considered.

Important powers have been vested in the Committee and they have recommended a high power committee and the Government of India have to accept it. Under clause 6 I find that the courts have been excluded. The Administrator who is to be appointed is all powerful and is going to have powers which will keep him safely beyond the purview of Law. Assuming that the Legislature passes this Bill into law, could the Government of India pluck courage to appoint any person other

than a Muslim ? Could they even appoint any Muslim other than a *Sunni* ? I want a clear reply to these questions. Even if they could pluck courage and take to the course that is possible and necessary, I think there will be little objection. But I have no hesitation that again influence will be brought to bear on the Government of India to stick to the recommendations of the Committee. Under these circumstances, I am put to the painful necessity of moving a motion, which you may call dilatory, though I myself have the least desire to place any obstacle in the passage of the Bill.

Mr. Speaker : Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of July 1950".

Shri Nurie (Bombay) : I rise to speak on this Bill as one who comes from Ajmer, a devotee of the Durgah.

I wholeheartedly support the principles underlying the Bill. I very clearly say whatever remarks have been made by the hon. Mover of the Bill, I for one support them also. With regard to what my hon. friend, Mr. Das has just said, I may say that the Muslims themselves were responsible in 1935 to take the matter to the Central Government and the Central Government passed an Act, the powers of which Act are being taken away today by this Bill. The question is not that the Muslims will object to a certain Administration. The main point is whether the Administration is for the good of the Durgah and in the general interest of the Muslims who are the devotees of that Durgah. I would very clearly submit to you that though I heartily support the principles of this Bill, I find that clauses 6 and 7 give very sweeping powers to the Administrator. I very strongly object that in this provisional Bill powers should be given to the Administrator to solicit in any part of the Durgah or outside the *nazars* or offerings, and the words used in the Bill are :

"...and shall be deemed always to have been lawful, for the Administrator or any person appointed by him in this behalf to solicit or receive on behalf of the Durgah any *nazars* or offerings from any person, and all such *nazars* or offerings shall be deemed to be part of the Durgah Endowment for the purposes of the Act".

I want to make myself very clear that I do not belong to any of those parties which are the beneficiaries, directly or indirectly, of the Durgah or in these *nazars*. The question which is to be considered by this House is that the *Khadims* especially do service at the Durgah and this service will be rendered by them throughout because for centuries they have been performing those services to the Durgah. A question was asked by my hon. friend Mr. Tyagi at the time when a point of order was raised, whether certain repairs are done by them. It is not a question of repairs. It is not a question of such services for which they are amply paid. I would rather inform the House that there are persons who are doing certain services for Rs. two, Rs. three and Rs. five a month, and in the report of the Committee which has been circulated to the hon. Members of the House it will be seen that those services are not well rewarded, but that their reward comes out of these offerings, *nazars* and other payments which the pilgrims make in the Durgah and outside it. Even in the Committee's report you will find that there are certain offerings which are meant for them, and they are given in certain proportion to the *Khadims* who are performing special services to the Durgah. *Nazars* and offerings which are made in other parts of the Durgah and not at the tomb, go to the persons who perform certain services to the pilgrims who visit the Durgah. If all these things are stopped I am sure it would create a very bad situation not only in Ajmer but also outside in the country, because those persons who are called *Khadims* have been living there for centuries and they have been performing those services to the pilgrims and to the Durgah throughout. If suddenly, say from tomorrow, when this Bill comes into force, these people will have no part and share in that *nazar* and that every offering will be taken by the Administrator and that he or any man appointed by him will solicit and get the offerings and *nazars* from the pilgrims directly and that will be a part of the Durgah endowment, it will create a very bad situation for those persons who are beneficiaries, and especially those who render different services

[Shri Nurie]

in Durgah and the pilgrims also would feel embarrassed when a person appointed by the Government would be asking them to give the *nazars* to him. Perhaps the hon. Minister is not aware that in the Durgah there are two places where *gallahs* are kept and the Committee has said that those offerings which are put in those *gallahs* should be distributed according to a certain rule which they themselves have given in their report but they have not said what should be done with the other offerings. These other offerings are given to the persons who do certain services, to the Pilgrims. They have also remarked that the *Khadims* will be prevented from asking for *nazars* inside the Durgah. It is not clear how under these circumstances the Administrator will be free to solicit or ask for offerings there. I would therefore submit that as far as clause 6 is concerned, it should be deleted from the Bill.

I say this because it is only a provisional Bill and it will not harm the interests of the Durgah if for a short period we wait till we have prepared a proper Bill after full consideration of the Report, and it is brought before the House. If that is not possible, then certainly it should be so amended that the interests of these persons who render Services to the pilgrims and who perform certain services in the Durgah and when pilgrims go to the Durgah from outside, these people must be helped and their interests must not suffer. The people coming there must not be stopped from giving to the *Khadims* the *nazars* and offerings that they want to give.

And an other point which I want to submit in this connection to the Deputy Prime Minister is that Muslims in Ajmer were about 60,000 before riots in Ajmer and to-day they are about 7,000 but the *Khadims* proportion to this population of Muslims is very great because they in proportion to the population did not migrate, and they have only been living up till now on the Durgah. The number of pilgrims who used to come to the Durgah in Urs every year used to be about a lakh, but last year in spite of all efforts, only 14,000 or 15,000 pilgrims came to this shrine. Therefore the income of these people has gone down considerably. They have not done any other service or work. You cannot suddenly ask them to go to other things, like service or other work and earn their livelihood. Therefore this is a factor which has to be considered by the Government, because any sudden change we may effect will certainly hit them hard. And they are the persons who have got their connections throughout India, and not only in India but throughout the Muslim World. I may point out, that it would create a new situation for the Government as well. Therefore, I submit the hon. Minister may kindly take into consideration this situation which clause 6 will create for the *Khadims* and for the Muslims of Ajmer.

I may also remark here, Sir, that clause 3 says that any persons may be appointed the Administrator. The hon. Minister while speaking on the Bill referred to a few reasons why the Act of 1936 could not be worked satisfactorily. I may mention one other reason and that is that among the individuals on the committee there were men who did not believe in that particular *tariqa* as we call it, in *Sufism* and so persons who administered under the Act had no notion of it. They had different opinions and so they were always at clash. When you want to administer a religious endowment, and especially of a kind that the Durgah Khwaja Saheb is, the man appointed must have a sympathetic opinion about it. The man must understand what *Sufism* is and if he does not, then I am very sorry to remark that he would not succeed. Any Administrator he may be a *Sunni* but if he does not believe in *Sufism*, in the way that Khwaja Mohinuddin did, he may administer the Durgah in a way that may come in clash with its real principles. There may be men who are so generous-hearted and catholic minded that they may not look to their own personal views but look to the duties of the office. But at present I may very clearly say that if a *Sunni* Muslim of *Chishtia Silsila* is not put as the Administrator, he will not succeed. I have a little experience of the gentleman who is now functioning there and I have been to Ajmer two or three times and seen how things are carried on and that is why I make these remarks. Therefore, I again say that the person appointed should be not any person but one who believes

in this particular *Tariqa*. Then only will he succeed and mismanagement of the kind that happened before will not happen and I think we will then be able to administer the endowment in a much better way.

With these words, I support the Bill.

Syed Nausherahli (West Bengal) : Sir, I thought this Bill would be passed in a few minutes time, but it appears to me that there are some hon. Members who have been feeling that this might create precedents even in the case of endowments of Hindu shrines. That appears to be the trend of the argument put forward by my hon. friend Mr. Das here. Speaking for myself, Sir, I whole-heartedly support this measure. I would endorse some of the remarks made by my hon. friend Mr. Nurie, but I am constrained to say that he has made certain remarks which militate against not only the teachings of Islam, but against the fundamental principles of *Sufism* as I understand them. I will first of all speak about his anxiety relating to the appointment of the Administrator. It is clear that Khwaja Moinuddin Chisti was above all sects and sectarianism cannot remain in *Sufism*. It is inconsistent with the very principles of *Sufism*. *Sufism*, as has been rightly observed by the hon. Deputy Prime Minister involves practices analogous to the *Yoga* system of Hindu philosophy, and in faith it approximates or is similar to *Vedantism*.

Now, those who believe in *Vedantism* and those who believe in *Sufism* believe in humanity as a whole. They can never make any distinction between man and man, and that is why this shrine has commanded the respect of a very wide circle of the people, irrespective of caste, creed or colour. Now if we become narrow-minded and try to introduce sectarianism even where there was none, then I think it will be an evil day for India.

Now, it has been stated that one of the reasons why the administration of the Committee failed was that there were men on the committee who were not believers in the *Chishtia Tariqa of Sufism*. This word *tariqa* means method or way. There are different paths. *Sufism* has different paths. There is the *Quadria Tariqa* named after Sufi Abdul Khadir Gilani of Bagdad, and there are others also. But *Sufis* and the *tariqs* are simply immaterial.

The real point that has been sought to be made out by the authors of the report as I have seen it is that none but a Musalman should be on the committee and they have tried to widen the scope by saying that in the previous Act, the word *Hanafi* was there, and that should be deleted and only *Sunni* Muslims should be allowed to come. I would go still further and say that there should be no restriction whatsoever with regard to the members of this committee.

All that is needed is that the members of the Committee or the Administration should be men of character, sterling and good character, with a religious bent of mind, who may or may not be believers in the *Chishtia Tariqa*. It would be better of course, if the Administrator happens to be a man who is a believer in *Sufism*. You all know that there are Hindus who do not believe in *Vedantism*. So, there are Muslims who do not believe in *Sufism*. Therefore if for the maintenance of a Sufi Durgah you put in a Muslim who does not believe in that at all, naturally you cannot expect that the administration will be satisfactory to the devotees or the people who make endowments for the purpose.

Shri Nurie : That is what I meant.

Syed Nausherahli : My hon. friend says that this is what he meant. If he says that this is what he meant, then I have got nothing to say, but if I understood him right, he wanted that only people belonging to the *Chishtia Tariqa* should be there. I myself will be excluded from that. I can say—of course I should not bring in any personal element here that I belong to a fraternity of *Sufism* and I have devoted ten previous years of my life to *Sufism*. I come from a family of *Sufis*. I can say at once that a *Sufi* can never believe in any difference between man and man, and as such I would maintain that any man with a truly religious bent of mind preferably one who believes in *Sufism* or one who believes in *Vedantism* may be put on this Committee.

