

Wednesday,  
3rd December 1947

**THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES**

**Official Report**

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**Volume II, 1947**

*(29th November to 10th December, 1947)*

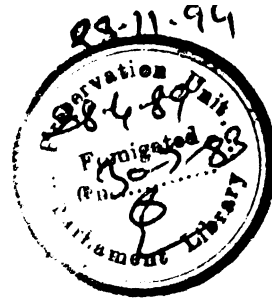
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**First Session**

**OF THE**

**CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)**

**1947**



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Wednesday the 3rd December 1947.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

## DECLARATION BY MEMBERS

The following Members made the Declaration under Rule 2C:—

Saiyid Mohd. Saadulla; and

Kumararaja Sir M. A. Muthiah Chettiyar.

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS.

#### EMPLOYMENT OF SCHOLARS RETURNED FROM ABROAD

540. \*Seth Govinddas: (a) Will the Honourable Minister of Education be pleased to state how many Government scholars sent to foreign countries for advanced studies have returned to India so far?

(b) What are these specialists doing now in India?

(c) How do the Government of India propose to utilise the specialised knowledge of these scholars?

آنریبل مولانا ابولکلام آزاد : سنہ ۱۹۳۵ء اور سنہ ۱۹۳۶ء میں

(الف) جو سنیٹرل گورنمنٹ نے ۱۷ سکالرس سینڈر پار کی ٹریننگ کے لئے بھیجئے تھے ان میں سے تین ٹریننگ ختم کر کے واپس آگئے ہیں۔

(ب) ایک سٹیٹمنٹ ہاؤس کے ٹیبل پر دکھا جاتا ہے۔ جسموں کہ یہ درج ہے کہ وہ ہندوستان میں اب کیا کرتے ہیں۔ اور جہاں ضرورت محسوس کی گئی ہے انکے واپس آنے کے وجوہات بھی اس میں درج ہیں۔

(ج) جو سکالرس ٹریننگ ختم کر کے واپس آئے انکو پہلے ان ملسٹریوں میں لیا جائیگا جنہوں نے کہ انکو مختلف ٹریننگ کے لئے چلنا تھا۔ اس کے بعد دوسری ملسٹریوں کا انکی خدمات حاصل کرنے کا حق ہوگا۔ اس کے علاوہ اگر حکومت ہند کو انکی خدمات کی فوراً ہی ضرورت نہ ہو اور وہ اسوجہ سے کہ انکے سکھ تب تک مکمل نہ ہوئے ہوں تو ان کو پراونشیل گورنمنٹس یونہی رہتی ہا رہ تھیکھیکل انسٹی ٹیوٹس کی ضروریات کے مطابق بھرتی کیا جائیگا۔ جہاں تک پراونشیل سکالرس کا تعلق ہے یہ پراونشیل گورنمنٹس کی ذمہ داری ہے کہ وہ ان کو مناسب آسامیوں پر بھرتی کریں اگر وہ ایسا نہ کرسکیں تو ان کی خدمات حکومت ہند حاصل کرلیتی ہے۔ اسوقت تک صرف ایک ہی کہس ایسا ہوا ہے جہاں کہ پراونشیل گورنمنٹ ایک سکالر کو بھرتی نہیں کرسکی اور اب حکومت ہند اسکو مناسب جگہ پر بھرتی کرنے کی کوشش کر رہی ہے۔

**The Honourable Maulana Abul Kalam Azad:** (a) From the Central Government scholars sent under the Central Overseas Scholarships Scheme, 17 of the 1945 batch and three of the 1946 batch have so far returned to India after completion of their training abroad.

(b) A statement giving the names of these scholars with a summary of the work they are doing in India and the reasons of return, where necessary, is placed on the table of the House.

(c) The services of a scholar on return, after completion of his training abroad, will in the first instance be placed at the disposal of the Ministry against whose requirements he was selected; other Ministries of the Government of India will have a second claim on him, if, however, the Government of India do not immediately require his services owing to the fact that their development plans have not materialised or have not been given effect to, he will be placed at the disposal of a Provincial Government, University, Technical Institution or industry according to their needs and demands.

So far as Provincial scholars are concerned, it is the responsibility of the Provincial Government concerned to place the returned scholars suitably. In case they are unable to do so, the services of the returned scholars are to be placed at the disposal of the Government of India. So far there has been only one such case where the Provincial Government has not been able to utilise the services of a trained scholar and the Government of India are endeavouring to place him in a suitable post.

### *Statement Showing the Position of Employment of Returning Scholars*

#### *1945 Batch*

- |                                    |  |
|------------------------------------|--|
| 1. Tarapada Bandopadhyay . . . . . | Has specialised in Electro-Chemistry. The case was referred to the S/Ministry (I. & S.) who are trying to utilise him in one of the leading industries. Meanwhile he has joined his previous post.   |
| 2. K. R. Nair . . . . .            | Employed by F. R. I. Dehra Dun as a Stacionian.  |
| 3. V. Ranganathan . . . . .        | F. R. I. have employed him.  |
| 4. A. S. Sharma . . . . .          | I. & S. Ministry have employed him.  |
| 5. R. C. Sharma . . . . .          | Returned due to ill health and is in sanatorium.   |
| 6. M. N. Verma . . . . .           | Returned to India before completion of studies due to family circumstances.  |
| 7. B. N. Singh . . . . .           | Has been asked to apply to National Physical Laboratories.   |
| 8. R. N. Merchant . . . . .        | Returned due to ill health before completion of studies  |
| 9. N. L. Pal . . . . .             | Has been asked to apply to F. P. S. C. for a post in I. A. R. I. Meanwhile has joined his previous post.   |
| 10. D. Hanmant Rao . . . . .       | Efforts are being made to secure post in Delhi Polytechni-   |
| 11. U. K. Patwardhan . . . . .     | Case referred to Railway Board.  |
| 12. P. P. Bhatnagar . . . . .      | Case referred to Ministry of Defence.  |
| 13. C. L. Nayar . . . . .          | Case referred to Ministry of Defence.  |
| 14. M. V. Mathew . . . . .         | The Ministry of Finance wished to interview the scholar but they have not so far intimated the date and time of interview and the post which they wish to offer. The Ministry of Finance have been reminded to let us have full particulars. |
|                                    | 2. The Governments of Bombay and C. P. and Berar have also been addressed but have not so far replied.   |
| 15. Dr. K. C. Gulati . . . . .     | The Ministry of Agriculture are being asked whether his services can be utilised in the I. A. R. I or the Forest Research Institute, Dehra Dun.  |
| 16. Dr. D. N. Mallick . . . . .    | This scholar has resumed his previous appointment at the I. V. R. I.   |

Izatnagar he has applied for the post of Animal Physiologist at the I.V.R.I. The F. P. S. C. has summoned the candidate for interview on 14th November 1947. Further developments are awaited.

17. Dr. Guruswamy . . . The Ministry of I. & S. have been addressed but have not so far sent reply. The Ministry of Defence are also being consulted.

1946 Batch

1. Mrs. Sally Lewis . . . Mrs. Sally Lewis expressed her desire to rejoin her former post in the Bengal Government to which we have agreed. Probably she has joined by now.
2. Mr. Inder Singh . . . Was selected for Plastics against the requirement of I. & S. Ministry. He returned in September 1947 after completing one year's theoretical course and could not get facilities for practical training. His case was referred to the I. & S. Ministry. They have asked for particulars of this scholar. Particulars are awaited from U.S.A. In the meantime his case for Lecturer's post was referred to Delhi Polytechnic and they have agreed to consider his case provided that he applies for the post as and when advertisement appears in the press. The Scholar is being informed of the same. His case is also being referred to the Agriculture Ministry for certain posts of Chemist which will be filled up at Pusa Institute.
3. Mr. S. L. Bannerjee . . . His case was referred to the S/Ministry for employment. No confirmation has so far been received. Reminder is being issued in this respect.

**सेठ गेविन्द दास :** क्या मैं माननीय मिनिस्टर साहब से पूछ सकता हूँ कि जितने स्कालर्स अब तक दूसरे देशों से वापस आए हैं उनमें से कोई भी ऐसे हैं जो काम पर नहीं लगाए गए हैं और हिन्दुस्तान में हैं ?

**Seth Govinddas:** May I know from the Honourable Minister that out of the scholars who have since returned from foreign countries if there are any whose services have not yet been utilized and are in India?

**آنریبل مولانا ابولکلام آزاد :** آپ کو اسکی تفصیل سٹیٹمنٹ سے معلوم ہوگی۔ لیکن میں اپنی یادداشت سے یہ بتا سکتا ہوں کہ جو ٹریننگ کرے آئے تھے انکو لکایا گیا ہے۔ اور جو ابھی تک نہیں لگے ہیں انکے لئے کوشش کی جارہی ہے۔

**The Honourable Maulana Abul Kalam Azad:** You will find its details from the statement. But I can tell you from my memory that those who had returned after completion of their training have been provided for and endeavours are being made for those who are still unemployed.

**श्री० एच० वी कामथ :** क्या वजीर साहब यह बता सकेंगे कि इन स्कालर्स में से कितने अमरीका भेजे गए थे, कितने इङ्गलैण्ड गए और कितने अन्य मुल्कों में ?

**Shri H. V. Kamath:** Will the Honourable Minister please state as to how many of these scholars were sent to the United States of America and England; and how many to other countries?

**آنریبل مولانا ابولکلام آزاد :** یہ تو میں نے ابھی آپ کو بتادیا ہے کہ یہ سب تفصیل آپکو اسٹیٹمنٹ سے معلوم ہوگی اور یہ سٹیٹمنٹ ہاؤس کے ٹیبل پر رکھ دیا گیا ہے۔

**The Honourable Maulana Abul Kalam Azad:** I have already stated that you will find all these details in the statement; which has been placed on the table of the House.

**Mr. Tajamul Husain:** Will Government be pleased to state how much money Government have spent on their education so far?

آنریبل مولانا ابولکلام آزاد : آپکو اسکے بارے میں تفصیل سٹیٹمنٹ میں معلوم ہوگی۔

اور وہ سٹیٹمنٹ ہاؤس کے ٹیبل پر رکھ دیا گیا ہے۔

**The Honourable Maulana Abul Kalam Azad:** You will find the details in the statement that has been placed on the table of the House.

**Mr. Tajamul Husain:** Will Government be pleased to state how many so far are unemployed?

**Mr. Speaker:** That has already been answered.

**Mr. Tajamul Husain:** Will Government be pleased to state the number of Scheduled Castes that were sent abroad for education?

آنریبل مولانا ابولکلام آزاد : اس کے لئے نوٹس چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** A notice is required for this.

**Shri S. Nagappa:** In view of the fact that sending students to foreign countries costs more to the students as well as to the Government, will Government consider the desirability of starting such specialised subjects in India itself and see that more training is given to more people

سری : मिहिर लाल चट्टोपाध्याय : मेम्बर साहब क्या मेहरबानी करके बतायेंगे कि जिन्हें बाहर भेजा जाता है उन्हें Provincial basis पर भेजा जाता है या All India basis पर भेजा जाता है।

**Shri Mihir Lal Chattopadhyaya:** Will the Honourable Member please state whether those who are sent abroad are sent either on Provincial or All India Basis?

آنریبل مولانا ابولکلام آزاد : جو سکیم ہندوستان سے سکالرز کو باہر لپہلگ کے لئے بھیجا جاتا ہے وہ دو قسم کا ہے ایک وہ جو حکومت ہند خود سلیکٹ کرے سلیکٹ گورنمنٹ سے بھیجتی ہے دوسرے وہ جو پروونشیل گورنمنٹ کے آدمیوں کو وٹائیف دینے جاتے ہیں انکا Selection بھی حکومت ہند ہی کرتی ہے۔

**The Honourable Maulana Abul Kalam Azad:** The scheme for sending the scholars for training abroad falls under two categories, viz., one where the selection is made by the Government of India itself and the scholars are sent by the Central Government: and the other where the scholarships are granted to the Provincial scholars whose selection is also made by the Government of India.

**Shri K. Senthnam:** May I know, Sir, if there is any record being kept of the performance of these students both abroad during training and after their return to India?

آنریبل مولانا ابولکلام آزاد : ہاں متعلقہ منسٹری اسکا پورا ریکارڈ رکھتی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Yes. The Ministry concerned keeps a full record in this connection.

پروفیسر شیببان لال ساکسنا : जो विद्यार्थी हमारे सरकारी खर्चे से बाहर इस वक्त विदेशों में पढ़ रहे हैं उनकी संख्या कितनी है ?

**Prof. Shibban Lal Saxena:** What is the present number of our students receiving training abroad who have been sent on Government expense?

آنریبل مولانا ابولکلام آزاد : اسکے لئے نوٹس چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** A notice would be required for this.

डा० पी० एस० देशमुख : अगले साल कितने विद्यार्थी बाहर भेजे जाने वाले हैं ?

**Dr. P. S. Deshmukh:** What is the number of students expected to be sent abroad during the ensuing year?

آنریبل مولانا ابوالکلام آزاد : اسکے متعلق دو کمیٹیاں مقرر ہوئی ہیں اور وہ اسپر غور کر رہی ہیں -

**The Honourable Maulana Abul Kalam Azad:** Two Committees have been formed in this connection and they are considering over this.

श्री राजकृष्ण बोस क्या वजीर साहब कह सकते हैं कि यह जो तुलबा के लिए सीटस हैं उनमें से कितने सीटस आदिवासियों के लिए reserve हैं ?

**Shri Raj Krishna Bose:** Will the Honourable Minister please state the number of seats reserved for the Depressed Classes out of the total seats provided for these students.

آنریبل مولانا ابوالکلام آزاد : انہیں کوئی بھی نہیں ہے - جو Qualified طلبہ ملیں تو انکو وظائف دئے جاتے ہیں -

**The Honourable Maulana Abul Kalam Azad:** There is none amongst them. If qualified students are available, they are granted scholarships.

#### IMPORT OF FOREIGN EXPERTS FOR TRAINING OF STUDENTS IN INDIA

**541. \*Seth Govinddas:** Will the Honourable Minister of Education be pleased to state:

(a) whether Government are aware of the growing opposition for sending students to foreign countries for advanced studies; and

(b) whether Government propose to consider the opinions expressed by many experts to get specialists from foreign countries for giving training to our students in India?

آنریبل مولانا ابوالکلام آزاد : ( اےف ) اسوقت حکومت کے کوئی سامنے اس

قسم کی بات نہیں ہے - جس سے یہ پتہ چلے کہ کوئی "growing opposition to the sending of students to foreign countries for advanced studies" ہو رہی ہے - لیکن حکومت محسوس کر رہی ہے - کہ موجودہ سلیڈر پار کے وظائف کی سکیم میں کسی حد تک کچھ سقم ہے - خاص defect یہ ہے کہ بجائے اپنے موجودہ training centres اور institutions وغیرہ کی طرف دھیان دیا جائے اور باہر سے experts منگائے جائیں جو کہ یہاں پر ہمارے ان training centres اور institutions نے - معیذ کو بڑھائیں - اسوقت صرف طلبہ کو باہر بھیجئے پر ہی دھیان دیا جا رہا ہے - ان ہی باتوں کو درست کرنے کے لئے حکومت نے دو کمیٹیاں مقرر کیں جنکے نام یہ ہیں - "Dr. B. C. Roy's Committee" - یہ از سر نو سلیڈر پار کے "Scientific Manpower Enquiry Committee" - یہ از سر نو سلیڈر پار کے اور وظائف دئے جانے پر فور کریلگی - ان دونوں کمیٹیوں نے اپنی interim رپورٹیں حکومت کے پاس بھیج دی ہیں - اور وہ حکومت کے زہر فور ہیں - حکومت سلیڈر پار کے وظائف دئے جانے کے بارے میں اپنی آئندہ پالیسی کا جلدی ہی اعلان کرنے کی اُمید کر رہی ہے -

(ب) سوال کا یہ حصہ پیدا نہیں ہوتا -



**The Honourable Maulana Abul Kalam Azad:** (a) Government is not aware of any "growing opposition to the sending of students to foreign countries for advanced studies", but Government feels that the existing Overseas Scholarships Scheme is defective in certain respects. The basic defect is that instead of paying proper attention to our existing institutions, training centres and the necessity of inviting experts from abroad, attention is only paid to sending students abroad for training. It was in order to put this and other defects right that Government set up two Committees, namely, Dr. B. C. Roy's Committee and the Scientific Manpower Enquiry Committee to consider afresh the whole question of Overseas Scholarships. Both these Committees have submitted their interim reports and the Government is considering them. Government hopes, very shortly, to announce its future policy as regards Overseas Scholarships.

(b) Does not arise.

**श्री गोविन्ददास:** क्या माननीय मिनिस्टर साहब यह बतलायेंगे कि यह जो कमेटियाँ बनाई गई थीं उनसे यह कहा गया था कि वह इस बात की सूची बनायें कि कितने ऐसे विषय हैं जिन पर बाहर हमारे विद्यार्थियों को भेजना आवश्यक है या नहीं है और जिन विषयों पर भी यहीं पर तालीम दी जा सकती है और कितने ऐसे विषय हैं जिनपर अब भी हमें विद्यार्थियों को बाहर भेजना पड़ेगा ?

**Beth Govinddas:** Will the Honourable Minister please state whether these Committees which had been set up were asked that they should prepare a list of such subjects for which it was not considered necessary to send our students abroad and training in respect of those could be given here? And what is the number of subjects for which we have still to send our students abroad for training?

آنریبل مولانا ابولکلام آزاد : بہ انکی اور terms reference میں واضح طور پر ظاہر کر دیا جاتا ہے جنکو سمندر پار کے وظائف دئے جاتے ہیں ۔

**The Honourable Maulana Abul Kalam Azad:** This is explicitly mentioned in the terms and references of students who are granted Overseas Scholarships.

**Shri S. Nagappa:** May I know who are the members of these two Committees?

آنریبل مولانا ابولکلام آزاد : اسوقت میرے پاس انکے نام نہیں ہیں ۔ اس کے لئے نوٹس چاہئے ۔

**The Honourable Maulana Abul Kalam Azad:** At present I have not got their names. I would require a notice for this.

**Shri S. Nagappa:** May I know whether at least these Committees are representative in character from all points of view?

آنریبل مولانا ابولکلام آزاد : اس طرح کی کمیٹیوں کو بنانے کے وقت اس بات کا خیال رکھا جاتا ہے ۔ کہ جس مدعا کے لئے یہ کمیٹیاں بنائی جاتی ہیں اُس میں جو آدمی لگائے جاتے ہوں وہ اسکے لئے موزوں ہوں ۔

**The Honourable Maulana Abul Kalam Azad:** While setting up such Committees, this is kept in view that these Committees constitute of such persons who are fit for the purpose with which these are formed.

#### GOVERNMENT SCHOLARSHIPS TO STUDENTS FROM AFRICA AND OTHER COUNTRIES

**542. \*Prof. N. G. Ranga:** Will the Honourable Minister of Education be pleased to state:

(a) whether Government have agreed to offer scholarships to African students in order to develop cultural contacts with African Youths and intelligentsia and if so, how many such students have so far been invited and from what countries and how many have actually come and in which Universities they are placed and for what subjects;

(b) whether any special steps are being taken to make them feel quite at home in the Indian social environment and to bring them into touch with our social and cultural heritage and Indian cultural leaders;

(c) what allowances for boarding and lodging, books and games are being paid to them; and

(d) whether it is proposed to increase the grant for the same purpose for the next year?

انٹریبل مولانا ابولکلام آزاد : حکومت ہند نے اپنے cultural تعلقات کو بھرونی ممالک کے بڑھانے کے لئے اپنی ترقیات کے سکیم میں اس سال ۵ وظائف پوری افریقہ کے طلبا کو ہندوستان میں تعلیم حاصل کرنے کے لئے دئے ہیں۔ جن ۵ طلبا کو ان وظائف کے لئے select کیا گیا تھا وہ ہندوستان میں ستمبر سنہ ۱۹۴۷ء کو پہنچ گئے۔ ان طلبا کے نام اور جن ممالک سے یہ آئے ہیں۔ اور جن یونیورسٹیوں میں انکو داخل کیا گیا ہے یہ ہیں۔

1. Mr. Stanley S. Sesanga, Uganda, studying for Graduate course at St. Stephen's College, Delhi.
2. Mr. B. F. F. Oluande, Uganda, studying for Graduate course at Aligarh University.
3. Mr. E. A. Seroney, Kenya, studying for Graduate course at Allahabad University.
4. Mr. E. Geoffrey Mwalenga, Kenya, studying for Intermediate course at Benares Hindu University.
5. Mr. J. M. Sentongo, Uganda, studying for B.Sc. Engineering at the Roorkee Engineering College.

( ب ) یہ طلبا یونیورسٹی یا کالج کے ہوسٹلوں میں رہتے ہیں۔ اور یہ ان اداروں کے ہیڈس کے Supervision میں ہیں۔ اسلئے انکو ہندوستانی طلبا کے ساتھ مہل چول کا کافی موقعہ ملتا ہے۔ اور ملک کی سوشل اور کلچرل زندگی میں متعلقہ یونیورسٹیوں کے ذریعہ سے وہ طلبا حصہ لے لیتے ہیں۔

( ج ) حکومت ہند نے دو سو روپیہ کا ایک وظیفہ ہر ایک طالب علم کو دیا ہے۔ اس کے علاوہ جہاں ضرورت ہو Capitation فیس بھی دیا جائگا۔ Passage کے اخراجات طلبا خود برداشت کریں گے۔

( د ) اس گرانٹ میں فی الحال اضافہ کرنا مقصود نہیں ہے۔

**The Honourable Maulana Abul Kalam Azad:** (a) The Government of India, as part of their schemes for the development of Cultural Relations with foreign countries, have offered this year five scholarships to East African students for studies in India. The five students who were selected for the scholarships arrived in India in the beginning of September, 1947. The names of these scholars, the countries from which they came and the Universities in which they are placed are mentioned below:

1. Mr. Stanley S. Sesanga, Uganda, studying for Graduate course at St. Stephen's College, Delhi.
2. Mr. B. F. F. Oluande, Uganda, studying for Graduate course at Aligarh University.
3. Mr. E. A. Seroney, Kenya, studying for Graduate course at Allahabad University.

4. Mr. E. Geoffrey Mwalenga, Kenya, studying for Intermediate course at Benares Hindu University.
5. Mr. J. M. Sentengo, Uganda, studying for B.Sc. Engineering at the Koorkee Engineering College.

(b) The students are staying in the University or College hostels and are under the general supervision of the Heads of the Institutions. They have thus plenty of opportunities of intimate contacts with Indian students of these Universities and are able to participate in the social and cultural life of the Universities and through them of the country.

(c) The Government of India have granted an all-inclusive stipend of Rs. 200 p.m. to each of the students and, in addition, capitation fees will be paid where necessary. Passage expenses have to be borne by the students themselves.

(d) No increase in the grant is contemplated at present.

**सेठ गोविन्ददास :** क्या माननीय सदस्य को यह मालूम है कि पूर्वी अफ्रीका की चारों कालोनीज—केन्या, युगैंडा, जंजीबार और टांगनियका में कोई कालेज नहीं है जहां पर हिन्दुस्तान के विद्यार्थी पढ़ सकें और ऐसी हालत में क्या गवर्नमेंट इस बात पर विचार करेगी कि जहां तक East Africa का सम्बन्ध है वहां कुछ और ज्यादा छात्र वृत्तियां वहां के विद्यार्थियों को दी जायें।

**Seth Govinddas :** Is the Honourable Minister aware of the fact that there is no College in all the four colonies of East Africa viz., Kenya, Uganda, Tanganyika and Zanzibar where the Indian students may get training? And in such circumstances, will the Government kindly consider over the possibility of granting some more scholarships to the students so far as East Africa is concerned?

- **آنریبل مولانا ابوالکلام آزاد :** گورنمنٹ ضرور اس پر فور کریگی -

**The Honourable Maulana Abul Kalam Azad :** The Government will surely consider over this.

**Prof. N. G. Ranga :** May I know, Sir, who selects the Universities in which these students have to be educated, and why is it that one of them has been sent to a University which has made it its special cult to preach communalism in this country?

- **آنریبل مولانا ابوالکلام آزاد :** جہاں تک کہ منسٹری کو علم ہے ان طلباء کو خط و کتابت کے ذریعے سے External Affairs منسٹری نے چنا تھا۔ اب اس بات کی طرف معزز ممبر نے اشارہ کیا ہے - اس کے متعلق منسٹری کے سامنے کوئی چیز نہیں ہے -

**The Honourable Maulana Abul Kalam Azad :** So far as the Ministry are aware of, these students were selected by the Ministry of External Affairs by means of correspondence. There is nothing before the Ministry which relates to the matter referred to now by the Honourable Member.

**श्री मिहिरलाल चट्टोपाध्याय :** मैं पूछना चाहता हूँ कि जैसे अफ्रीका के students के लिये हमारे मुल्क में scholarship का इन्तजाम रक्खा गया है ऐसे ही हमारे students के लिये कोई इन्तजाम है या नहीं।

**Shri Mihir Lal Chatteropadhyaya :** I would like to know whether there exists any arrangements for our students or not just as scholarships have been provided for the students from East Africa in our country.

آنریبل مولانا ابوالکلام آزاد : اس basis پر یہ انتظام نہیں کیا جاتا ہے -

**The Honourable Maulana Abul Kalam Azad:** This arrangement is not made on this basis.

**Prof. N. G. Ranga:** Is it not a fact that in those areas from which these friends have come to our country as scholars there are no Universities?

آنریبل مولانا ابوالکلام آزاد : غالباً ایسا ہی ہے -

**The Honourable Maulana Abul Kalam Azad:** Probably this is so.

**Prof. N. G. Ranga:** I am sorry I could not follow the answer given to part (b) of the question. Will the Honourable Minister be pleased to state whether it is proposed to increase the grant in the next year and also increase the number of students?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ اس کی ضرورت نہیں سمجھتی ہے -

**The Honourable Maulana Abul Kalam Azad:** The Government do not feel its necessity.

**ڈاکٹر پی۔ एस۔ देशमुख :** क्या मैं जान सकता हूँ कि कब यह decision लिया गया और क्या यह बात Legislative Assembly के सामने आई थी ?

**Dr. P. S. Deshmukh:** May I know when this decision was arrived at and whether this matter was brought up before the Legislative Assembly?

آنریبل مولانا ابوالکلام آزاد : یہ قاعدہ نہیں ہے - اس طرح سے سوال Legislative Assembly کے سامنے نہیں آتے ہیں اور متعلقہ منسٹری ان پر خود ہی غور کرتی ہے -

**The Honourable Maulana Abul Kalam Azad:** This is not the rule. Such questions are not brought before the Legislative Assembly and the Ministry concerned itself considers over these.

**ڈاکٹر پی۔ एस۔ देशमुख :** मैं पूछ रहा हूँ अगले साल के लिये क्या रकम रखी गई है इस सिलसिले में

**Dr. P. S. Deshmukh:** I am enquiring what is the amount provided for the next year in this respect?

آنریبل مولانا ابوالکلام آزاد : اس کے لئے نوٹس چاہئے -

**The Honourable Maulana Abul Kalam Azad:** I would require a notice for this.

آنریبل پنڈت جواہر لال نہرو : یہ معاملہ اصل میں Education منسٹری کے پاس - کہ ایسے وظائف باہر کے لوگوں کو دئے جائیں - اور یہ جو ایسٹ افریقہ اور افریقہ کے طلباء کو وظائف دئے گئے ایسے ہی انتظام وہاں پر ہمارے طلباء کے نہیں ہو سکتے ہیں کیونکہ وہاں پر یونیورسٹیاں اور کالج نہیں ہیں ہم اپنا تعلق بڑھانا چاہتے ہیں - افریقہ کے لوگوں کے ساتھ - اب تک ان کے لئے ایک ہی ذریعہ تھا یورپ اور امریکہ جانے کا - جب ہماری طرف سے وہاں راجہ مہاراج سنگھ کا کمیشن کیا تو انہوں نے یہ سفارش کی کہ افریقہ والے چاہتے ہیں کہ وہ ہندوستان میں پڑھنے کے لئے ایٹس اس پر خط و کتابت کی گئی اور External Affairs منسٹری نے Education منسٹری سے چند وظائف دینے کے لئے سفارش کی - انہوں نے یہ بات منظور کی اور یہ وظائف وہاں کے طلباء کو دئے گئے -

**The Honourable Pandit Jawaharlal Nehru:** In fact this matter related to the Ministry of External Affairs. They recommended to the Ministry of Education that such scholarships should be awarded to students from abroad.

Arrangements similar to those under which these scholarships have been granted to students from East Africa and Africa cannot be made for our students there, because there are no Colleges or Universities. We want to develop our relations with the people of Africa. Uptil now there was only one course for them and that was going to Europe and America. When our Commission under the Leadership of Raja Maharaj Singh went there, they recommended that the people in Africa desire that they should come over to India for studies. On this correspondence was exchanged and the External Affairs Ministry recommended to the Ministry of Education for the grant of few scholarships. They accepted their recommendation and these scholarships were granted to the students from that country.

**Prof. N. G. Ranga:** Sir, in view of the fact that this grant has been universally hailed by all the leaders of the East African Associations and Organisations, will Government consider the advisability of increasing the number of scholars who will be welcome to come over to this country during the next year?

**Mr. Speaker:** That has been already answered.

**Prof. N. G. Ranga:** But, Sir, in view of the fact that it was really initiated by the External Affairs Department as a matter of improvement of cultural relations, I would like to make the suggestion to the Honourable Prime Minister himself.

**Mr. Speaker:** Then, the Honourable Member must put further supplementaries by putting a separate question to the Honourable the Prime Minister.

#### SCHEDULED CASTE SCHOLARS SENT ABROAD

543. \***Prof. N. G. Ranga:** Will the Honourable Minister of Education be pleased to state:

(a) whether Dr. Ambedkar's scheme of devoting Rs. 1 lakhs per annum for sending scheduled caste scholars to other countries for advanced studies is still being pursued;

(b) if so, how many scholars have so far been sent out since the Scheme was given effect to, year by year, and to what countries; and

(c) whether an Advisory Council or any advisers have been appointed anew after the 15th August, 1947 and if so, who are the advisers?

آنریبل موقتا اہوالکلام آزاد: (الف) ۱۹۴۳ء میں حکومت ہند نے تین لاکھ روپے سالانہ

پانچ سال کے لئے Scheduled castes طلباء کو ۱۹۴۳-۴۵ء میں ہندوستان اور ہندوستان سے باہر تعلیم حاصل کرنے کے لئے وٹایف کے طور پر دئے جانے منظور کئے۔ اس پر اب بھی عمل درآمد ہو رہا ہے۔ لیکن ۱۹۴۶-۴۷ وٹایف صرف ہندوستان میں ہی تعلیم حاصل کرنے کے لئے دئے جانے مقصود ہیں۔ اسلئے Scheduled castes طلباء کو Generaloverseas scholarships scheme سے ہی وٹایف دئے جائینگے۔

(ب) ۱۹۴۵ - ۴۶ میں سنلدر پار کے ۱۲ وٹایف اس سکیم کے ماتحت منظور ہوئے تھے۔ ان میں سے ۱۹ طلباء کو U.K.، دو کو کینیڈا اور ایک کو U.S.A. بھیج دیا گیا تھا۔

(ج) سنہ ۱۹۴۳-۴۵ میں حکومت ہند نے Scheduled Caste Scholarship Board مقرر کیا تاکہ وہ حکومت کو Scheduled caste طلباء کو وٹایف دئے جانے میں مشورہ دے۔ یہ بورڈ اپریل ۱۹۴۷ء میں دوبارہ مقرر ہوا۔ اس کے ممبران یہ ہیں۔

1. Sir Maurice Gwyer.
2. Educational Adviser to the Government of India.
3. A representative of the Ministry of Finance.
4. The Honourable Rameshwar Agnibhoj.
5. Minister for Agriculture, C. P. & Berar.
6. Mr. Ramananda Das, Calcutta.

**The Honourable Maulana Abul Kalam Azad:** (a) In 1944, the Govt. of India sanctioned a grant of Rs. 3 lakhs per annum for a period of 5 years with effect from 1944-45 for scholarships to scheduled caste students for studies in India and abroad. The scheme is still being pursued but since 1946-47 it is confined to scholarships to studies in India. Overseas Scholarships to scheduled caste students are, however, awarded to them under the General Overseas Scholarships Scheme of the Government of India.

(b) 22 Overseas Scholarships were sanctioned under the scheme during the year 1945-46. Of these 19 scholars were sent to the United Kingdom, 2 to Canada and 1 to the United States of America.

(c) The Scheduled Caste Scholarship Board appointed in 1944-45 to advise the Government of India for the award of these scholarships was reconstituted in April, 1947. The Board now consists of (1) Sir Maurice Gwyer, Chairman, (2) Educational Adviser to the Govt. of India, (3) A representative of the Ministry of Finance, (4) The Honourable Rameshwar Agnibhoj, (5) Minister for Agriculture, C.P. & Berar, (6) Mr. Ramananda Das, Calcutta.

**Shri S. Nagappa:** Sir, is there any likelihood of these Rs. 4 lakhs being increased?

آنریبل مولانا ابولکلام آزاد : حکومت ہمیشہ اس کو بڑھانے پر غور کرنے کے لئے تیار ہے لیکن اسوقت یہ سکیم چار برس سے چل رہا ہے - اور ایک برس میں یہ ختم ہوگا اور اس کے بعد اس پر غور کیا جائیگا -

**The Honourable Maulana Abul Kalam Azad:** The Government are always prepared to consider over its increase. But at present this scheme is in force for the last four years, and it will be over within a year. After this the matter will be considered.

**Shri S. Nagappa:** Have Government been giving due representation to all provinces from which there are no members on the selection committee?

آنریبل مولانا ابولکلام آزاد : اس کی بہت کوشش کی جاتی ہے - کہ ہر ایک کو ریپریزنٹیشن دی جائے خواہ کمیٹی میں وہاں سے ممبر ہوں یا نہ ہوں -

**The Honourable Maulana Abul Kalam Azad:** Endeavours are always made that every Province should be given representation irrespective of the fact whether there are members on the Committee or not.

**श्री० राजकृष्ण बोस:** क्या वजीर साहब बता सकते हैं कि इस तरह का कोई सुभीता Scheduled Castes के लिये है वैसा आदिवासियों को देने के लिये इसजैसा साल कोई provision किया गया है ?

**Shri Raj Krishna Bose:** Will the Honourable Minister please state whether any provision for such facilities similar to those granted to the Scheduled Castes has been made during this year for the Adibasiyas as well?

آنریبل مولانا ابوالکلام آزاد : خاص اسی طرح کی کوئی سہولیت نہیں ہے -

**The Honourable Maulana Abul Kalam Azad:** There are no special facilities like this.

श्री० शिवनलाल सक्सेना कितने विद्यार्थी इस स्कीम के मातहत पढ़ने गए हैं ?

**Shri Shibban Lal Saksena:** How many students have gone out for studies under this scheme?

آنریبل مولانا ابوالکلام آزاد : ابھی میں نے آپ کو بتلایا کہ ۲۲ طلبہ کو سکالرشپ دیکر

باہر بھیج دیا گیا ہے اُنہیں سے ۱۹ U. K. دو کنبدا اور ایک U. S. A.

**The Honourable Maulana Abul Kalam Azad:** I have just now stated that 22 students have been granted scholarships and sent abroad. Out of these 19 have been sent to U. K., two to Canada and one to U.S.A.

**Shri S. Nagappa:** Have the students sent in the first batch returned? If so, what are they doing?

آنریبل مولانا ابوالکلام آزاد : اسکے لئے نوٹس چاہئے -

**The Honourable Maulana Abul Kalam Azad:** I would like to have a notice for this.

#### WELFARE INSTITUTIONS FOR MILITARY AND ANGLO INDIAN CHILDREN

544. \***Shri V. I. Munishwami Pillai:** (a) Will the Honourable Minister of Defence be pleased to state the names of the institutions that are aided for the welfare of the Military and Anglo-Indian children in the various provinces?

(b) What are the amounts, by way of subsidies and otherwise, given to the institutions?

(c) Is the Lawrence Memorial Royal Military School, Lovedale, Nilgiris, maintained under this scheme?

(d) What is the annual aid given to this institution and who has the control of the same?

(e) Are Indian pupils admitted in these institutions as boarders and day scholars?

**The Honourable Sardar Baldev Singh:** (a) and (b). I lay a statement on the table of the House.

(c) Yes.

(d) The annual grant-in-aid towards the Lawrence Memorial Royal Military School is not fixed and is dependent on the number of the entitled children studying there. During the financial year 1946-47 Government have given as grant-in-aid Rs. 1,57,000.

The School is controlled by a Board of Trustees.

(e) Yes.

#### Statement

(a) The following are the Educational establishments which are aided by the Government of India for the benefit of the children of Indian Sailors, Soldiers and Airmen including the Anglo-Indians:

(1) Prince of Wales Royal Indian Military College, DEHRA DUN.

(2) King George's Royal Indian Military College, JULLUNDUR.

- (3) King George's Royal Indian Military College, AJMER.
- (4) King George VI's Royal Indian Military College, BELGAUM.
- (5) King George VI's Royal Indian Military College, BANGALORE.
- (6) The Lawrence Royal Military School, SANAWAR.
- (7) The Lawrence Military School, ABU.
- (8) The Lawrence Memorial Royal Military School, LOVEDALE.

(b) The following are the contributions made by the Government of India for the financial year 1947-48 :—

- (1) Prince of Wales Royal Indian Military College, DEHRA DUN. Rs. 1,87,000.
- (2) King George's Royal Indian Military College, JULLUNDUR. Rs. 31,000.
- (3) King George's Royal Indian Military College, AJMER. Rs. 56,000.
- (4) King George VI's Royal Indian Military College, BELGAUM. Rs. 62,000.
- (5) King George VI's Royal Indian Military College, BANGALORE. Rs. 59,000.
- (6) The Lawrence Royal Military School, SANAWAR. Rs. 2,70,000.
- (7) The Lawrence Military School, MOUNT ABU. Rs. 18,000.
- (8) The Lawrence Memorial Royal Military School, LOVEDALE. Rs. 1,57,000.

#### EDUCATION OF SCHEDULED CASTES

1545. \*Shri V. I. Munishwami Pillai: (a) Will the Honourable Minister of Education be pleased to state the amounts spent on education of the Scheduled Castes during the years 1945, 1946 and 1947?

(b) How many students were sent to foreign countries during the past three years and from which provinces they were drawn and the subjects in which they were trained?

(c) Who are the members of the Committee that selects these students for study abroad?

**The Honourable Maulana Abul Kalam Azad:** (a) The amount spent on education of the Schedule Castes by the Central Government is as follows:—

1944-45	Rs. 47,697
1945-46	Rs. 2,28,097
1946-47	Rs. 5,35,939

(b) 27 students were sent abroad for higher studies in the year 1945 and 4 in the year 1946. No student was sent abroad in the year 1944. Further information required in the question regarding the candidates is given in the statement laid on the table of the House.

(c) (i) The members of the reconstituted Scheduled Caste Scholarship Board are: (1) Sir Maurice Gwyer, Vice-Chancellor, Delhi University, Delhi, (Chairman), (2) Educational Adviser to the Government of India, (3) Joint Secretary to the Government of India in the Ministry of Finance, (4) Rai Bahadur N. Siva Raj, (5) Professor N. N. Godbole, Benares Hindu University.

(ii) Members of the reconstituted Selection Board for Government of India Overseas Scholarships Scheme, 1947-48 are: (1) Sir B. N. Rau, (Chairman), (2) Sir John Sargent, (3) Sir K. S. Krishnan, (4) K. B. Mian Abdul Aziz, (5) Mr. Ashfaq Husain, Educational Adviser to the Government of India (Secretary).



Statement showing the number of scheduled castes students sent to Foreign countries, their Provinces and subject of study

Serial No.	Name of province from which drawn	Total number of students sent abroad	Subject of study with respective number of students	Country to which sent
1945				
1	Assam	1	Teachers training . . . . .	1 U.K.
2	Bengal	7	Teachers training . . . . .	2 U.K.
			Technology . . . . .	1 U.K.
			Engineering . . . . .	1 U.K.
			Veterinary . . . . .	1 Canada.
			Radio Engineering . . . . .	1 U.K.
			Industrial & Applied Chemistry . . . . .	1 U.K.
3	Bombay	7	Teachers Training . . . . .	6 U.K.
			Social study . . . . .	1 U.K.
4	C. P. & Berar	4	Agriculture . . . . .	2 U.K.
			Teachers training . . . . .	1 U.K.
			Mechanical Engineering . . . . .	1 U.K.
5	Madras	3	Engineering — . . . . .	1 Canada.
			Domestic Science . . . . .	1 U.K.
			Plastics . . . . .	1 U.K.
6	Mysore	1	Meteorology . . . . .	1 U.K.
7	Orissa	1	Agriculture . . . . .	1 U.K.
8	Punjab	2	Teachers Training . . . . .	2 U.K.
			Engineering . . . . .	1 U.S.A.
TOTAL		27		
1946				
1	Bengal	3	Lequefaction of coal . . . . .	1 U.K.
			Education General . . . . .	1 U.S.A.
			Osamics . . . . .	1 U.K.
2	Madras	1	Public Health Engg. . . . .	1 Canada.
TOTAL		4		

#### MANUFACTURE OF AGRICULTURAL MACHINERY

546. \*Seth Govinddas: Will the Honourable Minister of Defence please state whether Government have examined or propose to examine the possibility of manufacturing agricultural and other machinery in the Gun Carriage Factory, Jubbulpore? If not, why not?

The Honourable Sardar Baldev Singh: The Gun Carriage Factory, Jubbulpore, is already engaged in civil production including manufacture of road rollers and components of ploughs.