[Syed Nausherahli]

As for the present Administrator, I must say that I have also heard various complaints against him, and if he is an undesirable man, certainly Sardar Patel will be the last man to keep him there any longer. I have got that faith in him. The whole thing may be enquired into, and if he is an undesirable man, he should not be allowed to continue. That however is not quite relevant to the point at issue here. Therefore, with regard to the Administrator, all that I have got to say is that the Administrator should be one who is a man of character, a man with a definite bias towards religion. I am deliberately using the word 'bias'—a man with a religious bent of mind and, if available, one who is a believer in *Sufism*. Now, that finishes my observations with regard to the administration.

With regard to *nazars*, exception has been taken to the provision in clause 6 of the Bill. Now, I have got one exception to make with regard to the language, and I will dispose of that first. It is said that the Administrator can 'solicit' and receive *nazars* on behalf of the Durgah. The Administrator will be an officer under the Central Government. Of course, we know what it really means, but the language is such that exception may be taken to it in view of the fact that he happens to be an officer of the Government of India. I am drawing that aspect of the thing to the attention of the hon. the Deputy Prime Minister. I know that in all probability the language has been borrowed from some judgment or from some other record. The present practice is that the *Khadims* solicit and receive *nazars*, and then these *nazars* are distributed among those who have been enjoying it perhaps for centuries. Now, the right to solicit and receive *nazars* is intended to be taken away from these people. I for myself will at once say that this is a salutary thing. We all know what is being done by the *pandits* in the Hindu shrines and the so-called *khadims* in the Muslim shrines. They simply fleece the people. Their behaviour to the pilgrims is nauseating. I myself have got experience of this kind of thing. They will never allow you to devote yourself to your prayers. Wherever you go, they will be following you for money. I may have money or I may not have money, it is a different thing, but I have got every right to go there and say my prayers. I have every right to say *Fatiha*, to invoke blessing of God and peace in the soul of the departed saint. That is my right when I go there, but before I do that these people will follow me and will try to fleece me all along the line. I may tell you something which happened to me only the other day I went to the Nizamuddin Auliya Durgah but before I could enter the precincts some people followed me. My friend Shri Haider Hussain was with me. One of the *khadims* asked me, "Did you not come in such and such year with such and such a person? I know your name is Nausherahli, and were you not a Minister in Bengal for some time?". I simply asked him, "How could you know all this?". He said, "Yes, I know. When you came with such and such a person, I asked him and came to know that you were a Minister". The other man came to me and asked me, "Sir, do you fall within his jurisdiction?". I said at once that I fell within the jurisdiction of no one but that I came there only out of veneration for the saint. I know that these things happen, and so this is a salutary provision. It must be there and this Bill saves the pilgrims a lot of trouble. This will ensure the dignity of the shrine and the veneration of the people for the shrine. So, I wholeheartedly support this provision, subject of course to the remark that I am going to make.

[MR. DEPUTY-SPEAKER in the Chair]

Now, there is one point on which I agree with my hon. friend, Mr. Nurie. I know that these offerings used to be received and distributed to certain categories of people. There is no provision whatsoever in the Bill as to what will happen to these offerings. It may be said that this is a temporary provision. Certainly it is a temporary provision. If you do not make any provision whatsoever for the distribution of these offerings to these people, then the result would be, as has been rightly pointed out by my hon. friend, Mr. Nurie, that the Muslim population of Ajmer will be further thinned away.

It will create a somewhat difficult problem, and it will create an impression outside that this Government of India which calls itself a secular government and does not want to interfere with the religious institutions of any class or community is indirectly trying to do harm to this Durgah. That is an apprehension which I have been feeling though I know the real intention of the Government. The Government is anxious to preserve it. Therefore, what I would request most earnestly is this that pending final legislation on this matter, some provision should be made either by executive order, if permissible, or otherwise, whatever the procedure may be—because the *nazars* becomes the property of the Durgah, as soon as this Bill becomes law—for the distribution of a share at least, if a part goes to the maintenance of the Durgah, of the *nazars* to the persons who are the beneficiaries under the existing practice. That is one aspect to which I would respectfully draw the attention of the hon. the Deputy Prime Minister.

Babu Ramnarayan Singh (Bihar) : Are *Khadims* different from the beneficiaries?

Syed Nausherahali : There are various classes of people interested. There are endowments, there are landed properties, there are *nazars* also.

The only other thing to which I would then like to draw attention is this. This is a temporary provision. The Report of the Committee is already in the hands of the Government and is under consideration. It would be best if the life of this legislation be very short.—I am referring to this temporary measure. And I hope that in the next session comprehensive legislation will be introduced, the whole matter thrashed out and a permanent Act placed on the Statute Book.

خواجہ علایت اللہ : کسی بھی بات کی تھیوری (Theory) بیان کرنا بہت آسان ہے لیکن جب اسکی پریکٹیکل یعنی عملی شکل لائی جاتی ہے تب ہی کوئی چیز صحیح نظر آتی ہے۔ مجھکو نوشہر علی صاحب سے اختلاف نہیں ہے جو تھیوری انہوں نے بیان کی ہے وہ صحیح ہے کہ خواجہ غریب نواز کسی ایک کے نہیں تھے وہ سب کے تھے لیکن یہ ہی نہیں میں ان سے اور آگے جانا چاہتا ہوں کہ حضرت محمد رسول اللہ صلی علیہ وسلم نے کسی ایک کے نہیں تھے بلکہ ساری دنیا کے تھے اور جتنے بھی بزرگ دنیا میں گزرے ہیں وہ کسی ایک کے نہیں تھے کیا حضرت گرو نازک جی کسی ایک کے تھے انکے دل میں بھی ساری دنیا کے انسانوں کا درد تھا اور میں تو انکو مسلمان سمجھتا ہوں۔

سردار سوچت سنگھ : گرو نازک نہ ہندو تھے نہ مسلمان اور نہ سکھ۔ وہ گرو تھے۔

خواجہ علایت اللہ : جی ہاں مگر میں انکے مسلمان ہونیکا دعویٰ کرتا ہوں اور اسکا ثبوت رکھتے ہوئے کہہ سکتا ہوں کہ وہ مسلمان تھے۔

لہذا میں عرض کر رہا تھا کہ باوجود تمام خوبیوں اور اچھائیوں کے اگر کوئی شخص کسی ایک خاص فرقہ سے تعلق نہیں رکھتا ہے اور اس شخص کو اس فرقہ کے کسی متبرک مقام کو سپرد کر دیا جائے تو وہ اچھی طرح سے وہاں کے کام کو انجام نہیں دے سکے گا۔ لہذا میرے خیال میں اس شخص کو اس مقام کی نگرانی کا حق ہونا چاہیئے جو اس فرقہ کے اصولوں سے واقف ہو اور انکو مانتا بھی ہو۔ کیونکہ میں سمجھتا ہوں کہ دوسرے لوگ اس چیز کو اچھی طرح نہیں سمجھ سکتے۔ میں آپ کو یہاں پر ایک بات اور بتاؤں کہ صوفی کی چار قسمیں ہیں (۱) قادریہ (۲) چشتیہ (۳) سروری (۴) نقشبندی اور یہ لوگ بھی ایک دوسرے سے کچھ فرق رکھتے ہیں۔

Syed Nausherali : On a point of personal explanation, Sir, what I said was "people who believe in *Sufism* preferably". I never said anything else.

خواجہ عذایت اللہ : اس کے علاوہ مسلمانوں میں اتنے فرقہ موجو ہیں اور اسلام میں ایک ایسا فرقہ بھی ہے کہ اگر اُسکو بوری ضاقت دے دی جائے اور خواجہ غریب نواز کے مزار کو اس کے حوالے کر دیا جائے تو وہ صبح ہونے سے پہلے ہی اس مزار کو مسما کر دے۔ اور وہ فرقہ وہابی فرقہ ہے۔ تو آخر میں مہرا مطالب کہنے کا یہ ہے کہ اگر خواجہ غریب نواز کے مزار کا انتظام کرنے کا یہ مقصد ہے کہ اسکی جائداد سے جو اسکے نام پر وقف ہے محض روپہ وصول کیا جائے تو میں سمجھتا ہوں کہ ہر ایماندار آدمی اسکا انتظام کر سکتا ہے لیکن خواجہ غریب نواز کے مزار کا انتظام کرنے والے کے لئے کچھ شرطیں بھی ہیں اور وہ شرطیں ایسی ہیں کہ میں دعویٰ سے کہہ سکتا ہوں کہ ان شرطوں کے ساتھ ہر ایک آدمی اس کا انتظام نہیں کر سکتا جیسا کہ نوری صاحب نے فرمایا اس کا مطالب یہ نہیں ہے کہ دوسرے مسلمان اس کا انتظام نہیں کر سکتے انکا مطالب یہ نہیں تھا بلکہ انکے کہنے کا مطلب یہ تھا کہ دوسرے مسلمان انتظام کر تو لیں گے لیکن صحیح طریقہ سے انتظام نہیں ہو سکتا۔

اب جو چیز صحیح کہنا ہے وہ دفعہ ۷ کے متعلق ہے۔ یہ بالکل صحیح ہے کہ اس مزار شریف کی آمدنی کے لئے اکبر شہنشاہ سے لیکر مرہٹوں اور بڑے بڑے لوگوں نے خرچ اور حفاظت کے لئے جائدادیں وقف کر دی تھیں۔ اور اس کی آمدنی کا ایک حصہ وہ بھی ہے جو لوگ وہاں زیارت کے لئے جاتے ہیں اور عقیدت سے وہاں جا کر کچھ چڑھاتے ہیں میں سب سے پہلے یہ بتاؤں کہ مہرا نام خواجہ سے شروع ہوتا ہے مگر وہاں کے خدام سے مہرا کوئی تعلق نہیں ہے۔ اب وہ جائداد جو وقف ہے اس وقف کو ہماری گورنمنٹ کو جملی جانی ہو سکے اپنے قبضہ میں لیکر اسکا انتظام کرنا چاہئے اور یہ بات بالکل صحیح ہوگی۔ اور اس سلسلے میں جو انکواری کمیٹی تھی اس کی رپورٹ بھی یہی ہے اور اس پر صحیح کوئی اعتراض نہیں ہے بلکہ میں چاہتا ہوں کہ وہ قانون اتنا سخت بنا دیا جائے اور اس جائداد کو اتنا چکر دیا جائے کہ اس وقف جائداد کا ایک پیسہ بھی کسی دوسری جگہ پر صرف نہ ہو سکے۔

اب دوسری چیز نذر نیاز کی ہے اس کو میں صحیح معنوں میں بتاؤں کہ چڑھارے بلکہ وہ رقم جو زائرین اپنے مزہبی مقامات پر جا کر پلٹوں یا وہاں کے رھنے والوں کو دیتے ہیں۔

اب آپ پوچھتے کہ وہ طاقت کیا ہے۔ مذہب سے اس کا کیا تعلق ہے۔ میں سب سے پہلے آپ کو جو ہماری سب سے بڑی عزت کی جگہ یعنی ہمارا مکہ معظمہ ہے اس کے بارے میں کہنا چاہتا ہوں۔ میں آپ کو صاف بتا دینا چاہتا ہوں کہ اس سے دنیا کی کوئی طاقت انکار نہیں کر سکتی کہ مکہ میں بھی خدام موجود ہیں۔ اور انکو رکھل کہتے ہیں۔ اور وہ اتنے زبردست ہیں کہ جو حاجی ہندوستان سے یا دنیا کے کسی ملک سے وہاں حج کرنے کے لئے جانا چاہے تو وہاں کی حکومت جب تک ان خداموں یعنی ان رکھلوں کے لئے ان کی نفیس پہلے وصول نہیں کر لے اس وقت تک حاجی کو ملک عرب میں جانے کی اجازت نہیں ملتی۔

Shri T. Husain : On a point of information. May I ask if it is not a fact that the King himself realises all these things ?

خواجہ عذایت اللہ - حکومت عرب و کیلوں کی فیس لے لیتی ہے - اس کا مطلب یہ نہیں ہے کہ بادشاہ خود کسی کے گھر میں آیا کرے اور وصول کرے - جس طرح گورنمنٹ وصول کرتی ہے اسی طرح یہ وکیلوں کی فیس چارجوں سے وصول کی جاتی ہے - وہاں گورنمنٹ کے قوانین ایسے بنے ہیں کہ ہر حاجی کو اتنے روپیہ فلاں جبکہ پر - اتنا فلاں کام کے لئے - اتنا فلاں لے لئے اور اتنا خدام کے لئے دینا ہوگا -

Syed Nausherali : My hon. friend is not correct, but I would ask him, even assuming that these practices are prevalent there, whether he as a Muslim would approve of these things ?

خواجہ عذایت اللہ : Yes ! I will let you know : دیکھئے اس کی وجہ ہے - یہ بات دوسری ہے کہ آپ کہہ دیں کہ یہ جائز ہے یا نا جائز ہے - میرا خیال ہے کہ اس چیز کے جائز اور ناجائز ثابت کرنے کا سوال آئے تو وہ جگہ یہاں نہیں ہے - وہ کوئی اور جگہ ہوگی جہاں عادلوں کو اکتھا ہونا چاہیئے - مولویوں کو بقرا نا چاہیئے کہ وہ لوگ جائز اور ناجائز کی بحث شروع کریں اور میں یقین دلا دیتا ہوں مسٹر نوشیر علی کو کہ میں اس وقت بھی ان سے پیچھے نہیں رہونگا - اصل سوال یہ ہے کہ فیکٹس (facts) یعنی واقع کیا ہے - یہاں ہم (Parliament) میں مزہبی اصولوں کا فیصلہ کرنے کے لئے نہیں بیٹھے ہیں کہ آیا وہ صحیح ہیں یا غلط - ہمیں تو فیکٹس اینڈ فیکرس (facts and figures) کا فیصلہ کرنا ہے مکہ کی بات چھوڑ دیجئے اور آپ مدینہ میں جائیں - بغداد میں جائیں - وہاں بھی یہی حالت ہے - ایک حاجی جب مکہ میں پہنچتا ہے تو اس کو پتہ نہیں چلتا ہے کہ اس کو کہاں جانا ہے - اس کو کہاں پر بیٹھنا ہے - کون کون کام اور کہاں کہاں کرنا ہے - مکہ میں حج کرنے کے لئے کیا کیا ضروری کام کرنے چاہئیں - اس لئے ایک آدمی فوراً ہی اس کے پاس پہنچتا ہے اور کہتا ہے کہ چناب میں آپ کا وکیل ہوں - مجھے آپ سے پیسہ مل چکا ہے - چلئے یہ آپ کے رہنے کے لئے گھر ہے یہاں آپ تہہ بڑھے - یہاں آپ کو یہ کام کرنے پڑیں گے آپ کو فلاں فلاں جگہ جانا ہوگا - اس طرح وہ تمام چیزیں بتلا دیتا ہے - اس ٹریپ کو پتہ نہیں کہ کون سامان کہاں ملتا ہے - کہاں آلو ملتا ہے اور کہاں چاول بکتا ہے - یہ آدمی اس کے لئے سب سامان بھی لا دیتا ہے - اب اس طرح اجسور میں چلے جائیئے - وہاں جب آپ سٹیشن پر اُترتے تو ایک شخص آپ کو اسٹیشن پر ملے گا - خدام - آپ اس کو چاہے تنگ کرنے والا کہئے بہر حال کہونکہ وہ آپ کو تنگ بھی کرتا ہے اور جب خدمت کرنے کے بعد وہ اپنی مزدوری مانگتا ہے تو بعض وقت ہم کو معلوم ہوتا ہے کہ وہ ہمیں تنگ کرتا ہے مگر وہ آپ کو رہنے کا گھر دلائے گا - آپ کو اگر آپ کے پاس بستر نہیں ہے تو بستر دیتا - پھر کہے گا پانچ بچے اُٹھئے گا - وہاں پر آپ کو جانا ہے فلاں جگہ پر جا کر نرز دیجئے گا - فلاں جگہ جا کر جو جو ملتیں کرنی ہیں وہ کرنے گا - اس جگہ دعا کہجیئے - میں یہ مانتا ہوں کہ یہ سب سوپر فیشل (Superficial) چیزیں ہیں کچھ لوگوں کے نکتہ نگاہ سے - آپ کہہ سکتے ہیں کہ مزار ہی غلط ہیں - یہ دوسری بات ہے - مگر جو آدمی اجسور آتا ہے وہ کسی عقیدت سے

[خواجہ عنایت اللہ]

آتا ہے اور یہ ذریعہ نہیں دھیگا تو وہ اس عقیدت کو پورا نہیں کر پائے گا - اس کے لئے یہ خدام بہت ضروری ہیں - آپ اس کو چاہے وکیل کہہ لیں یا انگریزی میں عام طور پر جس کو گائیڈ guide کہتے ہیں وہ کہہ لیں - آپ اس کو اپنے قبضہ میں لے لینگے تو اس کا کیا نتیجہ ہوگا - وہ جگہ توہک ویسی ہی بن جائے گی جیسی آپکی اور پرانی عمارتیں مہر - وہاں وہ مذہبی جذبہ نہیں دھیگا کہ یہ خواجہ غریب نواز کا مزار ہے - وہ محض ایک پرانی یادگار سمجھ لی جائے گی - اس کا وہ اعتماد - اس کی وہ شان اور اس کی وہ عزت نہیں رہیگی - کہوں - اس وقت وہاں 1800 کے قریب خدام ہیں جو ہر جگہ عبادت کرتے ہیں - کہیں وہ نماز پڑھ رہے ہیں - چاہے یہ تھونگ ہی سہی - یہ ہی مان لیجئے - مگر پھر بھی وہ عبادت کرتے ہیں اور کہتے ہیں میں دو روز سے بھوکا ہوں اور خواجہ سے کھانا لیکر ہی اٹھونگا - اب اس کی بجائے وہاں دو تین وردی پہلے ہونے چھڑاسی آپ دیکھینگے اور وہ یہ کہینگے کہ ہم یہاں ہر اس لئے کھڑے ہیں کہ جو کچھ آپ کو دینا ہے وہ آپ ہم کو دے دیں - تو آپ خیال کرنے کہ اس مذہبی جذبہ کو کتلی تھیس لگیگی - کہ میں کہاں سے آیا ہوں - آسام سے آیا تھا اور جو کچھ پیسہ نذر کرتا ہوں وہ بھی سرکار کے پاس چلا جاتا ہے - میں آپ کو یقین دلاتا ہوں کہ آپ قانون بنا لیجئے اور اس کے پہلے بھی آپ دیکھ چکے ہیں کہ وہاں سے ایک سال میں آپ کے پاس 6 ہزار روپیہ آیا تھا یعنی 500 روپیہ ماہوار - میں آپ سے کہتا ہوں کہ آپ کی یہ 500 روپیہ ماہوار آمدنی بھی گھٹ جائیگی - چر لوگ وہاں آتے ہیں وہ اس واسطے نہیں جاتے ہیں کہ وہاں پرانی بلڈنگ (Building) کو دیکھ لیں - وہ اس غرض سے آتے ہیں کہ خواجہ غریب نواز سے کہینگے اور دعا کریں گے - ان سے مانگیں گے کہ ہم کو بادشاہ بنا دیں - اور ایسی مثالیں موجود ہیں کہ لوگ وہاں جا کر بیٹھ گئے اور کہا کہ جب تک بچہ نہیں ہوگا اٹھیں گے نہیں اور ساری عمر گزار دی - وہ بیٹھ گئے کہ جب تک فتح مقدمہ میں نہیں ہوگی نہیں اٹھینگے اور ایسی مثالیں موجود ہیں کہ لوگوں کی فتح ہوئی اور لوگوں کو عقیدہ ہوا -

श्री त्यागी : वहां जाकर मिनिस्टर हो सकते हैं या नहीं ?

خواجہ عنایت اللہ : میرا تو خیال ہے کہ اگر بالکل صحیح عقیدہ سے جا کر بیٹھا جائے اور کہا جائے کہ خواجہ غریب نواز - جب تک منسٹر نہیں ہونگا اٹھونگا نہیں تو میں جانتا ہوں کہ اجیر کے لوگ آپ کو چلوں گے : منسٹر بنائیں گے -

Shri S adhi : Why do you not try this experiment yourself ?