Seth Govinddas: Is the Honourable Minister aware that there still is a good deal of machinery in that factory which are not used and may be used for still greater production?

The Honourable Sardar Baldev Singh: That is true

Seth Govinddas: Then why is not all that being used for manufacturing all this machinery?

**The Honourable Sardar Baldev Singh:** This factory was under the control of the Joint Defence Council. It has passed to our control from 1st December and steps are being taken to explore the possibilities.

**Pandit Lakshmi Kanta Maitra:** How many road rollers have so far been produced in this Ordnance factory?

**The Honourable Sardar Baldev Singh:** I have not got that information; if the Honourable Member will give me notice I will get it.

**Pandit Lakshmi Kanta Maitra:** Has the actual manufacture started or is it in contemplation to start it in the immediate future?

**The Honourable Sardar Baldev Singh:** The manufacture is in hand at present.

**Shri Shibban Lal Saksena:** Are there any Europeans in charge of this factory?

**The Honourable Sardar Baldev Singh:** I cannot say off-hand, but there are a number of European officers employed in all the Ordnance factories.

**Seth Govinddas:** Will Government see that no more Europeans are employed in this Gun Carriage Factory because more experts are available among Indians now?

**The Honourable Sardar Baldev Singh:** Government's policy is to give preference to Indians. If they are not available for certain jobs, then only are foreigners employed.

**Shri Shibban Lal Saksena:** Are Government aware that in many Ordnance factories Europeans have been responsible for destroying and smuggling out some of our finest machines for the manufacture of arms?

**The Honourable Sardar Baldev Singh:** I have heard rumours, and if any specific case is brought to our notice we will investigate it.

**Pandit Lakshmi Kanta Maitra:** May I know if the steam rollers referred to are mainly for use by the Defence Department or are they also intended for civilian use? If so, may I know the plan and programme of Government with regard to the manufacture of such rollers?

**The Honourable Sardar Baldev Singh:** The steam rollers are not for the use of the Defence Department; they are meant for civilian use.

**Seth Govinddas:** Is the Honourable Minister aware that recently there have been thefts in the Jubbulpore factory for which the European officers there are largely responsible?

**The Honourable Sardar Baldev Singh:** I have no information.

**Seth Govinddas:** Will the Honourable Minister make inquiries into this because it is a serious matter that occurred in Jubbulpore?

**The Honourable Sardar Baldev Singh:** Some reports were received about theft, not from the Jubbulpore Ordnance Factory but from the Ordnance Depot, which is an entirely different thing.

**Shri Sures Chandra Majumdar:** May I know what are the precise kinds of work that are being done in the Cossipore Gun and Shell Factory and Ishapore Rifle Factory in Bengal at present?

**The Honourable Sardar Baldev Singh:** I cannot answer without notice.

#### RESEARCH IN INDIA'S HISTORY, POLITICAL THOUGHT AND PHILOSOPHY

547. \***Seth Govinddas:** Will the Honourable Minister of Education please state:

(a) whether Government have any scheme to promote and aid research in Indian History, Indian Political thought and Indian Philosophy; and

(b) if not, whether Government propose to consider the advisability of appointing committees of experts to go into the question of research in these subjects and to make recommendations to Government?

آنریبل مولانا ابولکلام آزاد : (ا) انڈین ہسٹوریکل ریکارڈ کمیشن کو سنہ ۱۹۴۱ میں اس فرض کے لئے reorganise کیا گیا ہے تاکہ ہندوستان کی ہسٹری research کو بڑھا دیا جائے۔ گورنمنٹ آف انڈیا کسی ایسی research کا اجرا نہیں کرتی جس سے کہ Indian Political Thought اور Indian philosophy کو ترقی ہو۔ بہرحال وہ ایسی سکیموں پر ہمدردانہ فور کریگی جو کہ اس ضمن میں انڈین یونیورسٹیاں اور Research Institutes ہمیں کریں۔ جن سے کہ وہ تعلق نہتے ہوں۔ (ب) جو حالات اس بارے میں جواب کے پہلے حصہ میں بیان کئے گئے ہیں ان کے ماتحت حکومت کسی کمیٹی کو مقرر نہیں کریگی۔

**The Honourable Maulana Abul Kalam Azad:** (a) The Indian Historical Records Commission has been reorganised in 1941 with a view to stimulating and promoting research in Indian History. The Government of India are not initiating any scheme which will promote research in Indian Political Thought and Indian Philosophy. They will, however, consider sympathetically any scheme of research on the subjects submitted to them through Indian Universities and Research Institutes with which they are concerned.

(b) In the circumstances stated above, Government do not propose to appoint any committee in this connection at this stage.

#### RECONSTITUTION OF COMMITTEE ON INDIGENOUS SYSTEM OF MEDICINE

**548. \*Seth Govinddas:** Will the Honourable Minister of Health please state:

(a) whether Government propose to reconstitute the committee on Indigenous systems of Medicine in view of the fact that there is only one *vaidya* and seven Allopathic doctors on the committee and that some of the members are now nationals of Pakistan;

(b) whether Government now propose to appoint on the new committee a greater number of *vaidyas* and *hakims*, as the work of the committee relates to the Indian systems of medicine;

(c) whether the All-India Ayurvedic Congress, the representative organisation of the *vaidyas* of the country, was consulted at any stage before the appointment of members of the Committee;

(d) whether the Provincial Governments were advised to consult the provincial branches of the All-India Ayurvedic Congress, before suggesting to the Government of India, names of *vaidyas* to be appointed as members of the Committee; and

(e) whether Government propose to have representatives of the Central legislature on this Committee?

**The Honourable Rajkumari Amrit Kaur:** (a) and (b). The attention of the Honourable Member is invited to the reply given to clause (b) of Starred Question No. 74 by Dr. V. Subrahmanyam on the 19th November 1947.

(c) The attention of the Honourable Member is invited to the reply given to clause (c) of Starred Question No. 85 by Shri R. V. Dhulekar on the 19th November 1947.

(d) No. It was left to the discretion of Provincial Governments.

(e) No.

**Seth Govinddas:** Is the Honourable Minister aware that in the matter of representation of *Vaids* there is country-wide dissatisfaction at the appointments that have been made? Will the Honourable Minister reconsider this question and allow this Committee to coopt certain *Vaids* who are accredited representatives of various Ayurvedic institutions?

**The Honourable Rajkumari Amrit Kaur:** There have been representations to Government that the *Vaids* that were put on this Committee were not representative. As a matter of fact the provincial Governments were asked to nominate the *Vaids* that were to serve on the Committee, and they had full discretion in doing so; and they maintained that they were representative. In addition the Committee was asked whenever it went to the provinces to coopt *Vaids*. This has been done and evidence has been taken from these *Vaids*.

**Seth Govinddas:** The question of their representation when the Committee goes to the provinces is different. My question is this: In the present circumstances will the Honourable Minister consider the question of coopting some more *Vaids* on the Committee itself?

**The Honourable Rajkumari Amrit Kaur:** Government cannot do that because the report is practically ready and will be in our hands very soon.

**Mr. Tajamul Husain:** Do Government propose to have Homoeopaths as members of the Committee?

**The Honourable Rajkumari Amrit Kaur:** No, Sir.

**Mr. Tajamul Husain:** In view of the fact that it is a cheap system and the country is poor. . . . .

**Mr. Speaker:** Order, order; that is a matter of argument. The reply is that Government will not do so.

**Mr. Tajamul Husain:** May I know why?

**Mr. Speaker:** That will lead to an argument. Next question.

#### GRANTS-IN-AID TO THE DELHI UNIVERSITY

549. \***Shri Deshbandhu Gupta:** Will the Honourable Minister of Education be pleased to state:

(a) the amounts of Grants-in-aid made to the Delhi University during each of the last five years; and

(b) whether any of these grants were earmarked for specific purposes, and if so, what are they?

آنریبل مولانا ابوالکلام آزاد : (a) اور (b) : ایک سٹیٹمنٹ ہاؤس کے فیصل پر

رکھ دیا گیا ہے ۔

**The Honourable Maulana Abul Kalam Azad:** (a) and (b). A statement is laid on the table of the House.

## STATEMENT

Year	Recurring Grant	Non-recurring Grant	Remarks
1943-43	1,75,000	1,00,000	Recurring 1,75,000—Normal Grant. Non-Recurring 1,00,000 : 50,000 Conversion of stables into Lodging House. 15,000 Improvement of Prince's Pavillion. 10,000 Equipment for Science Laboratories. 10,000 Improvement of Playing Fields. 15,000 Women's Hostel.
1943-44	2,45,000	3,00,000	2,45,000—Normal Recurring Grant. 3,00,000—Non-Recurring grant for the construction of the Lodging House.
1944-45	2,95,000	50,000	2,95,000—Normal Recurring Grant. 50,000—Non-Recurring Grant for general Administration.
1945-46	2,95,000	2,50,000	2,95,000—Normal Recurring Grant. 50,000—Non-Recurring grant for General Administration.
		2,00,000 (Loan)	2,00,000—Non-Recurring } Construction of Science 2,00,000 Loan } Laboratories, Women's } Hostel and residential } accommodation for Profes- } sors and Readers.
1946-47	5,45,000	18,45,000	5,45,000 Recurring— 2,95,000—Normal Recurring grant. 20,000—Recurring Grant for University Administration. 10,000—Recurring Grant for the Department of Russian Language. 25,000—Recurring Grant for the Department of Anthropology. 1,95,000—Advance of Recurring grant of Rs. 3,64,000 in a full financial year for the University on the basis of the Recommendation of the Universities Grant Committee for:— (i) Appointment of New Professors, Readers and Lecturers. (ii) Maintenance of Science Laboratories. (iii) Starting of All India Scholarship Schemes. (iv) Exhibition of Science Students. (v) Starting of the Vice Chancellor's Fund. (vi) Study Leave. (vii) Appointment of Administrative Staff. (viii) Maintenance of Buildings and Gardens. (ix) Contingencies. (x) Revision of scales of salaries. (xi) Women's College. 18,45,000 Non-Recurring— 50,000 for General Administration. 25,000 Construction of the Russian Language Departments building. 70,000 Construction of the building for the Department of Anthropology. 17,00,000 Advance of Non-Recurring Grant of Rs. 44,91,729 for the construction of : (a) Arts Faculty Building. (b) Biology Block. (c) University Hall. (d) Miranda House. (e) Residential Quarters. (f) Equipment of Laboratory and the Library. (g) Laying out of the Playing Fields.

شری دیس بندھو گھتا : کیا آنریبل منسٹر یہ بتانے کی تکلیف گوارا فرمائیں گے کہ جس مقصد کے لئے یہ گرانٹ منظور ہوئی تھی وہ اسی پر استعمال کی گئی -

**Shri Deshbandhu Gupta:** Will the Honourable Minister please state whether this grant has been utilized for the specific purpose for which it was sanctioned?

آنریبل مولانا ابوالکلام آزاد : یہ آپ کا ایک الگ سوال ہے - اور جو اس وقت موجودہ یونیورسٹیاں قائم کی گئی ہیں ان پر یہ خرچ کیا جاتا ہے -

**The Honourable Maulana Abul Kalam Azad:** This is a separate question. This expenditure is incurred on Universities which exist at present.

شری دیس بندھو گھتا : میں نے اپنے سوال کے ضمن (ب) میں یہ پوچھا تھا - "whether any of these grants were earmarked for specific purposes, and if so, what are they."

**Shri Deshbandhu Gupta:** I had enquired this in portion (b) of my question: "whether any of these grants were earmarked for specific purposes, and if so, what are they?"

آنریبل مولانا ابوالکلام آزاد : آپ کو سٹیٹمنٹ سے معلوم ہو چاہیگا کہ یہ گرانٹ جس مقصد کے لئے منظور کئے گئے ہیں اسی پر ہی استعمال کئے گئے ہیں -

**The Honourable Maulana Abul Kalam Azad:** You will find from the statement that these grants have been utilized for the specific purpose for which these were sanctioned.

شری دیس بندھو گھتا : کیا آنریبل منسٹر کو اطمینان ہے کہ وہ اسی مقصد پر خرچ کئے گئے ہیں -

**Shri Deshbandhu Gupta:** Is the Honourable Minister satisfied that these have been spent for the specific purposes.

آنریبل مولانا ابوالکلام آزاد : اطمینان نہ ہونے کی کوئی وجہ نہیں ہے - یہ جس مقصد کے لئے منظور ہوئے ہیں اسی پر خرچ بھی کئے جاتے ہیں -

**The Honourable Maulana Abul Kalam Azad:** There is no reason for not being satisfied. These are also spent for the specific purposes for which these are sanctioned.

شری دیس بندھو گھتا : کیا آنریبل منسٹر اس بارے میں تحقیقات کرنے کی تکلیف کریں گے -

**Shri Deshbandhu Gupta:** Will the Honourable Minister kindly make an enquiry into the matter?

آنریبل مولانا ابوالکلام آزاد : بہر حال اگر آنریبل ممبر کا ایسا ہی خیال ہو تو تحقیقات کی جائیگی -

**The Honourable Maulana Abul Kalam Azad:** In any case if the Honourable Member thinks like this, an enquiry will be made.

#### COMPULSORY MILITARY TRAINING TO YOUNGMEN

560. \*Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Defence be pleased to state whether it is a fact that a few weeks ago the Minister of Defence stated publicly that a scheme had been prepared for introducing compulsory Military training to young men in the country?

(b) If so, what are the details of the scheme?

**The Honourable Sardar Baldev Singh:** (a) The Honourable Member is presumably referring to the observations made in the course of my address at the passing out parade of the cadets of the Elementary Flying Training School at Jodhpur, on the 28th June 1947. What I then said was that we had a scheme in view under which every young man in the country will receive military training in the Navy, Army or the Air Force if he so desires.

(b) I would refer the Honourable Member to the discussion on Dr. Pattabhi Sitaramayya's Resolution moved in this House on the 27th November 1947.

**Pandit Hirday Nath Kunzru:** Is my honourable friend aware that he was not correctly reported in the papers?

**The Honourable Sardar Baldev Singh:** The correct report is what I have read out just now.

**Pandit Hirday Nath Kunzru:** I want to know the position because the Honourable Member did not take the trouble to correct the report in the papers.

**The Honourable Sardar Baldev Singh:** The correct report that I have got before me makes the position absolutely clear, and I have stated it here.

**Pandit Lakshmi Kanta Maitra:** It makes it clear now in this House!

**Pandit Hirday Nath Kunzru:** Can the Honourable Member give us the details of the scheme according to which every young man who wants to be trained in the Army, Navy or Air Force can get the requisite training?

**The Honourable Sardar Baldev Singh:** The Honourable Member knows that one of the schemes is that recommended in the Cadet Corps Committee Report.

**Pandit Hirday Nath Kunzru:** But that is not for every young man. Surely as the Honourable Minister knows. . . .

**Mr. Speaker:** Any further supplementaries? No, -Then next question.

#### DIRECTORATE FOR REMOUNTS AND VETERINARY SERVICES

551. **\*Pandit Hirday Nath Kunzru:** (a) Will the Honourable Minister of Defence be pleased to state whether it is a fact that the Army authorities have laid down that the Director of Remounts and Veterinary Services should be a Veterinary Doctor?

(b) If the answer to part (a) above be in the affirmative, is it a fact that in spite of this, Government propose to appoint a Remounts Officer as Director of Remounts and Veterinary Services?

(c) Are Government aware that senior Indian Veterinary Doctors are available?

(d) If so, why is it proposed to pass them over?

**The Honourable Sardar Baldev Singh:** (a) Yes, but the Army Instruction was issued before partition and before the policy of nationalisation was decided.

(b) Yes, a Remounts Officer has been appointed as Director of Remounts and Veterinary Services.

(c) No. The length of service of the most senior Veterinary Officer is barely 12 years, and therefore no Veterinary Officer of the requisite seniority to hold the appointment of Director of Remounts and Veterinary Services is available.

(d) For a combined Corps which now includes also the Farms Department it is undesirable to reserve the appointment of the Head of the Corps for one of the Services included in the Corps.

**Pandit Hirday Nath Kunzru:** Is the Defence Minister aware that the Army Instruction to which I have drawn attention was received after the amalgamation of the Remounts Department with the Veterinary Corps?

**The Honourable Sardar Baldev Singh:** I would refer the Honourable Member to my reply given in part (a) of the question where I have said the Army Instruction was issued before partition and before the policy of nationalization was decided upon.

**Pandit Hirday Nath Kunzru:** Does the fact that the Government has adopted the policy of nationalization alter the need for having a technical man at the head of a technical department?

**The Honourable Sardar Baldev Singh:** I will again refer the Honourable Member to my reply to (d) of the question wherein I have stated that this department does not relate only to veterinary services but also includes two other departments.

**Pandit Hirday Nath Kunzru:** The affairs relating to the Veterinary Department form the major part of the questions that have to be discussed by the combined department.

**The Honourable Sardar Baldev Singh:** It is difficult for me to say whether the Veterinary Department is the major part but I think the other two departments combined are also equally as big, and this decision was taken on the recommendations of the Armed Forces Reconstitution Committee.

**Diwan Ohaman Lall:** Is it a fact that there are hardly any Indian veterinary doctors—not more than 20?

**The Honourable Sardar Baldev Singh:** That is my information.

**Diwan Ohaman Lall:** Has my honourable friend made an enquiry from East Punjab?

**The Honourable Sardar Baldev Singh:** Whatever has been stated here is after enquiries have been made.

**Diwan Ohaman Lall:** Is it a fact that a Dr. Garawala is a member of the Veterinary Service with more than 30 years service?

**The Honourable Sardar Baldev Singh:** He is on the civil side. I am referring to the military side.

**Pandit Hirday Nath Kunzru:** Did the Armed Forces Nationalization Committee refer to this or to the Reconstitution Committee?

**The Honourable Sardar Baldev Singh:** I am referring to the recommendations made by the Armed Forces Reconstitution Committee.

**Diwan Ohaman Lall:** Is it a fact that it was not confined only to officers of the Army?

**The Honourable Sardar Baldev Singh:** It is to be confined to officers of the Army.

**Pandit Hirday Nath Kunzru:** Did the Committee recommend that a non-technical man should be appointed as the head of the combined department?

**The Honourable Sardar Baldev Singh:** The recommendation of the Committee is that it should not be only from the veterinary service.

#### TRUCKS AND TROOPS FOR M. E. O. LAHORE

**552. \*Pandit Hirday Nath Kunzru:** Will the Honourable Minister of Defence be pleased to state the number of trucks and troops placed at the disposal of the Military Evacuation Officer, Lahore?

**The Honourable Sardar Baldev Singh:** Trucks 1,027. Troops, approximately 6,000.



## USE OF PYRETHRUM AS A DISINFECTANT

553. \*Shri V. I. Munishwami Pillai: Will the Honourable Minister of Health be pleased to state:

(a) whether Government are aware that during the last war Madras Province was supplying large quantities of Pyrethrum to the Military and to other Provinces;

(b) whether it is fact that another composition known as DDT has been introduced in the market with the result that the value of and demand for Pyrethrum has been reduced;

(c) whether Government are aware that the DDT not only kills the plant pests but also the plant itself thereby arresting pollination;

(d) the names of the provinces that are in need of pyrethrum; and

(e) whether Government propose to approach the various provinces to encourage pyrethrum in all their disinfectant processes.

**The Honourable Rajkumari Amrit Kaur:** (a) Yes.

(b) It is a fact that a synthetic insecticide called D.D.T. has been introduced in the market. There is nothing to show that it has affected the demand for Pyrethrum as a mixture containing it and D.D.T. is being largely used for disinfecting purposes.

(c) It is understood that there is no record of damage to foliage caused by DDT unless used dissolved in Kerosine oil. Dusts containing synthetic insecticides like DDT are some times used for plant protection. A great deal of experimental work is necessary to determine the extent of damage if any to plant life through adverse effects on pollination.

(d) There is demand from all Provinces.

(e) It is not considered necessary for the Government of India to suggest to Provinces the use of any particular insecticide. It can be left to Provinces to use the best type of insecticide that circumstances may require.

## FREEZING OF BANK ASSETS BY PAKISTAN GOVERNMENT

554. \*Shri T. T. Krishnamachari: (a) Will the Honourable Minister of Finance be pleased to state whether the attention of Government has been drawn to press reports stating that the Government of Pakistan and particularly of the West Punjab, propose to freeze all assets of Banks including fixed and demand deposits?

(b) If so, are such reports authentic?

(c) Is not such action of the Government of Pakistan contrary to the monetary arrangement arrived at between the Governments of India and Pakistan?

(d) If so, have Government taken up the matter with the Government of Pakistan and with what result?

**The Honourable Shri E. K. Shanmukham Chetty:** (a), (b), (c) and (d). Presumably the Honourable Member has in mind the Ordinance issued by the West Punjab Government on the 8rd September 1947 which, among other things empowered that Government to prohibit banks from removing their assets, including fixed and demand deposits without its written permission. As was explained in the Press Communique dated the 9th September 1947, that Ordinance was withdrawn on representation from Government of India.