خواجہ عنایت اللہ : میرا اتنا زبردست عقیدہ نہیں ہے - میں تو کہی اجیر کہا بھی نہیں ہوں مگر خیال ہے کہ جاؤنگا -

सरदार पटेल : उनमें से एक वकील ले जाइये, आपका भी काम हो जायगा ।

خواجہ عنایت اللہ : اچھا - تو عرض یہ کر رہا تھا کہ ایک قریب ہزار برس سے یہ لوگ اور انکے آباؤ اجداد وہاں اپنے آپ کو وقف کر کے بیٹھے ہیں اور ہم سمجھتے ہیں کہ خدمت کر رہے ہیں وہاں کے بیاتریوں کی - اور اگر یہ لوگ وہاں نہیں دھیگے تو ایک نقصان تو یہ ہوگا کہ اس درگاہ کی روحانی

عظمت ختم ہو جائیگی - اس میں کوئی شک نہیں ہے کہ اس کا ہسٹاریکل فیکٹ یعنی تاریخی مقام تو موجود رہے گا - ایڈمنسٹریشن دھیکا اور ہسٹاریکل فیکٹ موجود دھیکا - لیکن جو یہ لوگ وہاں بیٹھے ہیں وہ نہیں رہیں گے - وہ ختم ہو جائینگے یہ لوگ کچھ زہادتی بھی کرتے ہیں میں اس حد تک اس کو مان لیتا ہوں مگر میں کیا بتاؤں یہ خالی اجمیر میں ہی نہیں ہے - میں گیا کا رہنے والا ہوں - آپ وہاں جا کر دیکھئے - میں وہاں دیکھتا ہوں کہ پورے ہندوستان سے یاتری وہاں آتے ہیں - لاکھوں کی تعداد میں وہاں پہنچتے ہیں اور وہاں کے رہنے والے پلندے ایک دو روپیہ سے لیکر لاکھ روپیہ تک لوگوں سے وصول کرتے ہیں اور لوگ خوشی سے دیتے ہیں حالانکہ یہ مذہبی چیزیں ہیں اور وہ لوگ ان کی مدد بھی کرتے ہیں - وہ پلندے ان کو سب جگہ لے جاتا ہے - پلندے دلاتا ہے - مگر اس کے باوجود ایک رسم ایسی آتی ہے کہ وہ ہاتھ باندھ دیتا ہے اور پھولوں کا ہار ہاتھوں میں ڈال دیتا ہے کہ اتنا روپیہ دوڑے تبھی یہاں سے اٹھو گے اور تب ہی تمہارا صحیح سہل ہوگا - یہ کیا چیز ہے - بالکل غلط ہے - میں سمجھتا ہوں کہ اس کا رفاہ ہو جائے گا - مگر رفاہ کرتے وقت اس کا رفاہ گریجویالی (gradually) یعنی بتدریج کرنا چاہیئے - آج اگر ہم یک لفظ یہ چیز کرتے ہیں تو دو ہزار خدماں کی روٹی کو بند کرتے ہیں اور اس طرح ان امپلائمنٹ (Unemployment) کا ایک اور راستہ بڑھا دیتے ہیں -

پھر یہ رپورٹ جو آپ کے سامنے ہے جس رپورٹ کی رکنڈیشن یعنی سفارشات پر آپ یہ کر رہے ہیں اس میں بھی یہ صاف طور پر لکھا ہوا ہے کہ یہ نذر کی آمدنی ایک دان ہے - یہ کسی اور مد میں نہیں جائیگی - یہ بھی رکنڈ یعنی سفارش کیا گیا ہے کہ یہ ۶ حصوں میں تقسیم ہو جائے گی یا بانٹ دی جائیگی اس کا ایک بٹہ اسکول میں دیا جاتا ہے ایک بیوہ عورتوں کو دیا جائیگا وغیرہ اور یہ درگاہ کمیٹی کی چیز نہیں ہے - درگاہ کمیٹی کی وہی چیز ہے جو وقف سے آتی ہے -

چوہاڑے کی وہ رقم جو اب تک وہاں کے مسجروں اور خدما کو دیجاتی ہے اور جس پر ان کی روزی ہے اگر ان کو نہ دی جائے گی تو اس سے درہ خراب نتیجے نکلیں گے - ایک تو یہ کہ جو زائرین وہاں زیارت کے لئے جاتے ہیں اور عقیدت کے ساتھ جو کچھ وہاں چوہاڑے ہیں جب انکو یہ معلوم ہو گا کہ چوہاڑے کی رقم انکو یعنی خدما کو نہیں ملتی ہے بلکہ گورنمنٹ نے اس پر ایڈمنسٹریٹر مقرر کیا ہے اس کے پاس چلی جائیگی اور درگاہ کے خدما کو نہیں ملتی ہے بلکہ گورنمنٹ نے جو ایڈمنسٹریٹر مقرر کیا ہے اس کے پاس جمع ہوتی ہے تو وہ زائرین چوہاڑے بند کر دیں گے دوسرا اس کا خراب نتیجہ یہ نکلے گا کہ وہاں کے خدما اور مسجروں پر یہ کہیں گے کہ ہماری روزی حکومت نے چھین لی اور یہ واقعہ بھی ہے کہ ان غریبوں پر اس کا بہت خراب اثر پڑے گا - لہذا میں چاہتا ہوں کہ آپ اس کو آہستہ آہستہ کریں اور یہ چیز دو چار مہینوں کے بعد جو کچھ آپ قانون بنانے جارہے ہیں اس پر اس وقت اچھی طرح سے شور کر لیا جائے - میں سمجھتا ہوں کہ رفاہ یعنی اصلاح تو ضرور ہونا چاہیئے مگر اس وقت یہ بات جلدی میں کرنا درست نہیں ہے لہذا مہری خواہش ہے کہ اس کو ملتوی رکھا جائے اگر اس کو کرنا ہے تو دوسرے طریقوں سے پیسہ کیا جا سکتا ہے -

[خواجہ عداہت اللہ]

اس لئے جناب والا مہروی جناب قیسی پرائم منسٹر صاحب سے درخواست ہے کہ وہ ان دو ہزار آدمیوں کو بے کار ہونے سے بچائیں اور ان ایمپلائمنٹ یعنی بیکاری کا دروازہ نہ کھولیں اور چندن مہینوں کے لئے اسکر ملٹوں رکھیں تو بہت اچھا ہے۔ اگر بجٹ اس طرح سے پورا نہیں ہوتا تو بجٹ کو پورا کرنے کے لئے اور دوسرے کام جو ہیں انکو کم کر دیا جائے اور اگر پھر بھی بجٹ پورا نہ ہو سکے تو جیسا کہ میں نے سنا ہے اور اگر یہ صحیح ہے کہ ایڈمنسٹریٹر کی تنخواہ ایک وزیر کے برابر ہے ممکن ہے یہ غلط ہو تو پھر اب ایڈمنسٹریٹر اور اس کے سٹاف کی تنخواہ کم کر دی جائے اور بجٹ کو پورا کرنے کے لئے غریبوں کی روزی نہ چھیلی جائے۔ میرے خیال میں یہ غلط طریقہ ہو گا۔

English translation of the above speech.

Khawaja Inait Ullah : It is very easy to describe the theory of any thing, but after it is given a practical shape, it is then only that it presents a true perspective. I do not differ from my hon. friend Syed Nausherahli. The theory enunciated by him that the Khwaja did not belong to any individual but to the whole Universe is quite correct. Not only this, but I would like to go still further and say that the Holy Prophet too did not belong to any particular sect but to the whole world. Moreover all other veteran leaders who have lived in this world were above all sects. Did the saint Guru Nanak belong to any particular sect? His heart too was full of sympathy for the entire humanity and I consider him to be a Muslim.

Sardar Sochet Singh (P.E.P.S.U.) : Guru Nanak was neither Hindu nor Muslim nor Sikh. He was a Guru.

Khawaja Inait Ullah : Yes, but I would postulate that he was a Muslim, and having got a proof in support of this I can dare say that he was a Muslim.

Therefore, I was saying that in spite of all goodness and virtues if a person does not belong to any particular sect and in case such a person is put in charge of any sacred place of a particular community, he will not be able to look after its affairs in a satisfactory manner. Therefore, I think that the person who is conversant with the tenets of this sect and believes in them should only be empowered to exercise control on the administration of this place. Because, I feel that other people cannot properly understand this thing. I would also like to mention here one thing more that *Sufism*, comprises of four classes viz., (i) *Kadria*, (ii) *Chishtia*, (iii) *Sarwadi* and (iv) *Nakashbandi*, and even these classes are at variance with one another.

Syed Nausherahli : On a point of personal explanation, Sir, what I said was "people who believe in *Sufism* preferably". I never said anything else.

Khawaja Inait Ullah : Apart from this, there are so many sects amongst the Muslim Community and there exists such a sect in Islam that if they are fully empowered and placed in charge of the Durgah Khawaja Saheb, they are likely to demolish this shrine before the day dawns and that sect is named as *Wahabis*. So in a nutshell what I mean to say is that if by making arrangements for the administration of this holy shrine, it is merely intended to realize money out of the Durgah Endowment, then, I think that every honest person can look after its administration. But there are certain conditions for carrying on the administration of the temporal affairs of the Durgah Khawaja Saheb and these conditions are of such a nature that I can say this with authority that everybody cannot manage its affairs in conformity with these conditions. It does not mean just as my hon. friend Mr. Nurie has stated that other Muslims cannot administer the Durgah. He did not mean this. But what he meant by saying this was that other Muslims would be able to administer, but the administration cannot be carried on in a proper way.

Now what I have to say is in respect of clause 6. It is quite true that right from the Emperor Akbar to the Marhattas and other big people had endowed properties for the administration of this holy shrine and a portion of its income constitutes the offerings which the pilgrims make in the Durgah out of veneration. First of all, I should like to say that my name begins with the word "Khwaja", but I have got nothing to do with the *Khadims* functioning there. Our Government should now take possession of the *Wakf* property there as early as possible and arrange for its administration. This will be a step in the right direction. The Enquiry Committee which was set up in this connection have also reported to this effect and I have got no objection to this. On the contrary, I would urge that the measure should be made so rigid and this property should be protected in such a manner that not even the least penny could be spent for any other purpose.

The second thing relates to *nazars* and offerings. Now I might explain this thing in precise terms that it represents the offerings which are made by the pilgrims to the *pandas* or other people living at the places of their religious worship. Now you would like to have an idea as to the nature of this power and its impact on religion. I would like, first of all, to let you have some information with 4 P.M. regard to 'Mecca Mazima'—a place commanding universal reverence of the first degree from the Muslims everywhere. I need to be frank to claim that none in the world can dispute the presence, even in that place, of these *Khadims* or the service-men of the aforesaid type. They are designated generally as the 'vakils' meaning a type of lawyers or an intermediary. These people wield so much influence there that an intending pilgrim is not permitted to visit Arabia till the Government of the land has a pre-payment of a fee for them.

Shri T. Husain : On a point of information. May I ask if it is not a fact that the King himself realises all these things ?

Khwaja Inait Ullah : The Government of Arabia charges the fee for the 'vakils', has does not imply that the King has to visit every individual house to realise it. The said fee is charged from the pilgrims in the usual governmental way. The law there provides a separate fixed sum to be paid by each intending pilgrim for the performance of each religious obligation he has to fulfil in connection with the pilgrimage as also the amount he is required to pay for the 'vakils'.

Syed Nausherali : My hon. friend is not correct, but I would ask him, even assuming that these practices are prevalent there, whether he as a Muslim would approve of these things ?

Khwaja Inait Ullah : Yes, I will let you know.

You see there is some background to these practices. It is quite different that you may hold some of them to be inconsistent with our religious precepts and while deem the rest to be consistent. In my opinion the present is not the occasion to determine them as such. This business may well be left over to some other time when the renowned and celebrated scholars and the *Moulvis* may assemble to initiate and to pursue a discussion as to the religious consistency or otherwise of these practices. I want to assure the hon. Syed Nausherali that he will find me more responsive even than himself in that cause.

The main issue is that we just look to the bare facts. We are not here in Parliament to give a verdict on certain religious principles or doctrines. We have just to go after the facts and figures as they stand. Leave Mecca apart. You will find the similar conditions prevalent even in Madina or Bagdad. An intending pilgrim on reaching Mecca finds himself confused to know his destination or the places he should halt to perform some particular rites or the religious duties, vital for the completion of his pilgrimage. A man, therefore, attends on him immediately and after disclosing his identity as the 'vakil' and admission of the fact of his having charged the requisite fee, offers the *haji* his services with regard to the living accommodation for the duration of the stay, information as to the places an intending pilgrim must visit and the other religious obligations he must fulfil. The 'vakil', thus imports

[Khwaja Inait Ullah]

all the necessary information of benefit to the pilgrim. He even procures all the necessary articles whether of diet or otherwise for the poor pilgrim who does not know where to get potatoes or where to look for the rice.

Similarly, if you pay a visit to Ajmer, you will be met by a person—a *khaddam* immediately you detrain at that railway station. You may consider him to be a source of annoyance, and after all he is so inasmuch as he affronts you in some ways and at times he appears to worry you by way of his demand for the wages after he has been of some service to you, the fact remains that he has to arrange for you a lodging or a bedding if one is not with you already ; he will, again, take the trouble to see that you are up early in the morning and he will even accompany you to the places where you will like to pray, make offerings and seek heavenly benedictions. I am aware that to some persons, these things are merely superficial in character. You may even have no religious faith in the very existence of the tomb. This is a different thing altogether. But one who visits Ajmer, does so with a spirit inspired by some reverential faith and if this agency is done away with, the pilgrim cannot see a fulfilment of that devotional faith. To that end, the existence of these *khaddams* is almost indispensable. Call them 'vakils' or what is, in English, generally known as a 'guide', once you decide to take them under your own control, the places in question will be reduced to the status of mere monumental buildings just like so many others in the country. The religious sentiments towards the tomb of the khwaja, the protector and helper of the poor, witnessed at present, will, no longer, dominate the minds of the pilgrims. The building will be regarded merely an old historical one and it will not command that grace and faith which the people at present exhibit towards it. Why will it be so ? Just now there are as many as 1800 *khaddams* praying all over the place and, at some of the spots, offering their *Namaz*. It may be that it is a mere show, still the fact remains that they are offering a prayer with a firm faith so that the Khwaja, moved by their two days starvation, will bestow food on them if they be in need of that as they so often pretend to do. You can just imagine the shaking that your religious instinct will receive, should you find instead a peon or two in uniform demanding all that you want to offer there, to be handed over to them. Your sentiments will be much hurt to find all of your money going into the coffers of the Government, although you may happen to come from as far a place as Assam. You may proceed to have a piece of legislation in this behalf, but you will not derive an income of even Rs. 500 a month, as has been your experience in the past. The people do not visit the place just to have a look at an old building. The intention of their visit is to make offerings and seek heavenly benedictions—may be to become a king. There are instances even of the people who squatted there with a firm determination to get a child from the *Khwaja-i-Garib-Nawaz* and they spent the whole of their life in that pursuit. At times, they were found persistent to achieve success in a law-suit and sought the Khwaja's blessings to that end. There are instances, no doubt, when people did succeed and their belief was, thus, further strengthened.

Shri Tyagi : Could one become a Minister in case he paid a visit to that place ?

Khwaja Inait Ullah : I think if you were to go and sit there with true faith and say, " O Khwaja, the helper of the poor, until I become a Minister I am not going to rise", I am sure the people of Ajmer would elect you and make you a Minister.

Shri Sondhi (Punjab) : Why don't you try this experiment yourself ?

Khwaja Inait Ullah : My faith is not strong enough. I have never been to Ajmer but hope to visit it some day.

Sardar Patel : If one of them becomes your *vakil* you too might succeed.

Khwaja Inait Ullah : I was submitting that these people and their ancestors have been established there for about a thousand years now, dedicated to the place and, as I think, they are serving the pilgrims. If these people no longer remain there one harm that would result from it would be that there would be an end to the spiritual significance of this shrine. No doubt, it will remain as a historical fact, that is, as a place of historical interest. The administration will be there and hence the historical fact. But, these people who are there will no more be there ; they will be extinct. That these people do overstep their functions I admit. But unfortunately, this is not the case with Ajmer alone. I am a resident of Gaya. You should go there and see, as I do, how pilgrims come there from the whole of India in lakhs and how the *Pandas* living there realize from those people from one or two rupees up to one lakh rupees, which they pay willingly. These are religious matters and those people help them too. That *Panda* takes them round and shows them all the places. He helps them in offering the *pindas*. Then, there comes a ceremony when he ties up his client's hands with a garland of flowers and says, " You will have to pay so much before you can rise from here. Then alone will your spiritual gain be assured". What is all this ? It is all wrong. I think this should be reformed. But, in undertaking this reform we should proceed gradually. If, today, we take this step all of a sudden we deprive two thousand *Khadims* of their living and thereby add to the prevailing unemployment. Moreover, the report which is before you and on the basis of the recommendations whereof you are proceeding to take action clearly mentions that this income from the offerings is a kind of charity and that it cannot be transferred to any other head. It has further been recommended that it would be divided into six shares, one share going to the school, one to widows, and so on. Besides, it does not belong to the Durgah Committee. Only that belongs to the Durgah Committee which is yielded by the endowment.

If the amount comprising the offerings which has erstwhile been paid over to the custodians and *Khadims* of the place and whereupon they depend for their living is not paid to them the evil effects of such an action would be two-fold. In the first instance when the pilgrims, who visit the shrine and make offerings out of devotion, come to know that the money given in the form of offerings would not go to the *Khadims* but come to be deposited with the administrator appointed by the Government they would cease making the offerings. The other evil effect would be that the *khadims* and custodians of the shrine would say, 'The Government has deprived us of our source of livelihood', and it is a fact that these poor people would be most adversely affected by it. Hence, I want that you should proceed slowly with it and after two or three months give a thorough consideration to the proposed legislation. I think that reform there should be, but it is not proper to act in haste. Hence, I want it to be postponed. If it must be done it could be brought forward in some other form.

I would, therefore, request the Deputy Prime Minister to save these two thousand men from becoming idle and spare them the hardships of unemployment. If it is postponed for a few months this would be very good. If the budget is short-let the deficiency be made up by retrenchment in other spheres and if there is still a deficit then a reduction should be made in the pay of the Administrator and his staff, if it is correct, as I have heard, that this pay is to be equivalent to that of a Minister—of course this might be wrong. Let not poor people be deprived of their means of livelihood for the sake of adjusting the budget. In my opinion, this would be a wrong way of doing things.

Sardar Patel : Sir, I have already explained in my speech that I do not propose to accept any motion for circulation or postponement of this Bill and there is no reason for it also.

Now, certain hon. Members, particularly my hon. friend Mr. Bishwanath Das, are worried about one question, that is, that the action of Government is likely to be misunderstood and misapprehensions are likely to be created in the minds of some people outside that we are interfering too much with religious institutions

[Sardar Patel]

would say that it is this kind of fear complex that has created difficulties in the way of our administration. So long as we are doing a good thing it is our duty and our responsibility to discharge it to the best of our ability. We should not be actuated by any other consideration. We are doing nothing wrong. We are taking this action in the interest of the religious institution itself. We do not want to make any profit out of it. We have no ulterior motive in doing it. Why should we be afraid? I do not understand why Mr. Bishwanath Das should have got unnecessarily frightened and created difficulty which has taken so much of the time of the House.

I do not see anything objectionable in this Bill. The Bill originated at the instance of the worshippers of this Durgah. Government have no other interest except to see that the religious character of this place is maintained and that it is not turned into a poor house. Many people appear to be concerned as to what would happen to the poor people who would lose their livelihood. Was it the intention of the Durgah to provide a livelihood for people here? This is a religious place. If, however my hon. friend wants to hold a *Sufis'* conference outside this House, he can invite Mr. Nausherali and have discussions there. But here in this House we have to see that the religious susceptibilities of the many worshippers of this Durgah both inside and outside India without any distinction of caste, creed or sect, are not offended and that the religious character of the Durgah is maintained. But as has been pointed out by my friend Mr. Nausherali, if you go to the Dargah—perhaps if any foreigner comes and takes pictures there—you will find that there is no religious character about the place at all. They have destroyed all that. It is used as a place to extort money by putting unreasonable, undue and undignified pressure on people who get frightened. My friend here says: "We want a *vakil* to invoke the blessings of the diety there". I am surprised. A man who has no livelihood except to be there hereditarily and turn this institution into a beggars house, how is he to invoke the blessings of God? It is a wonderful thing!

My object is to bring this Bill only as a temporary measure till a permanent, more consolidated and well-thought out measure is framed with a view to seeing that this place is not used in the garb of a religious place for fraud, for exploitation and for crimes. This initiative is taken at the instance of the worshippers of the Durgah. Therefore, what I propose to do is to get this measure through for the time being. Whatever Government have done up till now after independence, or after we took office, has been done fairly and in the interests of the Durgah. Why should there be a suspicion that in future we will do something else? We have a responsibility. We have in this House to look after the feelings, the susceptibilities and the interests of all communities and we shall do nothing which will jeopardise the legitimate interests of any body.