**Prof. N. G. Ranga:** Is there any truth in the news in the press recently that the safe deposit vaults have been opened by the Pakistan Government without the consent of the Government of India?

**The Honourable Shri E. K. Shanmukham Chetty:** No, Sir. I have not heard anything like that.

\* Answer to this question laid on the table, the questioner being absent.

**Prof. N. G. Ranga:** What is the latest position in regard to that? The Honourable Minister made a statement some time ago?

**Mr. Speaker:** Does that question arise out of this?

**The Honourable Shri R. K. Shanmukham Chetty:** I do not think the question arises out of this.

**Prof. N. G. Ranga:** Does it not arise out of the monetary arrangements that the Government of India have made with the Pakistan Government?

**Mr. Speaker:** If that test is taken, everything will arise out of this!

**REPORT REGARDING WORKING OF MUNICIPAL COMMITTEES IN DELHI PROVINCE**

**555. \*Mr. R. K. Sidhwa:** (a) Will the Honourable Minister of Health be pleased to state the result of the special committee appointed to report on the working of the various Municipal Committees in Delhi?

(b) Have the Committee submitted their report?

(c) If not, what are the causes of the delay?

(d) Is it proposed to postpone the work of the committee in view of the move to make Delhi a separate province?

(e) If not, when is the report likely to be presented to Government?

**The Honourable Rajkumari Amrit Kaur:** (a) and (b). Government have not yet received the Report of the Delhi Municipal Organisation Enquiry Committee.

(c) The Committee required time to consider the points referred to them.

(d) No.

(e) The report is expected this month.

**Mr. R. K. Sidhwa:** May I know when the recommendations are sent by the Committee that the Government will see that those recommendations are considered immediately and a Bill to that effect brought into the next Budget Session?

**Mr. Speaker:** The recommendations have not yet been received. The question is a hypothetical one.

**Mr. R. K. Sidhwa:** Will the Government see to it that the recommendations are sent by the Committee this month positively?

**The Honourable Rajkumari Amrit Kaur:** The Government will try its best but can make no commitment.

**SELECTION OF APPLICANTS FOR ADVANCED STUDIES IN FOREIGN COUNTRIES**

**556. \*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Education be pleased to state the total number of applications received for advanced studies in Foreign Countries during the years 1945-46, 1946-47 and 1947-48?

(b) How many of them were selected?

تذریعہ مولانا ابولکلام آزاد : ۱۹۴۶ - ۱۹۴۵ء میں جو درخواستیں غیر رسالک میں  
تعلیم حاصل کرنے کے لئے موصول ہوئیں انکی تعداد ۸۸۱۲ ہے - انمیں سے ۹۶  
Scheduled caste کے امیدواروں سے تھ ۲۲ Scheduled caste  
Scholarship Scheme کو Scheduled caste Scholarship Scheme  
کو اور ۱۱ کو Govt. Of India Overseas Scholarship Scheme کے تحت دئے گئے -

۱۹۴۶ - ۴۷ء میں درخواستوں کی کل تعداد ۵۱۵۸ تھی اسمیں سے ۵۳  
Scheduled caste کے امیدواروں سے تھ ایک Scheduled caste امیدوار کو چنا گیا  
۱۹۴۷-۴۸ میں درخواستوں کی کل تعداد ۲۵۵ تھی انمیں سے ۱۹ Scheduled caste  
امیدواروں کے تھ اور دو امیدواروں کو چنا گیا -

**The Honourable Maulana Abul Kalam Azad:** (a) and (b). The total number of applications received for studies in foreign countries during 1945-46 was 8,862, out of which 96 were from Scheduled Castes candidates. 22 Scheduled Castes scholars were selected under the Scheduled Caste Scholarship Scheme and 11 under the Government of India Overseas Scholarship Scheme.

For 1946-47 the total number of applications was 5,158, out of which 54 were from Scheduled Castes candidates. 1 Scheduled Castes Scholar was selected.

In 1947-48 the total number of applications received was 2,550, out of which 19 were from Scheduled Castes candidates. 2 Scheduled Castes scholars were selected.

**Shri S. Nagappa:** As time went on why did the selection of scheduled castes members fall?

آنریبل مولانا ابولکلام آزاد : آپ نے دوسری طرف کے فرق کو نہیں دیکھا ہے۔ جو تعداد پہلے برس درخواستوں کی تھی وہ آٹھ ہزار تھی دوسری مرتبہ صرف پانچ ہزار اور تیسری مرتبہ صرف دو ہزار تھی۔ درخواستوں میں کمی ہونے کے ساتھ ساتھ اس طرف بھی کمی ہوتی رہی۔

**The Honourable Maulana Abul Kalam Azad:** You have not noticed the difference on the other side. The number of applications received in the first year was eight thousand, in the second year five thousand and in the third year two thousand only. The decrease in the number of applications synchronized with the fall in this direction also.

**Shri S. Nagappa:** In the first year you have been kind enough to select 22, in the second year 19 but in the third year only 2. Was it because that there was a dearth of applications or that a large number was rejected?

آنریبل مولانا ابولکلام آزاد : یہ تو میں نے آپ سے کہہ ہی دیا ہے کہ درخواستوں کی تعداد میں کمی کے ساتھ ساتھ اس طرف بھی کمی ہوتی رہی۔

**The Honourable Maulana Abul Kalam Azad:** This I have already told you that the fall in the number of applications was followed by a simultaneous decrease in this direction also.

**Shri S. Nagappa:** The fall from 22 to 2 is very unsatisfactory. May I know what is the total number of applications received from scheduled caste candidates yearwise?

آنریبل مولانا ابولکلام آزاد : اس کے لئے نوٹس چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** I would like to have notice for this.

**Mr. Naziruddin Ahmad:** Sir, on a point of order: The Honourable Member is addressing the members directly and not through the Chair.

**Mr. Speaker:** I think in Hindustani the word "Ap" आप is also an expression which can be used with reference to the Chair. Now that the Honourable Member has raised this question, I would invite the attention of Honourable Members on the Government Benches and also other members in the House that they should address the Chair directly.

There is one more small point also which I should like to mention to the House. While a member is addressing the Chair I find that Honourable Members cross the House between the Chair and the speaker. That is against parliamentary convention. The Honourable Members should be careful to see that they do not cross the floor of the House like that.

**Mr. Naziruddin Ahmad:** May they dive below the line?

**Mr. Speaker:** Yes, as far as possible.

**Shri V. C. Kesava Rao:** May I know how many of them completed their studies abroad and how many of them were subsequently appointed?

آنریبل مولانا ابولکلام آزاد : اس کے لئے نوٹس چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** I would like to have a notice for this.

**Shri Upendra Nath Barman:** Will the Honourable Minister kindly consider the advisability of making the Selection Board more representative of the Scheduled Castes?

آنریبل مولانا ابولکلام آزاد : موجودہ بورڈ میں کوئی خرابی نہیں پائی جاتی۔

**The Honourable Maulana Abul Kalam Azad:** No defect has been noticed in the present Board.

GRANTS-IN-AID TO EDUCATIONAL INSTITUTIONS IN CENTRALLY ADMINISTERED AREAS

**557. \*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Education be pleased to state the number of Educational Institutions and Associations in the Centrally Administered Areas that were given grants-in-aid during the years 1945-46, 1946-47 and 1947-48?

آنریبل مولانا ابولکلام آزاد : میں تعلیمی ادارے کو اور ایسوسی ایشن کو جو کہ Centrally Administered Areas میں ہیں اور جنکو کہ امداد حکومت ہند سے ۱۹۳۵-۳۶ء، ۱۹۳۶-۳۷ء اور ۱۹۳۷-۳۸ء میں مانی انکی تعداد ۷، ۱۵ اور گیارہ بالترتیب ہے۔ ان امداد میں وہ ادارے نہیں ہیں جنکو اوکل ایڈمنسٹریشن سے امداد ملی۔

**The Honourable Maulana Abul Kalam Azad:** The number of Educational Institutions and Associations in the Centrally Administered Areas that received grants direct from the Central Government in 1945-46, 1946-47 and 1947-48 were 7, 10 and 11 respectively. These figures are exclusive of the institutions in receipt of grants from the Local Administrations.

**Shri V. C. Kesava Rao:** May I know whether any other universities were given grants other than the institutions in the Centrally Administered Areas?

آنریبل مولانا ابولکلام آزاد : ان کے علاوہ کئی دوسری یونیورسٹیوں کی درخواستیں آچکی ہیں۔ لیکن یہ امداد صرف ان یونیورسٹیوں کو دی گئی جو کہ Centrally administered میں ہیں اور جو دیگر یونیورسٹیاں ہیں ان کے معاملہ پر غور کیا جا رہا ہے۔

**The Honourable Maulana Abul Kalam Azad:** Besides these many applications have been received from other Universities. But these grants were given to those Universities which are in the Centrally Administered Areas. The matter relating to other institutions is under consideration.

**Shri V. C. Kesava Rao:** Is it a fact that the Andhra University made a request for a grant?

آنریبل مولانا ابولکلام آزاد : ہاں۔ اس کے علاوہ اور بھی بہت سی یونیورسٹیوں کی درخواستیں آچکی ہیں۔

**The Honourable Maulana Abul Kalam Azad:** Yes. Besides these applications from many other Universities have also been received.

شری دیھس بلدھو گھتا : کیا مہیں پوچھ سکتا ہوں کہ جن ایسوسی ایشنز کو امداد دی جاتی ہے ان کے نام کیا مہیں ؟

**Shri Deshbandhu Gupta:** May I know the names of the institutions which are given the grant?

آنریبل مولانا ابولکلام آزاد : دہلی یونیورسٹی، لہندی لڑوں کالج اور لڑوں سکول فار گرلز۔ نیو دہلی د سوسل سروس لیگ اور بوائے سکاؤٹس ایسوسی ایشن کو امداد دی گئی ہے۔ یہ امداد ۱۹۳۵-۳۶ء میں دی گئی۔ ۱۹۳۶-۳۷ء میں انٹروپروٹیکشن بورڈ وغیرہ کو امداد دی گئی اس کے علاوہ National Institute of Science - جامعہ ملیہ - دہلی کو بھی امداد دی گئی۔ ۱۹۳۷-۳۸ء میں یونیورسٹی بورڈ کو امداد دی گئی۔ انجمن ترقی کی درخواست آئی ہے۔ اور وہ زیر غور ہے۔

**The Honourable Maulana Abul Kalam Azad:** The grant has been given to Delhi University, Lady Irwin College and Irwin Schools for Girls, New Delhi Social Service League and Boy Scouts Association. This grant was given during the year 1945-46. In the year 1946-47 the grant was given to Inter Provincial Board, etc. Besides this the grant was also given to the National Institute of Science and Jama-i-Milia, Delhi. In 1947-48, the University Board was aided. An application has been received from 'Anjuman-a-tarrakki' and it is receiving consideration.

شری دیھس بلدھو گھتا : انجمن ترقی کو کتنی امداد دی گئی ہے۔

**Shri Deshbandhu Gupta:** How much grant has been given to 'Anjuman-a-tarrakki'?

آنریبل مولانا ابولکلام آزاد : اتنی درخواست آئی ہے۔ لیکن ابھی تک کوئی امداد نہیں دی گئی۔

**The Honourable Maulana Abul Kalam Azad:** Their application has been received, but uptil now no grant has been given.

می۔ بی۔ کے۔ سیدھا : क्या ब्याच स्कॉल्ट एसोसियेशन को सरकारी ग्रांट दी जाती है ?

**Mr. B. K. Sidhwa:** Is the Boy Scouts Association given Government grant?

آنریبل مولانا ابولکلام آزاد : ہاں گرانٹ دی جاتی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Yes. The grant is given.

می۔ بی۔ کے۔ سیدھا : मेरा मतलब हिन्दुस्तान ब्याच स्कॉल्ट एसोसियेशन से है। उसको क्या सरकार की तरफ से ग्रांट मिलती है ?

**Mr. B. K. Sidhwa:** I refer to the Hindustan Boy Scouts Association. Is it in receipt of any grant from the Government?

آنریبل مولانا ابولکلام آزاد : بوائے سکاؤٹ ایسوسی ایشن کا مطلب اسی سے ہے۔ ان کو مدد دی جاتی ہے۔

**The Honourable Maulana Abul Kalam Azad:** This refers to the Boy Scouts Association. It is in receipt of the grant.

شری دیپس بندھو کہتا : کیا گورنمنٹ نے اس بات کا کوئی فیصلہ کیا ہے کہ بوائے سکاؤٹس ایسوسی ایشن اور انڈین بوائے سکاؤٹس ایسوسی ایشن کو برابر کی امداد دی جائے - انڈین بوائے سکاؤٹس ایسوسی ایشن شروع سے غیر سرکاری عاتھوں میں رہی ہے -

**Shri Doshbandhu Gupta:** Have the Government arrived at any such decision that the Boy Scouts Association and the Indian Boy Scouts Association be given equal grants. The Indian Boy Scouts Association has been in non-official hands from its very inception.

آنریبل مولانا ابولکلام آزاد : گورنمنٹ اس پر غور کر رہی ہے -

**The Honourable Maulana Abul Kalam Azad:** The Government are considering over it.

**Prof. Shibban Lal Saksena:** Is any grant given to the Indraprastha College?

آنریبل مولانا ابولکلام آزاد : یہ گرانٹ ان ہی Institutes کو دی گئی ہے جو کہ سنٹرل گورنمنٹ کے ماتحت ہیں و ان کے علاوہ کسی اور کو نہیں دی جاتی ہے -

**The Honourable Maulana Abul Kalam Azad:** This grant has been given to those Institutes only which are under the control of the Central Government. This is not given to any institute other than these.

**Shri C. M. Poonacha:** May I know whether any institution in Coorg is getting this grant?

آنریبل مولانا ابولکلام آزاد : جو ام میں نے بتائے ہیں یہ گرانٹ ان ہی Institutes کو دی گئی ہے جن کے متعلق یہ ملاحظہ ہوئی ہیں - اور کسی کو نہیں دی جاتی ہے -

**The Honourable Maulana Abul Kalam Azad:** This grant has been given to those institutes only the names of which I have stated, and for which these were sanctioned. This is not given to any one else.

شری دیپس بندھو کہتا : کیا ہندی ساہتہ سیمین کو بھی کچھ گرانٹ دی جاتی ہے -

**Shri Doshbandhu Gupta:** Is any grant given to Hindi-Sahitya Sammelan also?

آنریبل مولانا ابولکلام آزاد : گورنمنٹ اس پر غور کر رہی ہے -

**The Honourable Maulana Abul Kalam Azad:** The Government are considering over this.

مسٹر تجمل حسین : آنریبل منسٹر نے فرمایا کہ حکومت غور کر رہی ہے - میں یہ جاننا چاہتا ہوں کہ کتنے دنوں تک غور کرتی رہیگی -

**Mr. Tajamul Hussain:** The Honourable Minister has stated that the Government are considering. I want to know how long will it take to consider?

श्री राजकृष्ण बोस : आपने जितने institutions का नाम बताया उसमें कोई हिन्दी प्रचारणी सभा और नागरी प्रचारणी सभा को क्या सरकार की तरफ से कोई ग्रांट दी गयी है ?

**Shri Raj Krishna Bose:** Has any Government grant been given to 'Hindi-Pracharni-Sabha' or 'Nagri-Pracharni-Sabha' from amongst the names of the institutions stated by you?

آنریبل مولانا ابولکلام آزاد : میں نے کہدیا ہے کہ بہت سی درخواستیں آئی ہیں اور انپر غور کیا جا رہا ہے -

**The Honourable Maulana Abul Kalam Azad:** I have already stated that many applications have been received and these are under consideration.

सेठ गोविन्ददास : क्या माननीय सदस्य को यह बात मालूम है कि हिन्दी साहित्य सम्मेलन का अधिवेशन दिसम्बर की छुट्टियों में बम्बई में होने वाला है और क्या मैं जान सकता हूँ कि उसके पहिले गवर्नमेंट का इस बारे में निर्णय मालूम हो जायगा जिससे वह अपने आगे का कार्यक्रम निर्णित कर सकें।

**Seth Govind Das:** Is the Honourable Minister aware of the fact that the Annual meeting of the Hindi Sahitya Sammelan is likely to take place in Bombay during the ensuing December Holidays? And may I know if it would be possible to have the Government's decision in the matter before that time so that they may decide their future programme accordingly?

انریہل مولانا ابولکلام آزاد : اس بارے میں میں کوئی وعدہ نہیں کر سکتا۔  
کوشش کی جائیگی۔

**The Honourable Maulana Abul Kalam Azad:** I cannot make any promise in this connection. Efforts will be made.

**Prof. N. G. Ranga:** Is there any truth in the information that owing to the Aligarh University having to grant increase in salaries the Government of India have also had to increase their grant to it?

انریہل مولانا ابولکلام آزاد : گورنمنٹ آف انڈیا نے یونیورسٹی کیمپس کی سٹافس سے دہلی اور علی گڑھ یونیورسٹی کے لئے کر دی ہے۔ لیکن ابھی اسکے متعلق کوئی کارروائی نہیں کی گئی ہے۔

**The Honourable Maulana Abul Kalam Azad:** The Government of India have on the recommendations of the University Committee increased the grant to Delhi and Aligarh Universities. But uptil now no action in the matter has been taken.

**Shri S. Nagappa:** Is it necessary to give grants to these Muslim institutions even after the Muslims have left the Indian Dominion?

**Mr. Speaker:** Order, order.

#### BROADCASTING STATION AT BEZWADA

558. \***Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Information and Broadcasting be pleased to state whether Government have received any representation from the Andhras for starting a Broadcasting Station at Bezwada?

(b) If so, what action have Government taken so far?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes.

(b) Arrangements are being made to inspect suitable sites and buildings for a broadcasting station at Bezwada.

**Shri V. C. Kesava Rao:** May I know how much time Government would take to start a station at Bezwada?

**The Honourable Sardar Vallabhbhai Patel:** It is not possible to forecast the date or the approximate time. It all depends upon the reports that will come and on the report of the engineers a decision will be taken.

**Shri Mihirlal Chattopadhyaya:** What is the policy that is followed in opening new broadcasting stations?

**The Honourable Sardar Vallabhbhai Patel:** An eight-year programme has been fixed and announced in the House.

**Mr. Tajamal Husain:** Will Government be pleased to state whether they propose to have a broadcasting station at Patna in Bihar, and if so, by when?

**The Honourable Sardar Vallabhbhai Patel:** Yes. The arrangements are very nearly complete in Patna and it will soon be opened.

**Shri V. C. Kesava Rao:** Pending the starting of the Bezwada station will Government ask the All-India Radio, Madras to give some more time to Andhra broadcasts?

**The Honourable Sardar Vallabhbhai Patel:** At present certain time is given for broadcasting to Andhra from the Madras station.

**Mr. Speaker:** He wants to know whether more time will be given for Andhra pending the completion of this station.

**The Honourable Sardar Vallabhbhai Patel:** The suggestion will be taken into consideration.

**Prof. N. G. Ranga:** Has a decision been taken to have the broadcasting station at Bezwada and only the construction and other arrangements are to be made?

**The Honourable Sardar Vallabhbhai Patel:** The decision has already been taken.

[BACKING RESERVED FOR CURRENCY

55° **\*Shri S. Nagappa:** (a) Will the Honourable Minister of Finance be pleased to state the backing now reserved for the present currency?

(b) Do Government propose to increase the backing?

(c) If so, by how much and when?

(d) If not, why not?

**The Honourable Shri E. K. Shanmukham Chetty:** (a) I would refer the Honourable Member to Section 33 of the Reserve Bank of India Act which prescribes a hundred per cent backing against the note issue and also the composition of that backing.

(b), (c) and (d). Government do not consider it necessary to amend that Section and have no such proposal under contemplation.

**Prof. N. G. Ranga:** Will Government consider the desirability of amending the Reserve Bank Act which makes it possible for conserving the sterling securities in London as a necessary backing for our notes?

**The Honourable Shri E. K. Shanmukham Chetty:** I think already an amendment has been made permitting the Reserve Bank to hold these foreign reserves even in other currencies than sterling.

**Prof. N. G. Ranga:** My point is this. As at present it is possible for the Reserve Bank to go on issuing Indian currency notes as against the accumulation of sterling securities in London. When will the possibility for such right given to the Reserve Bank be abrogated?

**The Honourable Shri E. K. Shanmukham Chetty:** If Government find that the composition of our foreign exchange reserves needs any alteration, naturally they will take that into consideration.

**Prof. N. G. Ranga:** Is it not a fact that as a result of the accumulation of sterling securities in London the total amount of notes in circulation in India has gone up?

**The Honourable Shri E. K. Shanmukham Chetty:** As I mentioned at a Press Conference, the mere fact that sterling was permitted to be held as a foreign exchange currency reserve need not necessarily result in an increase in the volume of our currency. According to me, that Section under which the Reserve Bank was under an obligation to give rupees in exchange for sterling was really abused by the late Government during the war, and that is what resulted in the phenomenal increase of the currency notes under circulation.



My honourable friend may rest assured that no such abuse will be permitted by the present Government.

**Shri K. Santhanam:** May I know if there is any currency of a free country for which the currency of another country is a compulsory backing?

**The Honourable Shri R. K. Shanmukham Chetty:** There is no question of a compulsory backing. Various alternative backings have been prescribed under the Act and sterling is one of such currencies.

**Shri K. Santhanam:** May I know if it is not a fact that a certain backing must be either in gold or in sterling and therefore it is a compulsory backing in view of the fact that they have no gold?

**Mr. Speaker:** I think the Honourable Member's question itself supplies the answer. If it is 'either or', then sterling is not necessarily compulsory.

**Shri K. Santhanam:** But I was asking whether there is any free country whose currency is backed by the currency of another country.

**The Honourable Shri R. K. Shanmukham Chetty:** As an alternative backing, foreign exchange reserves are permitted.

**Shri M. Ananthasayanam Ayyangar:** May I know if only those Sections in the Reserve Bank Act which make it necessary to honour the currency have been modified and not the Sections relating to the 40 per cent compulsory backing?

**The Honourable Shri R. K. Shanmukham Chetty:** I do not have a proper recollection of the scope of that amendment.

**Shri M. Ananthasayanam Ayyangar:** Will the Honourable Minister take immediate steps to bring it into line with the other provisions and see to it that sterling is not made a compulsory backing?

**The Honourable Shri R. K. Shanmukham Chetty:** According to Section 33 of the Reserve Bank Act, of the total amount of the assets not less than two-fifths shall consist of gold coin, gold bullion, or sterling security.

#### IMPORT AND MANUFACTURE OF DRUGS AND MEDICINES

560. \***Shri S. Nagappa:** (a) Will the Honourable Minister of Health be pleased to state what percentage of drugs and medicines are imported from foreign countries out of the total quantity needed?

(b) What are the countries from which they are imported?

(c) Is there any proposal under the contemplation of Government for the manufacture of such medicines and drugs in this country?

**The Honourable Rajkumari Amrit Kaur:** (a), (b) and (c). The question should have been addressed to the Honourable Minister of Industry and Supply. It has accordingly been transferred to the list of questions for the 11th December 1947 when it will be answered by the Honourable Minister of Industry and Supply.

#### COMPENSATION TO EUROPEAN I.C.S. OFFICERS LEAVING INDIA

561. \***Shri S. Nagappa:** (a) Will the Honourable Minister of Home Affairs be pleased to state the number of the European I.C.S. Officers who have left India after the 15th August 1947?

(b) What is the total amount of compensation that has been paid to these officers?

(c) How many propose to leave India before April 1948?

(d) What will be the compensation expected to be paid to them?

(e) How do Government propose to fill up those vacancies?

**The Honourable Sardar Vallabhbhai Patel:** (a) Honourable Member's attention is invited to the reply given to starred question No. 106 on the 19th November 1947.

(b) and (d). The Government of India have accepted liability to pay compensation only in respect of such I.C.S. officers as opted to remain in service indefinitely but whose services were not required by the Government of India. In accordance with the present arrangements, such claims will be paid by the Secretary of State for Commonwealth Relations in the first instance and adjustments will be made later on. So far the Government have incurred liability to pay compensation in respect of only about 15 European I.C.S. Officers. Information about the amount of compensation paid till now to European I.C.S. officers by His Majesty's Government is not available.

(c) 11.

(e) For the time being the vacancies have been filled by promotion of officers belonging to the Provincial Civil Services, and the Central Services and in some cases by recruitment from the open market. Government have under consideration the formation of an Emergency Cadre of the Indian Administrative Service to provide about 250 officers, to meet the shortage at the Centre and in the Provinces. Other proposals to the same end are also under consideration.

**Shri S. Nagappa:** Arising out of the answer to part (e) of the question may I know whether Government has recently held any examination to recruit persons to the All-India Administrative service?

**The Honourable Sardar Vallabhbhai Patel:** Yes.

**Shri S. Nagappa:** May I know how many candidates the Government have selected so far?

**The Honourable Sardar Vallabhbhai Patel:** I cannot give the exact figure at present, but I can say that there are about 60 candidates in the school who will pass this year.

**Shri S. Nagappa:** Is it a fact that no Sheduled Caste candidate was selected?

**The Honourable Sardar Vallabhbhai Patel:** I cannot give an answer at present, but if the question is put I will make enquiries.

**Diwan Chaman Lall:** May I know if the refugee lawyers from Pakistan will be considered for this Emergency Cadre posts?

**The Honourable Sardar Vallabhbhai Patel:** They are hardly fit for Administrative Service.

**Diwan Chaman Lall:** May I ask the Honourable Member whether he speaks from personal experience or from general observation?

**The Honourable Sardar Vallabhbhai Patel:** Both.

**Diwan Chaman Lall:** Am I to take it then that there is no possibility of the Government of India finding jobs for these refugee lawyers in this Emergency Cadre?

**The Honourable Sardar Vallabhbhai Patel:** Lawyers can find employment anywhere. There are many professions which they can join.

**Diwan Chaman Lall:** Apparently the Honourable Minister is not in touch with the condition of these refugee lawyers. There are about 2,000 of them without jobs.

**Mr. Tajamal Husain:** Will the Honourable Minister state if there is any European I.C.S. Officer still serving India, and if, so how many?

**The Honourable Sardar Vallabhbhai Patel:** There are some European officers serving, but I cannot give the exact number. They are very few in number.

**Pandit Hirday Nath Kunzru:** Has the Honourable Minister finally decided to exclude every refugee lawyer because he is a lawyer?

**The Honourable Sardar Vallabhbhai Patel:** No, he is not excluded simply because he is a refugee lawyer, but if a lawyer passes through the test, then his case will be considered.

(b) WRITTEN ANSWERS

BRITISH PERSONNEL IN INDIAN ARMY

**562. \*Shri Ajit Prasad Jain:** (a) Will the Honourable Minister of Defence be pleased to state the number of British personnel and their rank in the Indian Army before the 15th August 1947 and now?

(b) The services of how many of these persons are proposed to be dispensed with and when?

(c) What will be the number and nature of employment of persons whom it is proposed to retain permanently?

(d) What are the terms on which it is proposed to retain them?

**The Honourable Sardar Baldev Singh:** (a) I lay a statement on the table of the House.

(b) The services of all British Officers and men at present in the Indian Army will be dispensed with, except for a limited number who will be retained for certain periods not exceeding three years.

(c) No British Officers or men will be retained permanently in the Indian Army.

(d) I would refer the Honourable Member to the press communique on this subject issued on the 20th November 1947.

*Statement.*

(a) (i) Figures of British Officers and Other Ranks serving with the Indian Army August 1947 were:—

<i>Officers.</i>		
British Service attached to Indian Army . . . . .		4,075
Indian Army . . . . .		2,498
		10,507
This includes 538 serving with Medical and Dental Services, and all Officers serving with Units which now belong to the Dominion of Pakistan.		
<i>Other Ranks</i>		
British Service attached to Indian Army . . . . .		12,314
Indian Army . . . . .		...
		13,214

This includes 2978 serving with Indian Signals, 1,464 with Military Police, 1,843 with Artillery, 1,063 with Ordnance and all men serving with Units which now belong to the Dominion of Pakistan.

(ii) Ranks held were:—

<i>Officers.</i>	<i>British Service attached to I.A.</i>	<i>Indian Army</i>
2nd Lieutenant . . . . .	458	58
Lieutenant . . . . .	2,630	1,907
Captain . . . . .	1,061	1,043
Major . . . . .	435	1,174
Lieut.-Colonel . . . . .	135	547
Colonel . . . . .	53	184
Brigadier and above	13	70

*British Service attached to I.A.*

<i>Other Ranks</i>	\
Private . . . . .	6,300
Corporal . . . . .	1,754
Sergeant . . . . .	3,166
Warrant Officer, Class II . . . . .	489
Warrant Officer, Class I . . . . .	1,205

(iii) The number of British Officers and B.O.R.S in the Indian Army on 30th November 1947 is as follows :—

British Officers . . . . .	1,364
B.O.R's. . . . .	3,648

It is regretted that it is not possible to give a breakdown of these figures by ranks.

**LOSS DUE TO INCURSIONS BY PAKISTANIS INTO THE INDIAN TERRITORY**

563. \*Shri Ajit Prasad Jain: (a) Will the Honourable Minister of Defence be pleased to state the number, date and duration of incursions made by the people of Pakistan into any village or territory in the Dominion of India?

(b) What was the result of each of these incursions in terms of loss of life and property?

(c) How do Government propose to stop recurrence of such incursions?

**The Honourable Sardar Baldev Singh:** (a) and (b). Since the 7th September to the 23rd November, there were approximately 42 border raids. It is regretted that information in the detail required by the Honourable Member is not readily available with the Government of India.

(c) Steps have been taken to post civil and military forces in a manner calculated to prevent a recurrence of these incidents. Permanent measures for ensuring the security of the new frontiers of India are under consideration.

**SMUGGLING OF ARMS AND AMMUNITION FROM C.O.D., JUBBALPUB**

564. \*Shri Biswanath Das: Will the Honourable Minister of Defence be pleased to state:

(a) how many cases of smuggling of arms and ammunition from the Central Ordnance Depot, Jubbulpore, are traced out and detected and with what results;

(b) whether any regular book account is maintained showing the production and distribution of arms and ammunitions from month to month and year to year;

(c) if the answer to part (b) above be in the affirmative, whether any estimate of smuggling has been made on the basis of the accounts maintained in the said Central Ordnance Depot;

(d) the State or States into which such smuggling of arms and ammunition has been traced; and

(e) whether Government propose to consider the question of instituting an inquiry into this question by a Committee of the House?

**The Honourable Sardar Baldev Singh:** (a) None. Government are aware that individuals have been found in possession of unauthorised arms and ammunition but it has not been established that such arms and ammunition have been smuggled out of the Central Ordnance Depot, Jubbulpore.

(b) Yes.

(c) to (e). Does not arise in view of the answer to part (a). A discrepancy in machine-guns has been discovered in C.O.D. Jubbulpore as a result of stock-taking and a further check is being made.

**RETARDATION IN GROWTH OF INDIAN SPIRITUOUS INDUSTRY DUE TO IRREGULARITIES IN EXCISE REGULATION**

**565. \*Shri Damodar Swarup Seth:** (a) Will the Honourable Minister of Finance be pleased to state whether Government are aware that the growth of the Indian Spirituous Industry has been seriously retarded in the country on account of lack of uniformity in excise regulations in different provinces and States;

(b) whether Government have received several representations to this effect made by the Industry and Commercial bodies in the Indian Union; and

(c) if so, what action do Government propose to take to bring about uniformity in excise regulations and save the pharmaceutical industry from hardships?

**The Honourable Shri E. K. Shanmukham Chetty:** (a) and (b). Representations have been received by Government to this effect.

(c) As a number of representations have been addressed to Government, they have brought to the notice of the Constituent Assembly that the question of inclusion in Union subjects of industrial alcohol, used in the manufacture of medicinal preparations, which at present falls under item 40(c) of List II—Provincial Legislative List—of the Government of India Act, 1935, be considered in all its bearings, including from the point of view of the advantages that it will bring about in the matter of uniformity in excise duties and regulations extant in the various Provinces and States.

**FALLINGDOWN OF NATIONAL FLAG HOISTED ON I.E.M.E. WORKSHOP, AGRA**

**566. \*Shri Damodar Swarup Seth:** Will the Honourable Minister of Defence be pleased to state:

(a) whether it is a fact that the Commandant of 509 Command I.E.M.E. Workshop Agra, was responsible for the hauling down of the national flag, after the same had been hoisted on the workshop gate and I.O.R. barracks;

(b) whether it is a fact that the said Commandant had refused permission to the employees to hoist the flag on August 15th; and

(c) If the answers to parts (a) and (b) above be in the affirmative, what action have Government taken in the matter?

**The Honourable Sardar Baldev Singh:** (a), (b) and (c) This incident has already been brought to the notice of Government who are making necessary enquiries. Suitable action will be taken when the result of the investigation is known.

**EQUALITY OF PAY FOR I.C.S. AND P.C.S. DEPUTY SECRETARIES**

**567. \*Shri Loknath Miera:** Will the Honourable Minister of Finance be pleased to state:

(a) whether it is a fact that officers of the Provincial Civil Service appointed as Deputy Secretaries to the Government of India are ordinarily allowed their grade pay in the Provincial Civil Service plus Rs. 500 as special pay whereas officers of the I. C. S. appointed as Deputy Secretaries to the Government of India are given the senior scale pay of the I.C.S. plus a special pay of Rs. 400;

(b) the reason for differently regulating the emoluments of I. C. S. and P. C. S. Deputy Secretaries and for giving much higher emoluments to the former than to the latter for doing exactly similar duties and shouldering similar responsibilities; and

(c) whether Government propose to consider the advisability of stopping the above practice in view of the fact that the Government of India have recently accepted the principle of equal pay for equal work as a directive principle of State policy?

**The Honourable Shri R. K. Shanmukham Chetty:** (a) Yes, in the case of pre-1931 entrants. In the case of post-1931 entrants the rate is Rs. 400 p.m. only. If however, the officer appointed is a substantive listed post holder in his parent Province, he gets like I.C.S. officers pay in the senior time scale of the I.C.S. plus a special pay of Rs. 400 p.m.

(b) While fixing the terms for P.C.S. officers appointed as Deputy Secretaries, the Government have been guided primarily by the terms fixed for officers of the Central Services appointed to similar posts. The terms for I.C.S. officers are being regulated by the Superior Civil Services Rules which were formulated by the Secretary of State. These terms should be considered as special and it is not possible to alter these in view of the assurance in His Excellency the Viceroy's announcement of April 30th last that the Members of the Secretary of State's Services who continue to serve under the Government of India after the transfer of power will do so on their present terms as to scales of pay, leave, pensionary rights and safeguards in matters of discipline.

(c) Does not arise in view of the answer furnished to part (b) of the question.

#### CENTRAL PAY COMMISSION RECOMMENDATIONS

**568. \*Shri Loknath Misra:** Will the Honourable Minister of Finance be pleased to state:

(a) whether it is a fact that the Government of India's policy accepting *in toto* the pay scales recommended by the Central Pay Commission for the officers and staff of the Central Secretariat and its attached offices, as announced in the Press Communique dated the 16th May, 1947, still stands; and

(b) whether it is a fact that the Ministry of Finance contemplates to fix certain officers on scales of pay different from those recommended by the Pay Commission even if such arrangement adversely affects those officers?

**The Honourable Shri R. K. Shanmukham Chetty:** (a) The Press communique dated the 16th May, 1947, announced Government's acceptance of the basic pay structure recommended by the Central Pay Commission and the principle of having uniform all-India pay scales for the various categories. It did not commit Government to a policy of accepting the detailed recommendations made in part III of the Commission's report without further examination.

(b) The detailed recommendations made by the Commission in respect of the various organisations have generally been accepted by Government. Slight deviations from the recommendations have, however, been found necessary in a very few cases for administrative reasons. These deviations by themselves do not adversely affect the pay of the officers.

#### COMMUNAL DISTURBANCES IN DELHI

**569. Mr. B. Pocker Sahib Bahadur:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a large number of men, women and children have been killed in Delhi and its neighbourhood and also in railway trains from about the last week of August 1947;

(b) whether it is a fact that Government were informed in advance of the likelihood of such occurrences especially of those which took place in Delhi and its neighbourhood;

(c) whether Government have taken any steps to prevent such occurrences; and

(d) whether Government propose to institute an inquiry into the causes and extent of the loss of lives and properties during the above occurrences in Delhi?

**The Honourable Sardar Vallabhbhai Patel:** (a) The Honourable Member's attention is invited to the reply given to question No. 107 by Pandit L. K. Maitra on the 19th November 1947.

(b) Government had some indications that trouble was likely to occur in Delhi and neighbourhood and they took all reasonable precautionary measures, but the sudden onrush of a very large number of refugees who were victims of unimaginable cruelties and barbarities from Lahore, Sheikhpura and other parts of Punjab seriously upset the position and the desertion of the bulk of the Muslim element of the Police force, which was in majority at the time, seriously crippled the effectiveness and efficiency of the Police force and until effective Military and Police strength could be brought to Delhi from outside, the disturbances could not be brought under control. Even then, Government feel that they were on top of the situation in a much shorter time than elsewhere.

(c) Government have taken all appropriate steps.

(d) No.

#### HIGHER MEDICAL TRAINING FOR INDIAN STUDENTS ABROAD

**570. \*Shri Satish Chandra Samanta:** Will the Honourable Minister of Health be pleased to state:

(a) what steps Government have taken and propose to take to provide Indian Students abroad with facilities for higher training in Medical and allied subjects; and

(b) the amount of Scholarships and the number of recipient students (Province-wise) from different Provinces of the Indian union for the purpose, during the years 1946, 1947 and 1948?

**The Honourable Rajkumari Amrit Kaur:** (a) A scheme was started in 1946 for sending a certain number of medical graduates with outstanding qualifications to the United Kingdom and United States of America for higher training in leading medical centres in those countries.

(b) A statement showing the rates of scholarships and the number of candidates selected in 1946 and 1947 is laid on the table of the House. No selection has yet been made for 1948.

*Statement showing the rates of scholarships and the number of candidates selected in 1946 and 1947 for study abroad in medical and allied subjects.*

Rates of Scholarships.		
United Kingdom	At Oxford and Cambridge	£460 per annum inclusive of cost of living bonus.
	At Universities other than Oxford and Cambridge	£100 per annum inclusive of cost of living bonus.
United States of America		£160 per mensem.

Number of candidates selected :

Province or Centre	Number of students selected in 1946	Number of students selected in 1947.
Centre	20	30
Madras	6	8
Bombay	5	7
U. P.	3	8
	2	3
C. P. & Bihar	3	4
Bihar	4	6
Orissa	9	3
West Bengal	3	3
East Punjab	5	1
Assam		

**EDUCATIONAL FACILITIES AND WELFARE ARRANGEMENTS FOR INDIAN STUDENTS  
ABROAD**

**571. \*Shri Satish Chandra Samanta:** Will the Honourable Minister of Education be pleased to state:

(a) what Government have done to provide educational facilities and welfare arrangements for Indian students abroad and what sum has been allotted and spent for this purpose; and

(b) the amount of scholarships and the number of recipient students (Province-wise) from different Provinces of the Indian Union during the current year?

**The Honourable Maulana Abul Kalam Azad:** (a) Provision of educational facilities and welfare arrangements for Indian students abroad is done by the Education Department of the High Commissioner for India at London, the Educational Liaison Officer and his staff in the Indian Embassy, Washington, for the U.S.A. and Canada, and the High Commissioner's Office in Australia. The officers at these places arrange for admission of Indian students to Universities and other educational institutions and also look after their welfare. With regard to welfare arrangements and accommodation of Indian students, particularly in the U.K. where the position regarding accommodation is difficult, the High Commissioner's Office have taken special steps to look into the question. Hostels have been established during the last year for Indian students in London and Edinburgh, and the High Commissioner's Office maintains an up-to-date list of suitable lodging houses in London. A proposal to establish another hostel in London to serve as a Reception and Transit Camp for Indian students has been sanctioned. A similar hostel for Indian women students has been already taken over by the High Commissioner on lease. A statement showing grants for providing accommodation to Indian students in the U. K. is placed on the table of the House for information.

(b) A statement showing the required information is placed on the table of the House.

**STATEMENT I**

*Showing grants for providing accommodation to Indian students in the U.K.*

S.No.	Name of Hostel	Accommodation	Grant of Expenditure		Remarks.
			Recurring	Non-recurring	
1	2	3	4	5	6
1	Y. M. C.A.		£250		An old grant still continued.
2	International Club and Hall, London			(a) £500 (b) £500	(a) 1945-46 (b) Orders under issue
3(a)	Indian students Hostel at Kensington Square, London	60	* £450	† £3,500	*For 5 years from 1945. †1945-46.
(b)	Bayswater Hall, Kensington Square London	40		£ 1,000	Sanctioned 1946-47
4	(a) Y.M.C.A.			(a) £ 250 (b) £ 250	(a) 1945-46 (b) 1945-46
5	Hostel of Indian students at Edinburgh	30		(a) £3,225 (b) £1,000	(a) 1945-46. (b) 1946-47.
6	Y.M.C.A. Hostel proposed to be rebuilt at Gower St. London			£ 10,000	Budget Estimates 1947-48.



## STATEMENT I

*Showing grants for providing accommodation to Indian students in the U.K.*

1	2	3	4	5	6
7	New Hostel at proposed to be built at 89-92, Guildford St. London	55	£ 1,300	£ 21,000	Sanctioned in Budget Estimates 1947-48.
8	Indian students Hostel, Blackford Mount, Oswald Road, Edinburgh		£ 1,650	£ 6,000	Budget Estimates for 1947-48.
9	Indian Women Students' Hostel St. George's Drive, London.				Already taken over by the High Commissioner on 20th August 1947. Details of estimates are awaited.