A point was made that this measure will make it impossible for the *Khadims* to maintain the present state of things and that consequently worshippers will not visit the Durgah. I do not believe this. If the Durgah is going to be made a monopoly of any class of people to extort money, then the sooner it is cleared of such people the better it would be for it. I am not afraid of it. And I give you a warning, that if in this place any trouble is created, it will be cleared of all mischief-makers. You may also take it from me that all the money that is received as offerings in the Durgah will go for the benefit of the Durgah. If these *Pandits* or *Khadims* receive any money orders or any money as fee for being *vakils* between the Durgah and the client outside, they are welcome to receive them. The hon. Member said that if there is any loss the State can bear it. What for—for feeding this poor house? I do not propose to do that.

As a man representing the State, I would be committing a crime if I encourage people to exploit religious beliefs for the purpose of turning that place into a crime house. If these people are extorting money wrongly and the worshippers themselves resent it, then it is time that Government cleared that place of such people. An

hon. Member referred to Gaya. If any complaint is received from that place, we will not hesitate to take similar action in regard to it. If this is a Government of the people, by the people and for the people, why should they allow this extortion and crime to be committed there? It is said that people are afraid to go there and people going there do not know where potatoes can be obtained or where *purees* can be got. Why should people who want potatoes and *purees* not known where to obtain them? We are not going to allow this kind of nonsense. We are not interfering at all with the religious beliefs of the people and we are not going to change the religious character of the place. The Government will maintain its responsibilities and discharge its duties to the best of its ability. Therefore if you think that these *Khadims* or any group of people there have the intention of creating trouble, if we get information to that effect, we will clear it of everybody who wants to create trouble. But up to now whatever steps we have taken after we took charge were taken only on numerous applications received by us both from people outside and from those who were going there. We appointed a committee. Its interim report has been received and its final report also has been received. They are long reports and require very careful consideration. But we immediately passed an Ordinance and began to clear that place of persons who were not administering it, according to the advice of the Committee. All these steps we have taken in the interests of the Durgah itself. What we will do in future will also be in the interests of the religious institution and not in the interests of the State. The State has no interest in it except to preserve the good name of the Durgah and the good name of the religious administration. They say this has been going on for so many years and advise us to proceed slowly. In these revolutionary times if we proceed slowly we will lose everything. Therefore we are not going to proceed slowly. Where the situation requires it, we will proceed quickly and not slowly. The slow process kills the cleaner himself when things have to be cleaned very quickly: The Members of Parliament should realise their responsibilities and should be helpful in doing so and not create difficulties.

Mr. Deputy-Speaker : Does the hon. Mr. Biswanath Das wish to press his amendment?

Shri Biswanath Das : I would like to have leave of the House to withdraw it. *The amendment was, by leave, withdrawn.*

Syed Nausherali : There is one thing I want to draw your attention to. Is it desirable to keep the word 'solicit' there ?

Mr. Deputy-Speaker : When we reach that particular clause the hon. Member will have an opportunity to speak.

Syed Nausherali : It is not an amendment.

Mr. Deputy-Speaker : The question is :

" That the Bill to provide for the appointment of an interim administrator for the Durgah Khwaja Saheb, Ajmer, pending inquiry into its affairs and for certain ancillary matters be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker : If no amendment to clauses 2 and 3 is moved I shall put them to vote. Also clause 4 may be put.

Shri Tyagi : If the hon. Minister is not accepting my amendments I do not move them.

Sardar Patel : I may inform Mr. Tyagi that this is a temporary measure and that he can have his say when the permanent measure is brought in. I can assure the House that it is my intention to bring forward a consolidated Bill in the October session.

Mr. Deputy-Speaker : The question is :

"That clauses 2 to 5 stand part of the Bill".

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Maulvi Waied Ali (Assam): I do not want to move any amendment, but I want to say a few words for the consideration of the Deputy Prime Minister. I am one of the group of *Chishtia Silsila*. On 2nd March I had been to Ajmer. None of the things which have been given publicity in the report such as oppression and so on by the *Khadims* was found there. There are several *Khadims* in the Durgah. If a pilgrim goes there he is led to the Durgah and to the place where the offerings are to be made and prayer performed. All pilgrims have a right to enter the place. If a pilgrim offers anything voluntarily, that offering goes to the group of *Khadims* and not to any body in particular. It is distributed among all the *Khadims* numbering about 3,000 who are there. These things, however, have now become matters of the past. I do not think there is oppression in the Durgah now, because I was there for two days. I wanted to meet the Administrator in person, but I am sorry I could not do so. As my friend Syed Nausherahli has stated I also heard something about the Administrator. He is paid a salary of Rs. 950 per month, Rs. 250 as car allowance and Rs. 100 for some other purpose. This salary is very high. He is, I am told, an ordinary B. Sc. He may not be a follower and believer and may not have taken keen interest in the Durgah. So my submission to the Deputy Prime Minister is that, as he has taken such keen interest in it, he should also see that the present Administrator against whom responsible Members of Parliament have said so much should be removed from office as early as possible and a more qualified man who will take a lesser salary and who will be willing to perform these duties may be appointed in that office.

Then there will not be much difficulty about balancing the budget for the coming six or four months, during which the exhaustive Bill as recommended by the Committee will be brought before the House and passed into law.

This is a Durgah which is held in extreme reverence by people and the *Khadims* are linked to the place. They perform the daily prayers. I performed my Friday prayer on the 3rd. It was a shrine built by Jahanara Begum and on the day I was there there was a crowd of 3,000 people. If for some reason or other the incomes of these people which are voluntarily paid by the pilgrims are taken away they will labour under a grievance. Out of a population of 60,000 as pointed out by Mr. Nurie over 50,000 have migrated to Pakistan and only 7,000 people live there. These are loyal Indian citizens and devotees of the Durgah and if they labour under a grievance and for any cause have to migrate to Pakistan it will be a matter of great regret. I appeal to the hon. Deputy Prime Minister to see either by executive instructions or rules thereunder that a portion of the income as recommended by the Ghulam Hassan Committee be given to the *Khadims* till the comprehensive Bill comes before the House and then there will not be any cause for complaint from these people or other devotees of Hazrat Khwaja Saheb, who live not only in the whole sub-continent of India and Pakistan but belong to other Islamic countries of the world also.

With these words, I beg to support the Bill, and I do not want to move any amendment. I will leave the matter to the best consideration of the Deputy Prime Minister who has given his best thoughts to this matter. I hope that he will kindly bear in mind what I have now said from my personal experience when giving effect to clause 6.

श्री जे० आर० कपूर : मैं इस धारा ६ का समर्थन करता हूँ ।

Mr. Deputy-Speaker : Order, order. There is no general discussion on the Bill. The Bill has already been taken into consideration. It is not permissible to allow another general discussion on this clause of the Bill.

6. **Shri J. R. Kapoor :** It is not a general discussion but a discussion on clause

मैंने यह निवेदन किया था कि मैं धारा ६ का समर्थन करना चाहता हूँ ।

डाक्टर अम्ब्रेडकर : समर्थन की जरूरत नहीं है । बहुत लोगों ने समर्थन किया है ।

श्री जे० आर० कपूर : जो मैं कहना चाहता हूँ अगर उसे सुनने के लिये मेरे माननीय मित्र तैयार होंगे तो मुझे विश्वास है कि अन्त में वह कहेंगे कि मैंने जो कहा वह ठीक कहा और मैंने ठीक ही समय लिया ।

मैं यह निवेदन कर रहा था कि इस धारा ६ में केवल यही कहा गया है कि एडमिनिस्ट्रेटर (Administrator) को यह अधिकार दिया जाय कि दर्गाह शरीफ के अन्दर जो लोग भेंट करना चाहें उस को वह मांग सकते हैं और उस को ले सकते हैं । मैं चाहता तो यह था कि इसमें यह शान भी लिख दी जाती कि दर्गाह शरीफ के अन्दर एडमिनिस्ट्रेटर और उन के नीचे जो लोग काम कर रहे हैं उन के अलावा और किसी को अधिकार नहीं होता कि वहां चढ़ी भेंट ले सकें या भेंट मांग सकें । लेकिन मैं तो समझता हूँ कि हमारे माननीय डिप्टी प्राइम-मिनिस्टर (Deputy Prime Minister) साहब ने बहुत काशन (Caution) के साथ इस धारा को रखा है । उन्होंने स्पष्ट रूप से इस बात की मुमानियत इस में नहीं की है कि कोई भी आदमी दर्गाह शरीफ के अन्दर पैसा नहीं मांग सकता । अगर यह बात भी रख दी जाती तो बहुत अच्छा होता । लेकिन इस रुकावट के न होते हुए भी मैं आशा और विश्वास करता हूँ कि इस तरह का वहां कनवेंशन (Convention) हो जायगा कि वहां कोई दूसरा आदमी न मांगेगा और वहां अगर कोई मांगे भी तो वहां जाने वाले यात्री उसे न देंगे । लेकिन इस में यह बात नहीं कही गई है । अगर होती तो बहुत अच्छा होता । इस सिलसिले में मैं यह निवेदन करना चाहता हूँ कि इस तरह की बात रखना बहुत ही अच्छी बात होती है । हमारे उत्तर प्रदेश में श्री बद्रीनाथ और श्री केदारनाथ के दो बड़े मुख्य तीर्थ हैं और उन दोनों के प्रबन्ध के लिए उत्तर प्रदेश की सरकार ने एक विशेष कानून बना रखा है । उस कानून के अन्दर एक कमेटी नियुक्त की गई है और इन तीर्थ स्थानों का और इन से सम्बन्धित सारे और तीर्थ स्थानों का प्रबन्ध इस कमेटी के अन्तर्गत कर दिया गया है । मुझे पिछले ही सितम्बर के महीने में इन दोनों तीर्थ स्थानों को जाने का सौभाग्य प्राप्त हुआ था और मैं अपने मुसलमान भाइयों के लाभ के लिए यह बतलाना चाहता हूँ कि इस तरह की कमेटी के नियुक्त कर देने से और उस कमेटी

[श्री जे० आर० कपूर]