**STATEMENT II**

*Showing the Number of Students who have received scholarships under the overseas scholarship Schemes of the Government of India in 1947.*

*(a) Central Government Scholars.*

Serial No.	Name of Province	Number of scholars sent to U.K.	Number of scholars sent to U.S.A.	Rate of scholarship per scholar, per Duration of Scholarship		Total amount of scholarship in respect of each Province.	Remarks	
				U.K. Rs.	U.S.A. Rs.			
1	2	3	4	5	6	7	8	9
1	Assam	1	1	7,490	11,240	2 years.	37,480	
2	Bengal	8	..	7,490	11,240	"	1,19,840	
3	Bombay	1	1	74,900	11,240	"	37,480	
4	Bihar	1	..	7,490	11,240	"	14,980	
5	Delhi	..	1	7,490	11,240	"	22,480	
6	Madras	6	4	7,490	11,240	"	1,79,800	
7	Punjab	1	3	7,490	11,240	"	82,420	
8	Sind	..	2	7,490	11,240	"	44,960	
9	U.P.	1	3	7,490	11,240	"	82,420	
10	Cochin State	1	..	7,490	11,240	"	14,980	
11	Baroda State	1	..	7,490	11,240	"	14,980	
12	Mysore State	1	2	7,490	11,240	"	59,940	
13	Travancore State	2	1	7,490	11,240	"	52,440	
14	Pudukottah State	..	1	7,490	11,240	"	22,480	
<b>TOTAL</b>							7,86,640	Entire expenditure to be borne by the Govt. of India

## (B) Provincial Government Salaries.

	3	4	5	6	7	8	9
1 Assam . . . . .	1	1	7,400	11,240	2 years	37,400	
2 Bengal . . . . .	1	2	7,400	11,240	"	59,940	
3 Bihar . . . . .	1	..	7,400	11,240	"	14,980	
4 Bombay . . . . .	..	8	7,400	11,240	"	1,79,840	
5 C. P. and Berar . . . . .	1	2	7,400	11,240	" 4	59,940	
6 Madras . . . . .	1	..	7,400	11,240	"	14,980	
7 Punjab . . . . .	..	2	7,400	11,240	"	44,960	
8 U. P. . . . .	4	1	7,400	11,240	"	82,400	59,940
					TOTAL	4,94,600	

Expenditure to be shared between the Central and Provincial Govts. on 50 : 50 basis.

**ACTION AGAINST OFFICERS WHO PERPETRATED ATROCITIES AND FINANCIAL AIDS TO SUFFERERS DURING STRUGGLE FOR FREEDOM**

**572. \*Shri Satish Chandra Samanta:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether Government propose to take any action against the officers who perpetrated atrocities on the people during the days of struggle for freedom before the 15th August 1947;

(b) if the answer to part (a) above be in the affirmative, what steps, if any, Government have taken and propose to take in this direction; and

(c) whether Government propose to grant financial and other suitable aid to the families of persons who were killed and to persons who were injured during the last Freedom Movement?

**The Honourable Sardar Vallabhbhai Patel:** (a) No.

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

**ARCHAEOLOGICAL SITES IN ORISSA AND EASTERN STATES AGENCY**

**573. \*Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Education be pleased to lay on the table of the House a complete list of the archaeological sites and remains in Orissa and in the Eastern States Agency?

(b) In what places in the said territories are excavations going on at present?

(c) If no excavation is going on now, have Government in view any sites in the said area which will be taken up soon?

(d) Do Government propose to take up excavation in the Baidh Keonjhar and Patna States in the Eastern States Agency and also in Sishpalgarh at Bhubaneshwar in the district of Puri (Orissa) and Ratnagiri in the district of Cuttack?

**The Honourable Maulana Abul Kalam Azad:** (a) No complete list of the archaeological sites and remains in Orissa and in the Eastern States Agency is available. A list of the 36 archaeological sites and remains in Orissa protected under the Ancient Monuments Preservation Act is placed on the table of the House.

(b) It is understood that at the present time no excavations are going on in the territories in question.

(c) The Archaeological Survey has included the site of Sisupalgarh at Bhubaneswar in its programme of fieldwork for the next two years.

(d) The Archaeological Survey has no jurisdiction within the States. Information in regard to Sisupalgarh has been furnished in reply to part (c) of this question.

*Statement*

*List of ancient protected sites and remains in Orissa.*

Serial No.	District	Locality	Name of monument.
1.	Cuttack	Barabati, Cuttack Cantt. Khasmahal	Barabati fortress (ruins and remains of all ancient edifices except the mosque at Barabati).
2.	Ditto.	Haveli Lal Bagh Jajpur Sub-Div. in the compound of the S.D.O's quarters.	4 Colossal images named:— 1. Varahi. 2. Chamunda. 3. Indrani. 4. Kalijuga.
3.	Ditto.	Ditto.	3. Buddhist images

Serial No	District	Locality	Name of monement
4	Outtack	Siriapur	The Malhatta bridge known as Antharanala (18 arched bridge) and also as Tantulimul bridge.
5	Ditto.	Ditto.	The Monolith (a massive stone pillar) also called Chandeshvar pillar.
6	Puri	Jagmara, 5 miles from Bhubaneswar Ry. Stn. Khurda Sub-Division.	Ancient remains on both Khandagiri and Udalgiri Hills.
7	Ditto.	Puri Sadar, on the Jagannath Trunk Road	Atharanala Bridge.
8	Ditto.	Koondal, P.S. Gop, 21 miles from Inspection Bungalow	The Black Pagoda.
9	Ditto.	Khurda, P.S. and Sub-Division.	Dhauki Rock inscription of the edicts of Asoka together with the stone-built shelter in front and the elephant sculpture immediately above it.
10	Ditto.	Bhubaneswar, P.S. Khurda Sub-Division.	Raja Rani temple.
11	Ditto.	Sisupalgarh, Bhubneswar	Ancient town-site.
12	Ditto.	Dhaulipalan	Small rock cut cell.
13	Ditto.	Baragarh	Rameshwar temple.
14	Ditto.	Ditto.	Nabakeswar temple.
15	Ditto.	Bhubaneswar	Chitrakarni temple.
16	Ditto.	Ditto.	Bakeswar temple.
17	Ditto.	Ditto.	Makareswar temple with its minor shrines.
18	Ditto.	Ditto.	Mukteshwar temple with its minor shrines but excluding the Murich kunda.
19	Ditto.	Ditto.	Siddheswar temple with its minor shrines in the compound.
20	Ditto.	Ditto.	Parsurameswar temple.
21	Ditto.	Ditto.	Maitreswar temple with all the minor temples in the compound.
22	Ditto.	Ditto.	Sari temple No. 1.
23	Ditto.	Ditto.	Ananta Rasudeva temple.
24	Ditto.	Ditto.	Sahasralinga Tank.
25	Ditto.	Ditto.	Boital temple.
26	Ditto.	Ditto.	Jameshwar temple with its minor shrines.
27	Ditto.	Ditto.	Lord Lingaraj temple with all the minor temples in the compound as given below : 1. Parbati temple. 2. Gopaluni temple. 3. Amania Well. 4. Chandeswar deb. 5. Astamurti. 6. Ladakeshwar temple. 7. Sakreshwar temple. 8. Sathidosi temple. 9. Sabitri Devi temple.
28	Ditto.	Bargarh	Brahmeswar temple with its minor shrines in the compound.
29	Ditto.	Ditto.	Bhaskareswar temple.
30	Ditto.	Beauaghai	Magheshwar temple with its minor shrines.
31	Gunjam	Jaugada	Asoka rock inscriptions.
32	Ditto.	Kottakolla	Gangadhara and Jagalesvara temples on Brudhakolla hill beyond the village boundary of Kottakolla.
33	Ditto.	Mohendragiri	Kointa temple.
34	Ditto.	Ditto.	Yudhishtira temple.
35	Ditto.	Ditto.	Bhima temple.
36	Ditto.	Salihundam	(a) (I) Buddhist remains of chaitya and four stupes on the eastern side portion of Salihundam hill. (II) Images on the hill and in Survey No. 1131. (b) Three images in the grazing ground held on Khoispattah owned by Trustee. 1. seated Bodhisatva, with Dhyan Buddha. 2. Bodhisatva (Avalokitesvara) and 3. Marici.

## MODIFICATION OF ARMS ACT AND AVAILABILITY OF ARMS TO PUBLIC

574. \*Shri Har Govind Pant: (a) Will the Honourable Minister of Home Affairs be pleased to state if Government propose to modify the present Arms Act, and if so when and in what respects?

(b) What steps Government propose to take to make more fire arms available to the citizens?

**The Honourable Sardar Vallabhbhai Patel:** (a) No.

(b) The matter is under consideration.

## ORDNANCE FACTORIES IN INDIA

575. \*Shri Har Govind Pant: Will the Honourable Minister of Defence be pleased to state:

(a) the number of ordnance factories started in India during the war;

(b) the number of such factories lying idle at present; and

(c) the use to which such factories are proposed to be put?

**The Honourable Sardar Baldev Singh:** (a) Ordnance (including Clothing, Harness and Saddlery) Factories. 20.

(b) None of the existing Factories is lying idle. Of the seven Ordnance Factories started during the war six are working, while one (the Bren Gun Factory at Hyderabad) has been disposed of after its machinery had been removed to India. Of the 13 wartime Clothing Factories many of which were on leased properties, all but one have been disposed of. One Factory—the Clothing Factory, Cawnpore—is still working.

(c) Does not arise.

## RECRUITMENT AND PROMOTION IN IMPERIAL SECRETARIAT SERVICE

576. \*Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Home Affairs be pleased to state whether there is an Imperial Secretariat Service consisting of two classes, Class I and Class II?

(b) What is the method of recruitment to these Services?

(c) Is recruitment made for the Secretariat as a whole or separately for each Ministry?

(d) Are Government aware that in some cases, only the claims of men serving in a Ministry have been considered for promotion in it, with the result that third division of clerks and even outsiders have been appointed as Assistant Secretaries?

(e) Are Government aware that this has given rise to serious discontentment among the members of the Service?

(f) If so, do Government propose to have a common roster and regulate the promotions accordingly?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes, Class I comprises of posts of Assistant Secretaries, while Class II consists of the posts of Superintendents and Assistants.

(b) and (c). The posts of Assistants are filled by direct recruitment on the results of a competitive examination held by the Federal Public Service Commission subject to the condition that so long as there are employees in the clerical establishment in a Ministry who were recruited before the 1st April 1940, 50 per cent. of the vacancies in the grade of Assistants are to be reserved for them. Appointments to the posts of Superintendents and Assistant Secretaries are made, as a rule, by selection from among the Assistants and Superintendents, respectively, employed in a particular Ministry.

(d) Government are not aware of any such instances.

(e) Does not arise.

(f) The question of re-organisation of the Central Secretariat as a whole is under examination by the Government of India. The suggestion to have common rosters is being considered in that connection.

#### RECRUITMENT OF SOLDIERS FROM ALMORA DISTRICT

**577. \*Shri Har Govind Pant:** Will the Honourable Minister of Defence be pleased to state:

(a) the number of soldiers recruited from Almora District of the United Provinces, during the last War;

(b) the total number of regiments manned by the aforesaid recruits;

(c) the number of Regiments manned by them, which are now proposed to be retained;

(d) whether Government are aware of the importance of District Almora, in particular and the Division of Kumaun, in general, as a recruiting area, in view of West Punjab having gone out of India.

(e) the use to which Cantonments of Kumaun are proposed to be put; and

(f) whether Government propose to open a Military Training Centre in Kumaun, in view of the facilities available?

**The Honourable Sardar Baldev Singh:** (a) 28,569.

(b) Generally speaking, almost all persons recruited from Almora District are Kumaonis and the majority of them are in one Regiment, namely, the Kumaon Regiment.

(c) The Kumaon Regiment is being retained.

(d) Yes, Sir.

(e) There are 8 Cantonments in Kumaon, namely, Ranikhet, Almora and Naini Tal. Of these, Ranikhet is not to be given up. The question of the future of Almora and Naini Tal as Cantonments is still under consideration.

(f) No, Sir. Government are examining the possibility of reducing the present number of Infantry Regimental Training Centres. The opening of a fresh training centre at Kumaon is, therefore, unlikely.

#### MONOPOLY OF FOREIGN NEWS AGENCIES IN DISSEMINATION OF NEWS FROM INDIA TO FOREIGN COUNTRIES

**578. \*Shri Banarsi Prasad Jhunjhunwala:** Will the Honourable Minister of Information and Broadcasting be pleased to state:

(a) whether Government are aware that foreign news agencies still enjoy virtual monopoly in the dissemination of news from India to foreign countries and from foreign countries to India;

(b) whether Government are aware that in the recent critical years of the country's struggle for independence the foreign news agencies did not confine themselves to objective presentation of news but acted as handmaid of their Governments to the detriment of India's interests;

(c) whether Government are aware that the foreign news agencies have drained the country of huge sums of money by way of profit from subscriptions they received from hundreds of newspapers and commercial firms in the country and Governmental and states subsidies in one form or other, which, during war years, is believed to have been over twenty lakhs of rupees annually; and

(d) what steps Government have taken or contemplate taking with a view to eliminating all forms of exploitation of India's resources by foreign news agencies?

**The Honourable Sardar Vallabhbhai Patel:** (a) Government are aware that in the absence of a well-established Indian non-official news agency, almost the entire external traffic in news is in the hands of foreign news agencies.

(b) I would refer the Honourable Member to my replies to questions Nos. 257 and 313 put by Mr. R. K. Sidhwa and Pandit H. N. Kunzru respectively on 25th November, 1947.

(c) Government are not aware of the subscriptions paid by newspapers and commercial firms. Government do not subsidise any of these agencies.

(d) This is a matter in which non-official news agencies or newspapers must show enterprise.

#### SIGNING OF INSTRUMENT OF ACCESSION BY STATES

**579. \*Shri Kanwar Shamsheer Jang:** Will the Honourable Minister of States be pleased to state whether it is a fact that some States have been asked to sign an Instrument of Accession other than the one which was agreed upon by the Princes and the States Department and approved by the then Crown Representative, before the lapse of the Paramountcy? If so, why?

**The Honourable Sardar Vallabhbhai Patel:** I invite the Honourable Member's attention to my answer to a similar question by the Honourable R. B. Lala Raj Kanwar on the 19th November 1947.

#### GRANT OF POLITICAL PENSIONS

**580. \*Shri Mohan Lal Saksena:** Will the Honourable Minister of States be pleased to lay on the table of the House a statement giving the names of the political pension-holders, the amounts of pensions paid to each of them and the reasons for the grant of such pensions?

**The Honourable Sardar Vallabhbhai Patel:** I have placed on the table of the House a statement showing in broad outline the nature of the pensions and the amounts involved. The pensions included in this statement represent the provision made for the descendants, relatives and dependants of the former Rulers of any territories in India. In addition, the Government of India also grant pensions of the order of 3½ lakhs of rupees per year for distinguished and meritorious services or for political considerations. The preparation of detailed statements showing the actual pension holders and the amounts which they individually receive will involve time and labour which will not be commensurate with the result achieved.

#### *Statement of Political Pensions*

Serial No.	Pensions payable in INDIA	Approx. amount per annum.	Nature of the charges.
1	Carnatic Stipends	1,88,200	Represents provision made for the descendants of the last Nawab of the Carnatic and includes the perpetual pensions of Rs. 1,50,000 per annum to the Prince of Arcot.
2	Tanjore Pensions	19,000	Pensions payable to the descendants of the last Raja of Tanjore.
3	Mysore Family Pensions	1,800	Represent allowances payable to members of the family of Tipu Sultan of Mysore.
4	Oudh Wasiqa Pensions	3,00,900	Pensions payable to the descendants of the relatives and servants of the wife of the third Ruler of Oudh.



Serial No.	Pensions payable in INDIA	Approx. amount per annum.	Nature of the charges.
5	Nagpur Burhanah Family Pensions	50,000	Pensions sanctioned to the grandson of the last Raja of Nagpur.
6	Bhonsla Family Pensions	81,500	Pensions granted to the members of the Bhonsla Family of Nagpur.
7	Surat Nawab's Family Pensions	62,000	Amounts payable to the descendants of the Nawab of Surat.
8	Satara Pensions	30,000	Pensions continued to a descendent of the last Raja of Satara.
9	Nizam Family Pensions	2,34,800	Pensions granted to the members of the Nizam families of Murshedabad and includes the annual stipend of Rs. 2,30,000 payable to the Nawab Bahadur of Murshedabad under Act XV of 1891.
10	Oudh Family Pensions	10,100	Life pensions granted to the descendants to of the last King of Oudh.
11	Khurda Family Pensions	25,600	Pensions granted to a descendant of the Raja of Khurda.
12	Delhi Family Pensions	30,000	Pensions payable to the descendants of members of the Moghul Ruling family.
13	Pensions to Maharatta Salianadars	24,000	Pensions payable out of the revenues of Berar which were accepted by the Government of India after Berar was added to the C.P.
14	Other Pensions	10,23,600	Miscellaneous Political Pensions.

Serial No.	Pensions payable in ENGLAND	Approx. amount per annum.	Nature of the charges.
1	Duleep Singh Family Pensions	80,000	Payable to the descendants of the Raja of Lahore.
2	Bengal Nizam Family Pensions.	12,000	Minor pensions granted to the members of the Nizam family.

### ELECTION TO COURT OF UNIVERSITY OF DELHI

**Mr. Speaker:** I have to inform the Assembly that upto 12 noon on Tuesday, the 2nd December 1947, the time fixed for receiving nominations for the Court of the University of Delhi, twelve nominations were received. As the number of candidates is equal to the number of vacancies I declare the following members to be duly elected:

(1) Dr. H. C. Mookerjee, (2) Prof. K. T. Shah, (3) Dr. Bakshi Tek Chand, (4) Acharya J. B. Kripalani, (5) Dr. P. S. Deshmukh, (6) Acharya Jugal Kishore, (7) Rev. Jerome D'Souza, (8) Chaudhri Nihal Singh Taxak, (9) Giani Gurmukh Singh Musafir, (10) Shrimati G. Durgabai, (11) Shri R. Santhanam and (12) Nawab Muhammad Ismail Khan.

## CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

**Pandit Thakur Das Bhargava** (East Punjab: General): Mr. Speaker, Sir, I beg to move:

"That the Bill further to amend the Child Marriage Restraint Act, 1929, be continued."

اس بل کے متعلق ۲ اپریل سنہ ۱۹۴۷ء کو ہاؤس نے سامنے یہ ترمیم پیش کی گئی تھی کہ اسکو circulate کیا جائے۔ چنانچہ فیصلہ یہ ہوا تھا کہ یہ circulate کیا جائے۔ اس بارے میں مختلف پراونسز سے ابھی تک چند رائے نہیں آئی ہیں۔ اسلئے میں مجبوراً اسوقت صرف یہ موشن پیش کرتا ہوں کہ اس بل کو زندہ رہا جائے اور continue کیا جائے۔

An amendment to the Bill was placed before the House on April 2, 1947, that the Bill be circulated; and it was decided to circulate the Bill. Since a few opinions on the matter have not been received from the different Provinces, I am obliged now to move only the motion "that the Bill be not let down, and be continued."

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

"That the Bill further to amend the Child Marriage Restraint Act, 1929, be continued."

The motion was adopted.

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

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I beg to move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of Mrs. Renuka Ray, Shrimati G. Durgabai, Shrimati Kamala Chaudhri, Mr. Naziruddin Ahmed, Shri Jaspat Roy Kapoor, Shri Deshbandhu Gupta, Shri K. Santhanam, Shri Mohan Lal Saksena, Shri S. Nagappa and the Mover, with instructions to report before the first day of the next session of the Assembly and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I have placed this motion anew before the House. As a matter of fact a similar motion was placed before the House on the 2nd of April 1947, but unfortunately that motion could not be completed owing to the shortness of time. Now I have placed this motion before the House in the hope that the House will agree to this proposition, or if it is the desire of the House that the Bill be circulated for opinion, I will not oppose such a motion provided that the opinions are received in such time as would enable me to press for the succeeding motions and get the Bill passed in the Budget session.

Sir, before I proceed to the merits and submit for the consideration of the House my reasons why the House should be pleased to accept my motion, I will, with your permission, give a brief history relating to the age of consent. Sir, in the olden times, I should say from the oldest times known to history, the consent of the girl has been regarded as indispensable before a man is allowed to touch her person. In the olden days when the laws of Manu were enforced, a person guilty of an offence of rape could be sentenced to death. From fine to death was the range of punishment provided by the ancient law-giver. According to Islamic laws, a man who was guilty of such a heinous offence as rape was liable to be sentenced to death by stoning or a hundred stripes. That was the punishment given.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): 'Or' or 'and'?

**Pandit Thakur Das Bhargava:** If the sentence of death was enforced, there was no occasion for stripes being given.

**An Honourable Member:** After death.

**Pandit Thakur Das Bhargava:** It was in 1828 that an Act was enacted which provided that if the age of the girl was below 8, death was to be the penalty. After that, in 1860 when the Penal Code was enacted, the law was changed, and if a person was guilty of rape and the age of the girl was less than 10 years, then he could be given transportation for life. This punishment was provided in both cases, in extra-marital as well as marital cases. In 1891 the law was changed and it was provided that in intra-marital cases if the age of the wife was less than 12, the husband could be punished. A case reported in 18 Calcutta 62, a very famous case of those times, the case of Hari Mohan Maithi was the occasion for this change. There was great agitation in the country then and it was pleaded that the husband had an absolute right to the person of his wife and no law could punish the husband, but the legislature did not agree and on the plea that such a change was humanitarian and would protect female children from immature prostitution and premature cohabitation, the law was changed. After that the first attempt to change the law took place in the year 1922, when Balesh Sobhan Lal brought in a Bill to amend Section 375 of the Indian Penal Code. The Bill was first circulated, and then a motion was made for reference to the Select Committee.

But the Government of the day did not like the change and ultimately the motion was negatived by 41 votes to 29, though the Government remained neutral. In the course of the discussion the Government Member himself declared the policy of the Government in these words:

"If the Bill did go to a Select Committee, it would only go on the distinct condition that the sanction did not apply to marital relations, and that in the case of girls who were twelve and under fourteen, the punishment should be materially reduced and placed in a somewhat similar level to that which obtained in England."

So it appears that practically by the action of the Government, this Bill was nipped in the bud and it was not allowed to get beyond the stage of circulation.

Then again in 1924 an attempt was made by Dr. Hari Singh Gour to amend the law and he brought in a Bill in 1924. The Bill was referred to a Select Committee and ultimately when it emerged out of the Select Committee and came to the House an amendment was carried by the House which changed the age to 16 in the case of extra-marital cases; and another amendment was carried by which the age was increased, in regard to intra-marital cases, to 14. But the Government of the day did not like the change. When the amendment in regard to intra-marital cases was made to 14, the result of the voting was that, 45 were in favour and 48 against including about 18 Government votes, as the Government did not like the change for reasons which I shall indicate subsequently. The Bill was ultimately defeated in the House and the result was that 54 votes were cast against the Bill which included 24 votes of the Members of the Government and their party. The Bill was defeated by the vote of the Government because the Government of the day did not like that the age should be increased to 14.

The House may wonder why the Government of the day did not like this change. The reason is not far to seek: it was a non-National Government. This Government which could abolish *sati* did not like that the age of consent should be raised even to 14, what to speak of 16 and 18? This age of consent in regard to marital ages has a very great bearing upon the character of the people, upon the physique of the people and upon other matters which vitally concern the nation; and the foreign Government did not want that Indians should rise to their full stature, that they should be patriotic or that they should have the nerve to stand against the Government. Therefore as that Government wanted to weaken the Indians, it did not like the idea of raising the age of consent.

Now, Sir, the Indians did not take it lying down. Again a Bill was brought in 1927 but in between, Government could not resist the pressure of public opinion; and the Government itself brought in a Bill in 1925. The result of that Bill was that the age of consent in regard to intra-marital cases was raised from 12 to 13—only one year's increase. In 1927 again, as stated above, Dr. Gaur brought forward a Bill for amending the law, and it was during the course of discussion on this Bill that the Government were forced to appoint a Committee known as the Age of Consent Committee. The Committee originally consisted of six persons to which four members were added as the representatives of this House. The Committee spent something like Rs. 2,88,614. It was presided over by an eminent gentleman, Sir Moropant Joshi. The other members were—I am just giving the names of the members to show that the Committee was representative and its report should be given due weight—the other members were Rai Bahadur Pandit Kanhaiya Lal, Retired Judge of the Allahabad High Court, Mr. A. Ramaswami Mudaliyar, lately the Leader of this House, Khan Bahadur Mahbub Mian Imam Bakshi Kadri, Retired Sessions Judge, Mrs. O'Brien Beadon, a doctor, Mrs. Brij Lal Nehru, Mr. S. C. Mitra, M.L.A., Myself, Maulvi Muhammad Yakub, M.L.A., and Mian Mhammad Shah Nawaz, M.L.A. These ten persons were appointed; the Committee made its Report in the latter portion of May 1929 after it had toured all over the country and took the evidence in the different Provinces. The Committee visited Lahore, Peshawar, Karachi, Delhi, Ahmedabad, Bombay, Poona, Ootacamund, Calicut, Madras, Madura, Vizagapatam, Dacca, Shillong, Calcutta, Patna, Benares, Allahabad, Lucknow and Nagpur. The Committee examined orally about four hundred witnesses. It sent its questionnaire to more than eight thousand people and a very great number of written statements were received. The Committee examined many theologians, medical experts, orthodox ladies, educated ladies, old men, and all others whom the Committee thought would be able to give opinion in the matter. The Committee made a unanimous Report. But during all these seventeen years except for giving support to the Sarda Bill, the Government have not taken the Report seriously and the reason is obvious, as I have said already.

Now, Sir, I have brought in this Bill, and the chief recommendations of that Committee have been incorporated in the Bill with a few exceptions which I shall have occasion to speak about later on. In regard to those exceptions I myself appended notes of dissent and I have in this Bill given effect to those notes of dissent.

Sir, the problem is very simple. On account of child marriage, there is pre-puberty consummation in this country; there is also early consummation on account of child marriages soon after puberty and this is a great evil which we want to ostracize from this land. I know it is not fully realized what the extent of the evil is and to illustrate my point let me refer to two or three matters which I remember as anecdotes relating to this Committee. I confess I myself did not know about the extent of the evil and when I joined the Committee I had absolutely no idea that the evil was of such magnitude. Our great leader Pandit Moti Lal Nehru, when he heard about the Sarda Bill said that Mr. Harbilas Sarda wanted to gain by the Bill cheap notoriety. When once I happened to see our revered President, the elder Patel—I was coming from Bombay and happened to meet him at some station in the train—he said, "Where are you coming from?" I told him that I was a Member of this Committee. He said "It is a nonsensical Committee". Then, Sir, we had occasion to examine Sir Saadulla in Assam and he was simply wonder-struck when I told him while examining him, that he had no idea of the enormity of the evil in Bengal, and he changed his view when I gave him the figures in Bengal. I can cite many other examples. As a matter of fact, very few people realised the extent of the evil and its devastating effects. But after day in and day out for ten months we had chewed the cud and been thoroughly imbued with the realisation of the

[Pandit Thakur Das Bhargava]

evil effects of the pernicious custom of early marriage and early consummation in our country, everyone of us was fired with the earnestness that this Report should be accepted by the House and that the law should be changed as early as possible.

There is no doubt today that there is a change in the country for the better and that child marriage is now not so rampant as it was then. At the same time, it must be confessed that even now the enormity of the evil is not fully realised by my countrymen. I labour under this apprehension that as a matter of fact, even today many members of this House do not fully realise the evil and its magnitude. I may be pardoned for thinking so but when I pressed my motion in regard to the other Bill, the amendment of the Child Marriage Restraint Act, I found that there was very great ignorance in the House about the existence and magnitude of the evil. I do not know how the members of this Assembly feel, but I feel very strongly on this point and I think that this Bill embodies certain principles which are the very essence of the principles relating to nation-building. I believe, Sir, that the provisions contained in this Bill really constitute a charter for the emancipation of women of this country.

Sir, the main provision of the Bill is that the age of consent be changed from the present age of 18 to 15 in the case of married life and from the present age of 14 to 18 in the case of extra-marital life. In regard to the other provisions of the Bill, I would submit that Section 301 of the Indian Penal Code, Sections 875, 552, 561 and Schedule II are sought to be changed but the main change is in respect of Section 375

Now, Sir, before I proceed with the provisions of the Bill, I would like, with your permission, to submit for the consideration of the House the state of things which existed in 1928 in the different provinces. I will not take much time of the House but I would read in respect of every province a few lines from the Report of the Age of Consent Committee. I do not know if I am boring the House, but if some provisions of this Report are read out, I believe the House would be better able to judge whether the present provisions which I am seeking to amend should be amended or not. Now, Sir, I take the Punjab. The report says:

"The census of 1921 shows that in the age period 5—10, 70 Hindu, 26 Muslim and 26 Sikh girls out of every thousand were in a married state. In the age period 10—15, 367 Hindu, 187 Muslim and 223 Sikh girls were married."

It so happens that there is a general idea that among Muslims marriages take place late in life, but this is an absolutely wrong idea. The figures showed this fact clearly and the House will have occasion to know from the figures that I shall give in respect of the different provinces that Muslims and Hindus suffer equally from this wrong. As a matter of fact, in certain areas in the Punjab the Muslims were in a worse condition than the Hindus. This is what the report says in regard to Muslims:

"Early marriage has degenerated into child marriage and the consummation of marriage when either one or both of the parties are still immature. The wife invariably being younger than the husband, the union naturally tells on her health. . . ."

**Shri M. Ananthasayanam Ayyangar:** Is it the opinion of the Honourable Member that the wife should be elder than the husband?

**Pandit Thakur Das Bhargava:** I am reading the report:

"The castes which practise early marriage on an extensive scale have generally a smaller proportion of females at the age period 12—15. Enquiries into a large number of cases show that when the marriage of young people is consummated at an early age, say when the boy is not more than 16 years or the girl is 12 or 13, a fairly large percentage of wives die of phthisis or some other disease of the respiratory organs or from some ovarian complication within 10 years of the consummation of marriage."

Then, Sir, speaking about the age of puberty and consummation of marriage in regard to Hindus, Sikhs and Muslims, the Report says :

"Among the Sikhs and Muslims, as also in the rural population generally, it is between 14 and 16. Consummation soon after puberty seems to be a general custom among Hindus and Muslims. In Haryana, which is mainly composed of the districts of Rohtak and Jurgaon, cohabitation is not uncommon before puberty."

Sir, I will not deal with the N.W.F.P.

Next I come to Delhi. About Delhi, the report says:

"Marriages of girls among Hindus generally take place between the ages of 10 and 18, more generally at 12. The Marwaries appear to marry their girls below 12 and the Jains after 14. As regards Muslims it seems that their girls are married at about the age of 13 or 14. The lower classes amongst them, however, effect child marriages which are sometimes performed at 3, 4, 7 and 8 years of age."

Continuing, the report says :

"Some instances of this type are also to be found among the lower classes and in the case of elderly husbands "

Regarding Ajmer, the Report says:

"In this part of the country the age at which girls attain puberty is 13 or 14. The bride and bridegroom are locked up in a room for a night soon after marriage and consequently in several cases consummation takes place before puberty and before the age of 13. It is more so, because there being no widow marriage, widowers marry young girls of immature age. As a result of such early consummation, the health of the mothers and progeny suffers and there is a high maternal and infantile mortality."

In Bombay Presidency, Sir, the Report says :

"In Gujerat and Kathiawar, early marriage prevails largely among all castes, except among Brahma Kshatriyas and Nagar Brahmins living in towns and the upper classes of Muslims. It is very rampant among the lower castes, such as Ghanchis, Kanbis, Kolis, and Dheds.

In Bombay, proper early marriage is practised largely among all classes, except the Gaud Saraswat Brahmins, Pathare Prabhus, Kapol Vaishyas, and the upper classes of Muslims. It is very common among Bhatias and Marwaries.

In the Deccan districts too, early marriage is common, except among the Chitpavan Brahmins, and the Saraswat Brahmins. It is common among the Malirattas, Mahars, Holiyas, Lingayats, Shimpees, Vakkals and other lower castes.

Broadly speaking, the practice of early marriage prevails in the rural areas and among the uneducated classes, and is gradually disappearing from among the educated classes. It is practically non-existent among Parsis, and Christians.

In the Bombay Presidency, girls are married, more largely than elsewhere at very low ages. In 1921, there were 1,666 girls married or widowed, under one year of age, 1,671 girls married or widowed between one and two years of age, 4,378 girls married or widowed between two and three years of age, 7,219 girls married or widowed between three and four years of age, 12,834 girls married or widowed between four and five years of age, 1,93,582 girls married or widowed between five and ten years of age and 4,98,706 girls married or widowed between ten and fifteen years of age.

In the surrounding tracts in Bombay Province early marriage is common enough."

Sir, as regards Deccan and Karnatak—I am reading all this in order that all the Members should not be put to the trouble of going through all these pages, as I know they will never take this trouble, you will find on page 43.....

**Shri M. S. Aney** (Deccan and Madras States Group): The Honourable Member is reading all the figures which are based on the last Census in 1921. After that the Act was passed with their own advice. I think it will be better if he can give us the later figures.

**Pandit Thakur Das Bhargava**: Unfortunately the figures of married conditions, etc., are not given in the Census Report of 1941. The Committee made its report in 1929. So the Committee could not possibly consider the 1931 figures. So I am only reading from the Report of the Age of Consent Committee. I would have been very happy to read the figures from the Census Report in 1941, but I failed to get any information and because this information is not given there.

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If my Honourable friends think that as a matter of fact the conditions are so totally changed that the figures are out of all proportion to the figures which are now obtaining, I would submit let them make some allowance for the 20 years and then come to the conclusion and see if there is still any case for this change in the law.

**Mr. Speaker:** I was thinking of suggesting to the Honourable Member on a different line, to curtail the length of his speech and that was, that as the Honourable Members have been given figures for two or three typical Provinces, the Honourable Member need not go into detailed figures for every province; and it will be fairly assumed by the House that conditions are practically the same in all provinces. No further quotations are required for conviction as regards each Province.

**Pandit Thakur Das Bhargava:** Sir, I accept your advice and do not want to go on with the figures. But I would only make one submission before the Honourable Members in regard to the figures in regard to other provinces. So far as Bengal is concerned, I specifically make a submission to the House that Bengal may be considered separately, because it is the worst province in regard to this evil.

**An Honourable Member:** Why?

**Pandit Thakur Das Bhargava:** The exception is only to be made in respect of Bihar and Orissa where conditions are equally bad.

**Shri Raj Krishna Bose (Orissa: General):** They are not so bad now.

**Pandit Thakur Das Bhargava:** It was never realized in the year 1931 that the conditions were quite bad and it is not realized today that the conditions though they are not equally bad, but are still bad enough and seriously bad. Any person who goes about the country with his eyes open can see that this system of early marriage is as rampant as before among the rural backward and depressed classes and even now mass marriages take place.

I have submitted for the consideration of the House that early consummation and early marriage which are concomitant evils, are today prevalent in the country. Now the question arises as to what is the real effect of these evils.

As regards this, I will not content myself with stating my own opinion or the general opinion of the country. With your permission, Sir, I will refer Honourable Members to the evidences of doctors who appeared before the Committee, to the statistics that they submitted for our consideration and if you will kindly have a look at these statistics, it would appear that early consummation and early marriage are fraught with grave consequences to the mothers and the progeny of those mothers.

Now again, I think I will not be accepting the Honourable Speaker's advice, if I were to read out extracts from the Age of Consent Committee Report. I will refer the House to certain portions appearing in this Report and if any Honourable Member wishes to enlighten himself with the state of things which obtain in this country and which are still obtaining in this country, he will be pleased to read pages 161—168 of this Report. It will be established that as a matter of fact in regard to maternal mortality owing to this early marriage and early consummation our country has got the highest figure in the world. Therefore, I will content myself with giving one or two figures in this connection:

"From the Lucknow Branch of the Lady Chelmsford Maternity and Red Cross Society Child Welfare League —

In this branch the total number of cases of pregnancy below 30 years was 3,160 in 3 years. Out of these 2.3 per cent. were below 16 years complete, of whom 85.75 per cent. were below 16 years complete, of whom 35.75 show some abnormality as above described; whereas for the age period 16—19 the abnormality rate was 17.52 per cent. and for the age period 20—29 it was 10.50 per cent."

Similarly, Sir, in regard to maternal mortality, reference may be made to what Dr. Adiseshan, the Assistant Director of Public Health, Madras, says. He examined 7,000 confinement cases and he gave his conclusions which are to be found at the end of the Book as an Appendix to the Report. All these conclusions will show that when maternity comes on before the complete age of 16, the consequences are very tragic; it happens that the mother dies or the child dies or they live a life of great misery.

As regards, Sir, infantile mortality, the less said the better. The death rate in England was 70 per mille and in India 189·04 per mille. Now, Sir, this was the rate given by the Health Officer of Delhi. He states the death rate of children is abnormally high.

So, it would appear, Sir, that as a matter of fact this proposition should be accepted by the House that the effect of child marriage and early consummation is very very bad on the physique of the girls of the nation. Now, Sir, if you look at the psychological results of this early consummation and early marriage you will agree with me that the results are still more tragic and the problems of the present day require that the age of consent should be changed. Even now when the marriageable age has increased in cities and in many communities which are educated and which have realised the evil consequences of child marriage, even now, I assume the consummation of young girls between 13 and 15 takes place and even now according to the provisions of the Bill many offences take place, though they do not come to light.

The safe age for maternity according to Vagbhat and Sushruta and according to the Allopathic system is 16 years. I ask Honourable Members to tell me if there is no case of maternity in India before the age of 16 or if consummation does not take place before a girl is full 15. If they think that conditions are so good there is no harm in changing the law because we will then be in the same state as the rest of the world. The age of consent in other countries is given on page 340 of the Age of Consent Committee's report, and you will be surprised to learn that the age is 18 in other countries; in very few countries is the age so low as 14 or 16.

**Mr. Tajamul Husain** (Bihar: Muslim): What is it in England?

**Pandit Thakur Das Bhargava**: There my Honourable friend is on some safe ground. It is said in this report—and the question was also raised when I brought in an amendment to the Child Marriage Restraint Act—that the age is only 12 in England. But there marriages never take place before 16. And the figures show that in 12 years before 1928—when the figures were quoted in this report—there were 28 cases in the whole of England and Wales of marriage at 14, 318 cases at 15 and only 12 cases at 13. May I ask my Honourable friend who interrupted me to tell me what the corresponding numbers were in this country? I may tell him that at least 50 per cent. of girls in India are married before the age of 15; does he realise the effects of that on our girls?

**Mr. Tajamul Husain**: Then why not raise the age of marriage?

**Pandit Thakur Das Bhargava**: I will come to that. If I bring in a Bill to do that I know what kind of reception it will get. If you raise the age of marriage from 14 to 16 I will be the first man to support it. I propose to bring in a Bill to raise the age of marriage for girls from 14 to 15. That would surely be a lesser evil: I think it is not an evil at all as compared with the change of age so far as the age of consent is concerned. If it is made an offence and all offences come to court, the courts will be flooded with these cases. Violations of the age of consent law do not come to court and it was intended that they should not come to court. But if the age of 15 is fixed in the Marriage Bill that will be the real solvent of our troubles and difficulties. If it is a fact that you are not affected by any change of the age of consent, why object to it? If offences are



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committed in the bedroom no one will bring them into court; neither the wife nor any other relations will come and give evidence in court because everyone will be interested in hushing it up so that it may not be exposed. So if the age of consent is changed there will be no harm done to society.

Sir, I think I have established that the evil of early consummation and early marriage is to be found in India, and I hope I have succeeded in establishing that these are the chief sources of evil in regard to our health and all other branches of life. The question is asked, what is the use of raising the age of consent? But is the health consideration nothing at all? Recently my Honourable friend Dr. Pattabhi Sitaramayya moved a Resolution in the House about national militia. Was not there a complaint during the war that Indians are not now as good soldiers as they were before? Did we not hear the other day from the Honourable Labour Minister that labour has greatly deteriorated and that the outturn of an Indian labourer is only one-seventh of that of a British worker and one-fourteenth of that of an American worker. Do we not know that an Afghan labourer is a better worker and earns more and at the same time is superior to our workers in respect of lifting weights? I submit that you will not have to spend so much on health problems if you raise this age. I submit that there is no department of life which will not be affected for the better if you pass this law and also—which is more important—if you implement this law by your actions and do not allow a single marriage to be consummated or performed before the girl is fully developed. May I humbly ask what right man has got to inflict an injury on a girl? I have spoken only of health considerations; I think our soldiers would be more brave and would discharge their duties better if they were sons of mothers who were not married at an early age.

Then I come to the social effect. My Honourable friend Haji Ishaq Seth has given notice of a circulation motion. I will accept that motion; but may I ask if you want your girls of the future to be Councillors and lawyers, and so on? Do you want them to be independent and to enjoy the pleasures of joyous girlhood between the ages of 18 and 15? Or do you want to shackle them behind the *purdah*? If not, you have to raise the age to 18 in extra-marital cases; you must give them freedom to learn things and to be educated. A girl cannot be educated if she is married at the age of 12 and 18. The only remedy for this state of things is to raise the age of marriage and the age of consent.

Sir, people complain about the dowry system and then they want to introduce this social reform and that social reform. In my view there is only one reform which will do away with the need for other reforms and that is raising the age of marriage and age of consent. In fact I maintain that this raising of the age from 18 to 15 in marital cases and from 14 to 18 in extra-marital cases constitutes the very charter of liberty for the women of India.