के सुपुर्द उन तीर्थ स्थानों का प्रबन्ध कर देने से कितना ज्यादा अच्छा प्रबन्ध उन तीर्थ स्थानों का हो गया है। वहां कोई भी भिखारी नहीं दिखाई देते। जो भी चीज चढ़ाई जाती है उस की रसीद दी जाती है और जो पंडे लोग हैं उन में भी कोई असन्तोष नहीं है क्योंकि जो लोग उन की देना चाहते हैं वह मन्दिर के बाहर दे देते हैं और वह रुपया जो मन्दिर में चढ़ाया जाता है वह यात्रियों की सुगमता के लिए व्यय किया जाता है। मन्दिर की शकल बड़ी अच्छी हो गई है, रास्ते बहुत अच्छे बन गए हैं और बहुत सी सुविधाये हुई हैं। इसी प्रकार से दर्गाह शरीफ में जितना रुपया चढ़ाया जाय वह दर्गाह शरीफ के काम में आयेगा तो मुझे विश्वास है कि थोड़े ही दिनों में हमारे मुसलमान मित्र अनुभव करेंगे कि यह अच्छा कानून बना दिया गया है कि जो रुपया दर्गाह शरीफ में चढ़ता है वह उसी तीर्थ स्थान के काम में लगाया जाता है।

मेरे लायक मित्र खाजा इनायत उल्ला ने गया की कुछ कुप्रथायें बताईं। मेरा भी गया का थोड़ा सा अनुभव है। मैं गया में १६ वर्ष रहा था। यह पुरानी बात हो गई। मैं जानता हूं कि वहां कुछ कुप्रथायें हैं। लेकिन गया और उस के पास के जितने तीर्थ स्थान हैं उन का प्रबन्ध सुधारना बिहार गवर्नमेंट का काम है और मैं समझता हूं मेरे मित्र बिहार के प्रमुख नेता होने की हैसियत से अगर अपने बिहार प्रांत की गवर्नमेंट को इस बात के लिए सलाह दें कि गया के तीर्थों का भी सुप्रबन्ध हो जाय तो बड़ी अच्छी बात होगी। बद्रीनाथ जी के कानून का मैं ने इसलिये जिक्र किया कि यह कोई इस किस्म का नया कानून नहीं बन रहा है। ऐसे कानून और प्रांतों में हैं और जहां यह कानून बने हैं वहां उस से यात्रियों व तीर्थ स्थानों को बहुत ही बड़ा लाभ हुआ है।

इन शब्दों के साथ, मैं इस धारा ६ का हार्दिक समर्थन करता हूं।

(English translation of the above speech.)

Shri J. R. Kapoor (Uttar Pradesh) : Sir, I support clause 6 of this Bill.

Mr. Deputy-Speaker : Order, order. There is no general discussion on the Bill. The Bill has already been taken into consideration. It is not permissible to allow another general discussion on this clause of the Bill.

Shri J. R. Kapoor : It is not a general discussion but a discussion on clause 6. I was submitting that I wish to support clause 6 of the Bill.

Dr. Ambedkar : There is no necessity of any support, many hon. Members have already done so.

Shri J. R. Kapoor : If my hon. friends would care to listen to what I have to submit then I believe that at the end they would also say that whatever I have submitted was perfectly right and I have rightly taken the time of the House.

I was submitting that this clause 6 provides that the Administrator will be authorized to collect and demand donations etc. from the persons who wish to give offerings inside the Durgah. I wish that it should have also been included in the said clause that except the Administrator or the persons authorized by him nobody else should be authorized to demand or collect donations and offerings inside the Durgah. But I think that our hon. Deputy Prime Minister has drafted this clause very cautiously. In this clause he has not categorically prohibited other persons also to beg or take any offerings or donation inside the Durgah Sharif. It would have been far better if this would have clearly been laid down in the said clause. But in spite of the absence of this definite restriction I believe and hope that such a convention would be established there that nobody else would demand any offerings or donations and even if somebody would make a demand then the pilgrims visiting that Durgah Sharif would refuse to give him anything. But this has not been mentioned in this clause, had it been there then it would have been far better. In this connection I like to submit that it is always safer to have such restriction. In our Uttar Pradesh we have two very famous places of pilgrimage namely Shree Badri Nath and Shri Kedar Nath *Dhams*, and for the management of both these places the Government of Uttar Pradesh have passed a special Act. According to this Act a committee has been set up and the management of these two places as well as of the other inter-connected places of pilgrimage has been vested in this committee. I had the good fortune of visiting both these places last September and for the benefit of my Muslim friends I like to tell them that by appointing this committee and vesting the entire responsibility of the management of these places in the said committee the standard of management has become far better than before. Not a single beggar is to be seen there. A regular receipt is issued for everything that is offered to the deity and by this arrangement even the *pandas* do not feel at all dissatisfied because if some one wants to give them anything then he gives it to them outside the temple, and the money that is offered or donated inside the temple is spent for the benefit and convenience of the pilgrims. The condition of the temples have greatly improved, good pathways have been laid out, and many other such amenities provided. In the same way if all the money offered or donated inside the Durgah would be utilized for the well-being of the Durgah itself then I believe that our Muslim friends would acknowledge that a good law has been enacted and whatever money is being offered or donated inside the Durgah is exclusively being utilized for the well-being of the Durgah itself.

My hon. friend Khawaja Inait Ullah made a mention of certain bad customs prevalent in Gaya. I also have some experience of that place. I have lived in Gaya for 16 years, but this is an old story. I know that some bad customs do exist there. But the responsibility of making improvements in Gaya and other adjoining places of pilgrimage lies with the Bihar Government and I think that it would be far better if he, being a prominent leader of the said state, would take upon himself the task of advising the Bihar Government in this matter and thus get the conditions in Gaya and other places improved. I made a mention of the Shree Badri Nath *Dham* Act for the reason that this Act is not all a new one of its kind. Such Acts do exist in other provinces also and wherever they have been enacted they have improved the conditions in that place of pilgrimage and have also afforded immense relief to the pilgrims visiting those places.

With these words, Sir, I whole-heartedly support the provisions of clause 6 of the Bill.

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, 8 and 9 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Sardar Patel : I beg to move :

"That the Bill be passed."

Mr. Deputy-Speaker : The question is :

"That the Bill be passed."

The motion was adopted.

PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL

The Minister of Law (Dr. Ambedkar) : I beg to move :

"That the Bill to make provision in regard to certain offices of profit under article 102 of the Constitution, be taken into consideration."

I do not think that it is necessary for me to make any long statement to enable the hon. Members to understand the provisions of this Bill. It is a very short one. It has only one clause but just to put hon. Members in a position to know exactly what is being done, I would like to say that article 102 of the Constitution provides that certain persons shall be disqualified from being Members of Parliament. One of the disqualifications relates to holding of an office of profit under Government. So far as Ministers are concerned, they are exempted from the operation of article 102 by clause (2) of that article. We have however in the Government of India not only Ministers but also other categories of Ministers *viz.*, Deputy Ministers and Ministers of State. These offices were created before the Constitution came into operation. Their occupants were entitled to hold office at the same time as Members of Parliament because during the period which intervened between the 15th August 1947 and the 26th January 1950 the Government of India Act 1935, as adapted, did not contain the provision to which I have made reference *viz.*, holding of an office of profit as a disqualification. The situation has, of course, now altered by reason of the provision contained in Article 102 so that from the 26th January 1950 Ministers of States and Deputy Ministers would have become disqualified from sitting in Parliament. In order to get over the difficulty the Government issued an Ordinance permitting them to sit in Parliament and to remove the disqualification they would have otherwise incurred. As hon. members know, under the new Constitution, the life of an Ordinance is a very short one *viz.*, six weeks from the re-assembly of Parliament. In this particular case Parliament assembled on the 28th January so that the Ordinance would expire on the 12th of this month. It is necessary that this Bill should be got through before the Ordinance ceases to have legal operation. The Bill seeks to include what I may say, clause (a) of Section 2 of the Ordinance, which referred to Deputy Ministers and Ministers of State. The present Bill does not propose to give effect to clause (b) of section 2 of the original Ordinance which made provision for part-time offices. Instead of that, the Bill seeks to include two more offices *viz.*, Parliamentary Secretaries and Parliamentary Under-Secretaries. It is felt that although these offices are not in existence now and have not been created, it is quite possible that the Government of India may find it necessary to create them. It was therefore felt that it would be better to enlarge the scope of the Bill in order to include these offices as well. I do not think that any more argument is necessary to support the Bill and I hope the House will accept it.

Mr. Deputy-Speaker : Motion moved :

"That the Bill to make provision in regard to certain offices of profit under article 102 of the Constitution, be taken into consideration."

Shri Tyagi (Uttar Pradesh): Sir, I think this Bill was not at all necessary. Dr. Ambedkar says that Ministers were exempted already but the Deputy Ministers and Ministers of State were not. It seems to me that the additional word "Deputy" has brought the disqualification upon my hon. friends but I wonder if addition of any word could really bring a disqualification. If it were so, my hon. friend the Deputy Prime Minister was also disqualified because he was not a Minister—

he is the Deputy Prime Minister. And there is no word as Minister for Pandit Nehru. He is the Leader of the House and there is no saving clause for the "Prime Minister". It means the "Prime Minister" also stands disqualified because only the category of Ministers has been exempted according to Dr. Ambedkar, the Chairman of the Drafting Committee, I read the clause as it is.

Mr. Deputy-Speaker : The hon. Member will be well advised to leave those legal technicalities to Members who know. The hon. Member does not seem to be a lawyer at any rate.

Shri Tyagi : Your having passed the law does not mean that you should.

Mr. Deputy-Speaker : If there is anything of substance to which he objects, that will be worth hearing from him.

Shri Tyagi : Sir clause (2) of article 102 reads thus :

" For the purposes of this article a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State."

If "Minister" did not include Deputy Ministers or Ministers of State, if that is his contention, then I submit that the Prime Minister could also not be included. The Prime Minister is a bigger office. The figure 4 includes 3 but 3 cannot include 4. My submission is that in the word "Ministers" Sub-Ministers could be included but the Upper Ministers could not be included. A part cannot include the whole but the whole can include a part. So within the category of Ministers, a Deputy Minister and a Minister of State came. Even from the commonsense point of view, when a bigger culprit gets exempted, why not his follower be exempted. If Dr. Ambedkar can be exempted, I don't know why Mr. Khurshed Lal cannot be exempted. When Ministers were exempted, all Ministers were meant to be exempted and they stood exempted, as one who voted for this article, I feel we had exempted all Ministers including Deputy Ministers or Ministers of State. Our Dr. Ambedkar brings a Bill which implies that on the 26th they were disqualified according to him. If I take him at his word as lawyers are generally taken, our friends the Ministers of State and Deputy Ministers were disqualified already. A disqualification does not require any period of time. Disqualification exists from a point of time; it falls like a hammer, like a razor, like the hammer of the auctioneer. From the moment he is disqualified, he stands disqualified. They were disqualified on the midnight of the 25th-26th. If this contention is accepted, I am very sorry for my hon. friends, the Deputy Ministers and Ministers of State. They will have to pay Rs. 500 for every day they attended the House. Once a person is disqualified, he cannot come into the House unless he comes through the electorate. They have not sought the electorate after they have been disqualified. Once they were disqualified, they were not Members of the House. He cannot bring them through the back door. I do not know law. The law has so many loopholes for smuggling persons. But, in this House, one cannot come unless through the proper door, that is the electorate. If a disqualification has fallen on these friends, they could not be qualified because an Ordinance had been issued. I do not know whether the Ordinance gives retrospective effect to the hour of 12 O'clock or the morning of the 26th. I submit, Sir, according to me no Ordinance or Act was necessary. They stand qualified and the provision made in clause (2) of article 102 is quite sufficient. They are Ministers.

Then, again, our hon. friend says there are some other offices which may be created. This is something rather funny that we are asked to remove disqualification for something which does not exist. I think the House can give the exemption only when the offices are created. There is no such office as 'Parliamentary Under Secretary'. Perhaps it is in the mind of somebody. It has not been published in the Gazette; nor has any statement been made about that. How can the House take cognisance of what is happening in the minds or brains of persons who have not expressed themselves. An office in the offing cannot be disqualified.

[Shri Tyagi]

We do not know whether that will really come to exist or not. Unless the office is delivered we cannot say that it should be exempted. It does not look well that because the Prime Minister has some offices in his mind, in advance we should give the facilities by removing the disqualification. Where are the offices? Unless we know what their status will be, what work they will do, it is not fair for this Parliament to remove the disqualification. We do not know what their authority will be and what their emoluments will be.

Dr. Deshmukh (Madhya Pradesh) : What about Parliamentary Secretaries of the States?

Shri Tyagi : Parliamentary Secretaries of the States, I can understand. It should be easier for the States to define their Parliamentary Secretaries as Deputy Ministers and finish with them. They could adjust themselves to the Constitution. They could as well say that Parliamentary Secretaries will be known as Deputy Ministers in the various States. I say no Act is necessary. Article 102 clause (1) of the Constitution lays down the disqualifications for election. I would refer to the language of the Bill. If my hon. friend Dr. Ambedkar feels that the Bill is necessary, there is another defect. He will have to come again for giving retrospective effect so that my hon. friends may not be disqualified altogether. Though the Act may be passed to day, but as they were not Members of the House on the 26th day of January they ceased to be Members of the House. If the House to-day passes this Act for their being exempted, then, it is implied that the House also agrees to the interpretation that the Hon. Minister for Law has placed that the Deputy Ministers and Ministers of State were really disqualified on that date, and they would have to pay Rs. 500 for the time they attended. If that is so, something should be provided to legalise the continuance of our friends who have been disqualified. We should give retrospective effect to this bill.

One thing more. If an Act is necessary, the Bill must be worded differently. The language of this Bill should not run parallel to the language of the Constitution. We must realise that we should not assume to give a Constitution under the Bill as it has been proposed. The Bill is in the same tone as the Constitution. I resent this. This Parliament should not be allowed to speak in the same tone as the Constituent Assembly, as the guardian body.

Shri Kamath (Madhya Pradesh) : This is a sovereign body.

Mr. Deputy-Speaker : Does the hon. Member want that this Bill should run contrary to the Constitution?

Shri Tyagi : By parallel, I mean in the same parallel tone, Sir, it must be subordinate. I object to its being parallel horizontally: one may be parallel under the other.

Mr. Deputy-Speaker : Because the Bill relates to Deputy Ministers, the hon. Member thinks that this parliamentary legislation must be "deputy" to the Constitution. I think the terms may be left to the hon. Minister of Law. The matter of substance has already been finished. Let us finish this Bill if possible.

Shri Tyagi : As you choose, Sir. I cannot take dictation from the Minister of Law. I have to express as I feel. Sub-clause (a) of clause (1) of article 102 gives Parliament the authority to declare that such and such officers.....

Mr. Deputy-Speaker : It is there already.

Shri Tyagi : "A person shall be disqualified for being chosen as a Member of either House of Parliament if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by Law not to disqualify its holder." What we are required to do is to declare the offices. We have just to enumerate the names of offices and declare that such and such offices will not disqualify their holders. That is the language in which we

can speak. Because we are authorised only to say that, we can only say that in accordance with such and such provision we enumerate the offices which may not disqualify the holders. It is only the offices which we can declare. Here in this Bill, he says, these persons will not be disqualified. Persons have been disqualified by the Constitution ; such persons shall remain disqualified. This Bill is worded, such and such persons also will not be disqualified. This is absolutely parallel. This is not possible. My hon. friend says:

“ A person shall not be disqualified for being chosen as, and for being, a Member of Parliament by reason only of the fact that he holds any of the following offices of profit.....”.

This is a converse expression. We have to declare that such and such office will not bring disqualification on its holder. We cannot say that officers who hold offices which were declared by Constitution to disqualify the holders, will not be disqualified. We cannot speak in that language. According to the Bill such and such persons will not be disqualified even if they hold the offices which disqualified them according to the Constitution. We must say that although the office holders are disqualified, under the Constitution, we declare such and such office would not in future disqualify its holder. The language must be changed. This 5 P.M. is a Constitutional tone which cannot be the language of the Act. The language of the Act should be as I have suggested in my amendment. I shall read my amendment. Then again Sir.....

Shri Kamath : In view of the Finance Ministers' reply today the House agreed to sit till Six O'clock. Let us therefore sit till Six O'clock.

Hon. Members : No, no.

Mr. Deputy-Speaker : I think there is not much for discussion. The hon. Minister has elaborately discussed the various provisions, both legal and others. I think there are no amendments to this Bill.

Shri Kamath : I wish to speak on this Bill.

Shri T. T. Krishnamachari (Madras) : I suggest we adjourn the debate till morrow morning.

Mr. Deputy-Speaker : The House will sit for half an hour more.

An Hon. Member : One hour.

Mr. Deputy-Speaker : Mr. Tyagi will continue.

Shri Tyagi : Then Sir, the question is what are the 'offices under the Government'. The history of disqualifications starts from the Parliament of England. There the question was of the powers of Parliament as opposed to the powers of the King, as some offices were held under the King and some others were held under the Parliament. The Parliament decided that those who hold offices of profit from the King would not be members of the Parliament. In England the King and the Crown were distinct from the Parliament, because Parliament was decided by a separate body, but in a full-fledged democracy such as ours, there is no such thing as two powers. It is a Republic. There is no Crown, and hence there is also no distinction between services under the Crown and services under Parliament. This is a Republican Government and whosoever holds an office, he holds it under the Republican Government. Here there does not exist any distinction, as in England, between people who hold offices under the Crown and under Parliament. Whosoever draws his pay from the taxes of the people is a servant of the Republic and there is no other body here except the Republic. If you were to distinguish between the services of Government servants, *i.e.*, the services of the Ministers and of the rest then the judiciary will also be another. It is also independent like the Legislature and the Public Service Commission is equally independent. Then you will have to exempt them as well because in the Constitution they have been separately enumerated. The Public Service Commission has also independent powers. The Comptroller of Accounts is also another independent body. I therefore submit that all wh_o

[Shri Tyagi]

draw their pay from the public exchequer are the servants of the Republic. I consider that all officers are similar and therefore, we cannot make a distinction between the pay drawn as a Minister and the pay drawn as a Speaker. I cannot really understand why the Speaker's pay is beyond the purview or the control of Government. In England I can understand there is the question of the Crown, but there is no Crown here.

Mr. Deputy-Speaker : The hon. Member thinks that this distinction is unnecessary.

Dr. Ambedkar : I would like to understand, whether my hon. friend agrees to the proposal in the Bill that these two offices should be created and being created, they should be exempted from the provision enacted in article 102 of the Constitution? Let us understand it very clearly and if my hon. friend is going to take the whole of the half hour, there is no use going any further.

Shri Tyagi : If he is tired, he might go home.

Mr. Deputy-Speaker : I agree any length of time can be taken but so far as this Bill is concerned, it is a very small point. The hon. Member may make up his mind as to whether these persons are to be exempted or not. These Offices have to be exempted; otherwise their incumbents will be disqualified if they hold these particular offices. I see no point in going into all these matters so far as the substance is concerned, the hon. Member did not raise any objection. His objection seems to be that everyone should come under the Government and this Bill is unnecessary. If that is so, let us finish this Bill as early as possible.

Shri J. B. Kapoor (Uttar Pradesh) : On a point of order, Sir. Is it open to any Member of the House, even though he may be occupying the distinguished position of the Minister of Law to address the House in a rough manner in relation to a speech made by an hon. Member. That is something which is not in keeping with the dignity of the House. The hon. Member may not agree with the views held by another hon. Member but to pass remarks like the one which the hon. Law Minister made as well as the rough manner in which he made it is not in keeping with the dignity of the House.

Dr. Ambedkar : I only wanted to understand what exactly was the point my hon. friend was driving at and if he was going to take the whole of the half hour, it is much better to begin tomorrow and finish the Bill.

Shri Tyagi : When people are not quick to understand, I take time to make them understand.

Pandit Kunzru (Uttar Pradesh) : Do Government insist that the Bill should be passed today?

Dr. Ambedkar : I am not saying so. It is only the hon. Deputy-Speaker who says, "let us sit for half an hour."

Pandit Kunzru : I think it will be a fruitless discussion and I venture to think that the discussion will end quicker if we adjourn till tomorrow.

Mr. Deputy-Speaker : I thought it was non-contentious Bill and therefore we may finish it, particularly in view of the fact that the hon. Minister of State for Parliamentary Affairs said yesterday that we might have to sit here today. This is a small Bill and we have got other Bills also for tomorrow and if it is possible to finish this before 5. 30 P. M., I said the House might sit for another half an hour. On the other hand if hon. Members want to take part and there is going to be a long discussion on this matter, the hon. Law Minister wanted to know whether we should not adjourn till tomorrow. Now I find there is no chance of completing it today.

The House then adjourned till a Quarter to Eleven of the Clock on Friday, the 10th March, 1950.