In regard to other considerations I submit that if you want to change the old idea of the overlordship of man over woman, if you feel that the woman of the future should not regard her husband as her overlord but as a companion for life . . .

**Shri H. V. Kamath** (C. P. and Berar: General): Is my Honourable friend an exponent of free love?

**Pandit Thakur Das Bhargava**: That question is not germane to the present discussion. But if he wants my view, I want that the girls in India should be given liberty to choose their husbands. In Vedic and olden times the girls were allowed this choice. Muslim law, Christian law and Hindu law allows it. Does my Honourable friend want that in future the fathers of these girls should continue to sell them as they are doing now?

Does he want that the considerations of wealth and other things should guide the choice of fathers and the girls of our land should not be allowed any scope for freedom?

**Shri H. V. Kamath:** My question was different.

**Shri M. S. Aney:** May I submit that it is the boys that are being sold.

**Mr. Speaker:** If the Honourable Member goes on answering these interruptions, there will be no end.

**Pandit Thakur Das Bhargava:** The conditions of today are exceptionally bad, and looked at from whatever standard, this present system of early marriage and consummation is eating into the very vitals of our society, and the change if made, as I have suggested, will materially change our conditions, and we shall grow in stature and in character also, if we leave this early marriage and early consummation.

As I have submitted, for all these considerations, I maintain that the change of the present age from 13 to 15 is a measure long overdue. We made a report in 1929 and since these 18 years the country has made greater strides towards the millennium than it ever made before. Previously the foreign Government did not want this change. While they abolished *sati* they did not abolish this. This system is worse than *sati* because in *sati* the girl died once. Here every day child widows pass their lives in conditions approximating burning on funeral pyres. When a girl became *sati* and died she left no impress and the only thing she left was praise for her courage; but in the case of girls suffering from early marriage and early consummation the case is worse. As a matter of fact, in our society they are not regarded now with the same consideration as they were regarded before. Now there is no joint family. Now the regard for child widows and old widows has diminished and in this individualistic age it is difficult for widows to pass their time. Therefore the time has come when we should not lead a life of complacency that because in the cities there is improvement then there is also improvement in the rural areas. I gave an example the last time when I spoke on the Child Marriage Bill. I am living in Hissar and in my compound there are some people belonging to the depressed class. There is my syce among them who has seven or eight children. Every year his wife gives birth to a child. The child in arms, a girl of 4 years and another of 5 years—are all married. There is another *chaprassi*, a Muhammadan; one day a daughter of his, aged four years, came to my house and said to my wife that her mother-in-law had come and was asking her to go away to her husband's house. She said: "I do not want to go". This is happening every day. I do not know about the conditions in the rest of India. But when I roamed throughout India with this Committee I went to the villages and studied conditions with open eyes. Conditions may have since changed but this evil has not been eliminated. As a matter of fact the evil is there. If I were convinced the evil was not there, I submit I would not take so much time of the House. But I want to submit for your consideration that even if many Members of this House say that the evil is not there, I will not be impressed by that opinion on account of the reasons which I have submitted for your consideration. If this is true that the evil is there, then I must submit that we must find a solution and the only solution is increasing the age of marriage and consent.

The question was what should be the change if the age is to be changed from 13? That agitated the mind of the Committee. The Committee recommended that 15 should be the proper age. Other ages were considered. The age of 15 cannot also be changed to a much greater age. According to myself, I would have preferred if 16 was the age. But since the Committee recommended 15, I have stuck to that because I do not want to rush headlong towards a bigger age, but beyond 16 I am not prepared to go.

But with the age of marriage at 14 and the age of consent at 15, there will be many infractions of this law. I would therefore submit for the consideration of the House that the marriageable age should be changed to 16. But as there is no such Bill before the House this is not very pertinent now. I maintain that the change in the age of consent does go a long way for preparing us for a

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change in the law of the marriageable age. An increase in age shall prove to be of great economic advantage also to our people. When the Honourable Member Mr. Gadgil was replying to me on the last occasion on the 2nd April, he himself stated his experience to the House and said that when he went to his constituency and told people that economically speaking they would become very much better than before by raising the marriageable age, the people round about him accepted the opinion, I say the same thing. Unless this age is changed, in the very hard times to come people will not be able to earn their livelihood. They will not be able to keep their families if they do not increase the age of marriage, and I therefore submit, that judged from whatever standard you like economically, sociologically, physically or psychologically—this age must be changed. What is the psychological effect? If you go on talking about marriage among young girls the result is, as it has happened in Bengal. In the rest of India the age of puberty is 14. Ellis's "Jurisprudence" gives the age of puberty between 12 to 14 in 65.7 per cent. of the girls. Out of the 765 replies received by the Committee, 53 per cent. of them gave the age of puberty as between 12 and 14 years. And in certain communities of Madras who are addicted to early marriage the age of girls with regard to menstruation has changed. They have even changed nature by this evil. For Madras girls and Bengal girls the age of puberty comes on between 8 and 11. This is the result if you frequently speak of marriages and indulge in early marriages. And in our homes there is no other talk among our young folk and old folk. The psychological effect is that there is precocious puberty among those girls and this is a national vice of the worst character. Therefore psychologically speaking also this talk of early marriage and consummation is bad.

As regards provisions of the Bill which I am submitting for your consideration, I want a change in Section 361. This is the second clause in my Bill, in regard to Section 361—Kidnapping. We have changed the age to 16 in Section 366 (a) and (b) and other relevant sections also. But so far as this age is concerned, it is at present 16 and I want it to be made 18. It is very curious that if there is a girl and she is owner of lakhs of rupees and property worth crores, she cannot part as a minor with property worth Rs. 4. She cannot even dispose of one house out of her property but she can dispose of her person even if she is 14.

It is an absurdity that for extra-marital cases the age of a girl should be only 14 years. It so happens that a girl of 16 may be fully developed so far as cohabitation is concerned but psychologically she may not fully comprehend the consequences of her act. An unscrupulous man may dupe her and she may have to repent all her life. To protect these girls from the hands of evil-doers it is necessary that in extra-marital cases the age should be increased from 14 to 18. Opinion in the country was almost unanimous in regard to this age and there is no harm if the age is increased to 18. I can understand that there might be some difficulty in regard to *deva dasies* or prostitutes but even from their point of view it would be to their benefit if they are in a position to understand what they are being brought up to and what will be their future course of action and fate. In their cases also they will benefit a great deal if the age is increased to 18.

In regard to these two cases I know it may be argued that a girl of 16 may in some cases tempt boys of 20 to 25 but with regard to that we have made a provision that in such cases where the girls are between 16 and 18 and consent the offence may be regarded as compoundable. In regard to the main change I want the age from 18 to 15, in intra-marital cases and from 14 to 18 in extra-marital cases. To encompass this it would be necessary to amend Section 375 and create a new offence. The Committee's report calls it marital misbehaviour. I want to add another Section 376A. Here as understood in ordinary language does not and should not include the case of a wife. So the new offence of

marital misbehaviour is provided in Section 376A and the punishment for the same is provided under Section 376B. There was some difference of opinion, as there is bound to be, in regard to the punishment to husband offenders who commit offence on girls below the age of 12 and above this age. Nobody can have any sympathy with such offenders when the age of the girl is below 12 and they should be given the punishment which is provided for ordinary offenders. In regard to offenders when the age of the wife is between 12 and 15 the Committee felt that there should be a difference and I also agree but where I disagree with the Committee is with regard to the quantum of punishment. The Committee opined that the punishment should be one year but I have provided for two years. I appended a note of dissent to the report. I do not want to give to the House all the reasons which actuated me to make this change. All that I want to say is that under the scheme of things as I envisage it the provisions of this Bill will be more useful in creating conditions of fear of consequences of breach than that they will be utilized by actual enforcement of provision. When the effect of the law is stringent people would act and behave in a particular manner on account of the fear of the consequences. Therefore the two years punishment should be retained so that people might know that the offence is very atrocious on account of its being attended with very grave consequences.

In regard to the other provisions of the Bill, so far as paragraph 6 is concerned, it only places a limitation upon the period during which a prosecution under this Act can be made. In regard to the other provisions, Section 552 deals with the powers of the court to give liberty to abducted females or females who are kept in custody. I want to change the law to include not only girls of 16 but girls of 18, who should be afforded this protection. Similarly in Chapter II I have made a change.

In regard to the placing of these sections in the body of the Penal Code the Committee thought that they should be placed under the Chapter of offences relating to marriage. I do not agree for reasons given in my note of dissent. In my humble opinion these offences should be placed in that part which relates to offences against the human body. The essence of the offence is that the offender really commits a crime against the human body. If you look at Section 87 of the Penal Code you will agree with me. As a matter of fact the principle contained in that provision is applicable to the case of girls and it is on that basis alone that this legislation is justifiable. Therefore the proper place for this offence is, according to my humble opinion, under the offences relating to the human body.

I do not want to take any more time of the House. I have already taken a good length of time. I would only submit one point in conclusion. I regard that this Bill will certainly benefit our people and our countrymen much more than any other legislation. When we look at the Objectives Resolution of the Constituent Assembly I feel bound to say that the objectives of the resolution will be better fulfilled by enacting this Bill than by enacting any other legislation, as it will secure social justice and social security at once.

In the budget of human relations I believe that the place which we assign to the backward classes and the depressed classes constitutes the real test of our progress. There are three questions of vital importance according to me in regard to this budget of human relations. The first is: How do we treat our women? I know that all our ancient seers, sages and leaders from time immemorial have tried to ameliorate the condition of the women of this country. Mahavir Swami fought for them: Swami Dayanand, Mahatama Gandhi and many others have been trying in their own way to ameliorate the condition of women and the depressed classes of this country. The House will be interested to know that when the Sarda Bill came before this House in 1928 I sent a wire to Mahatmaji asking for his opinion about the proper age for marriage. He was kind enough to send a reply saying that 18 was the proper age for girls.

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I am only asking that the age of consent should be raised to 15. If you follow the lead of that great man you should at once accept the principle of this Bill.

In this connection I would submit that the Government must take substantial steps to implement the spirit of this Bill. I would in the end submit for the consideration of the House that they should consider the Bill on its merits and try to remedy the evils our country is suffering from. My weak powers of expression should not affect the full appreciation of the miseries which our girls suffer from as a result of early consummation and marriage. The House if it agrees with my conclusions should lose no time to pass this measure.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1860, be referred to a Select Committee consisting of Mrs. Renuka Ray, Shrimati G. Durgabai, Shrimati Kamala Chaudhri, Mr. Naziruddin Ahmad, Shri Jaspal Roy Kapoor, Shri Deshbandhu Gupta, Shri K. Santhanam, Shri Mohan Lal Saksena, Shri S' Nagappa and the Mover, with instructions to report before the first day of the next session of the Assembly and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be five "

**Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim):** Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1948."

**Mr. Speaker:** I would like to know from the Honourable Member whether he wants to stick to that date.

**Haji Abdus Sattar Haji Ishaq Seth:** I think I had better stick to this date. My friend said that he was agreeable to a motion for circulation but stipulated that the opinion should be received before the next session of the Assembly. I want to point out to him that it is physically impossible to circulate the Bill and get opinions before the next meeting of the Assembly, which means the Budget Session which I understand will be held in the middle of February 1948. In the two months that we will have it will be impossible for the office to circulate the Bill and get opinions. The shortest time allowed usually is six months, and my motion also provides about that much time—it allows seven months. It is the shortest time that could be allowed for the purpose. I therefore appeal to my friend to accept this date and I assure him and the House that there is no purpose behind this motion of a dilatory character.

With regard to the provisions of the Bill I am not going to delve into the various provisions or how they affect us or the country. It is essentially a measure of reform and I think the House will do well to get the opinion of the people who are going to be affected by this measure. So far as I understand there will not be much difficulty with regard to the provisions of the Bill except with regard to clause 5 where the Honourable Member creates a new offence and is raising the age to a limit which I am afraid the country may not be willing to accept without a great deal of publicity. My motion will help in this way, namely that it will also provide propaganda in favour of these amendments and it will be for the country to express its opinion whether to accept it or not. It is in this view I am moving the amendment and I hope the House will accept it.

**Mr. Speaker:** Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1948."

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

**Kari Syed Karimuddin (C. P. and Berar: Muslim):** Mr. Speaker, Sir, in supporting the amendment for circulation of the motion, I accept that the Mover of the resolution made a remarkable speech, and feelingly too; but certain aspects of the provisions that we want to bring on to

the statute book have to be seen whether they are sound on principle. He has made a serious speech and has proposed very serious punishments. I think the learned Mover is unmindful of his youth and he has made his speech when he is old. There is no doubt, Sir, that the fundamental propositions laid down by him in his speech will be acceptable to practically all the members of this House. There is absolutely no doubt that child marriage is positively detrimental to our women folk and it is an evil which has to be uprooted. The two principles underlying this Bill are whether the age of consent has to be raised and whether severe punishment has to be provided in case of violation of these provisions. My Honourable friend the Mover of the resolution has made a long speech against child marriages,—a principle which is acceptable to all. As regards the amendment to section 361, I accept there can be no objection. My objection is to the amendment to section 376. It is said "except where the woman is between 16 and 18 years of age and is a consenting party to the sexual intercourse when the offender shall be punished with imprisonment of either description which may extend to two years or fine or with both". If in the case of marriage the age of consent is 15, why in the case of a girl and a young man, who are 16 or above 16 and below 18, they cannot be allowed to live together? Absolutely no reason has been assigned as to why they cannot meet with the consent of each other. Sir, the Mover of the resolution has not considered a serious aspect of the question. There are many who do not believe in the institution of marriage. There are many who believe in the principle of communism. They refuse to marry. If *mantras* or recitations of verses are read, the age of consent is 15. If such *mantras* are not recited, then they cannot live as husband and wife between 16 and 18. That is a very cruel provision of law that is being enacted. Secondly in the case of prostitutes it will be very difficult. The Mover of the resolution has already said, there are some difficulties about prostitution and no provisions have been made to minimize the effects of that harshness. Another aspect of this Bill, Sir, is this: It is said that when the age of the girl is above 16 and below 18, then the punishment will be 2 years to the offender. If the girl is a consenting party, why should she not be punished? Why the young man is punished when the girl is a consenting party and when she is above 16 and could make a very good wife if she had married at the age of 15? The learned Mover has assigned absolutely no reason for it. It is a physical necessity for a woman. It is a physical necessity for a man. Why should you make a distinction between a young man and a young girl? My learned friend wants to punish the man who has committed this offence and not the woman who is a consenting party, who has also a physical necessity, who is fully developed according to medical opinion.

Then there is another thing Sir. "Whoever commits marital misbehaviour shall be punished with imprisonment of either description for a term which may extend to ten years or with fine or with both if the age of the wife is below twelve years and with punishment of either description for a term which may extend to two years or with fine or both if the age of the wife is between twelve and fifteen years." Now this is a very severe punishment. If there is a misbehaviour of the husband with his wife when she is below 12 and if the man is given the maximum punishment for the alleged cruel treatment then he has to go to jail for ten years, and if she is below fifteen, the punishment of the sentence is two years. Before these punishments are accepted, my submission is that there must be a marital law in the country which should totally prohibit child marriages or marriages of girls below 15 or 16. This punishment is bound to disturb the domestic life of the couple. If a man is sentenced to jail on the evidence of his wife and that too for 10 years, up to the age of 22 she has no husband practically and when the husband returns from jail, he may accept her or he may not accept her at all. Instead of giving very severe sentence and

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punishment when he misbehaves, why not enact marital laws in which very severe punishment should be enacted for having marital ties with girls below 15? Now Sir, in the law now prevailing about child marriages, the punishment is very low. The amending Bill which has come proposes 3 months punishment only. If this is the punishment for having such marriages, then why such a serious punishment to a couple or to the husband who is already married and who has to live with that girl all his life? My submission is that before this punishment is accepted, the learned Mover should have brought a Bill in which marriages of girls below 15 should be prohibited and very serious punishment should be provided.

Now, in one of the paragraphs of the age of consent Report it is mentioned that there are some communities in Assam who have their marriages by courtship and love and that on that ground they have been exempted about the age of consent being above 16. Now, suppose there are some communities in this country who marry after courtship, who marry after making love, and if they live together and make love and commit a blunder between the ages of 16 and 18, and if the courtship falls through; then the husband or the man who tries to woo his would-be-wife, has to go to jail for a mistake in having courtship and love with the girl. These things, Sir, have not been provided for at all.

Now, the Mover of this Resolution in his speech has said that in regard to this misbehaviour mentioned in sub-paragraph (iv) the offence is compoundable. Now if this offence has been committed between the man and the woman who is above 16, it is made compoundable. When it is done with consent why should it go to court? You have made it compoundable without the permission of the court. Suppose they go to court and say, "No, we do not want this case to be prosecuted; the case should be withdrawn", then what is the result of this? It is a contradiction in terms. If you think it is such a serious offence in which the punishment is two years, why have you made it compoundable? If it is done with the consent and if it is made compoundable, what is the meaning of this prosecution? Certainly, Sir, I maintain that it is a contradiction in terms. My suggestion to the learned Mover is that instead of providing such serious punishments in regard to the violation of the provisions of this Bill, the marital laws should be made very strict. The offences under the marital law should be made cognizable—as the legal position stands today, they are non-cognizable. Parties, admittedly, are very reluctant to make reports on the marriages of minors to the Police or to the Courts. If they are made cognizable, if there is a severity of the punishment and sentence in regard to marital laws, there would be hardly any marriages.

Now, what would happen if marital laws are not provided in the manner I have suggested? If there is no severity of sentence, the position will be like this; there would be many marriages because there is less severity of sentence and if there is a marital misbehaviour the husband is likely to be sentenced; and if a serious view is to be taken as I have already said, the domestic life is bound to be marred. The domestic life can never be happy when the husband has been convicted on the evidence of his wife and the chances are that they would never meet each other.

Therefore, before this Bill is sent for eliciting public opinion, the Mover should take all these factors into consideration and when occasion comes he should amend his Bill.

**Shri M. Ananthasayanam Ayyangar:** Sir, I do agree that the age of consent has to be raised in certain cases. This Bill covers two sections of the Penal Code and tries to make consequential changes in the Criminal Procedure Code. The first is with respect to Section 361 relating to kidnapping. A person is said to commit an offence of kidnapping if he takes away a male who is below the age of 14, and of a female who is below the age of 16, without the consent of the

guardian, or entices her away. Now, the Bill seeks to increase the age from 16 to 18 in the case of a woman. I do not see any objection in this. We are not in Western countries; we are here—both Hindus and Muslims, and others—Jains, Parsis and Buddhists—the institution of marriage applies to all of us and we all believe in it. We are not trying to provide for a few communists who may not believe in the institution of marriage at all. Let one belong to any religion in this country; would he take a girl who before marriage coquets with another man? Does our society admit it? Is it right that when she is still at an immature age she should be allowed to go astray?

Sir, each country is trying to make laws suitable to its own level of culture and habits. Therefore I do not find any objection to raising the age in the case of kidnapping from 16 to 18 for girls. The age of the boy must also be correspondingly raised from 16 to 18. I would like to make an amendment to that effect.

As regards the other Section, Section 375 of the Indian Penal Code, I agree with the previous speaker in that it is not happily worded and I take exception to the substance of it as well. Now, the marriageable age of a girl has been raised from 12 to 14. But under this Bill my Honourable friend Pandit Bhargava wants that though they can marry a girl as soon as she completes 14, she ought not to look at her husband till 15; they should be kept into separate compartments and if unfortunately they should come together the husband will, as a consequence of that weakness, be put into jail. That is what happens. Raise the marriageable age from 14 to 15; I have no quarrel. But if, after accepting the marriageable age to be 14, and after marriage, you do not want that the husband and wife should live as husband and wife and make it a penal offence if they should live as husband and wife till the age of 15, it is rather an inconvenience. I understand from my Honourable friend that he is anxious to raise the marriageable age also from 14 to 15. All right, that must precede this. Then no girl should be married below the age of 15; in that case all the inconvenience would be avoided; all the chapter and verse that he quoted from various doctors in the previous Committee's Report may be applicable. I have no objection. Let the marriageable age of girls be raised from 14 to 15. But this is not the way in which he should try in a round about manner to get at the desired result. As it is, it will cause a great amount of hardship and will disturb matrimonial relationship; where after a marriage the husband and wife are expected to live comfortably in the domestic life, all that will disappear. Therefore, Sir, I am absolutely opposed to the amendment of Section 375 in so far as it tries to make an offence of married life that can be led between the ages of 14 and 15.

Then, the Mover wants to raise the age of consent from 14 to 18. It is a matter for consideration as to whether it may not be 16—whether it should be raised straightaway from 14 to 18. Then with consent whether it ought to be allowed or not after 16 to make it an offence; there may be difference of opinion as to whether a woman must be allowed to give free consent after she completes the age of 16 or whether consent should be nugatory; whether with or without consent the male should be said to have committed an offence until she becomes 16, must be considered in the setting in which we live.

So far as the penal provision is concerned, I can easily see from the rigorous life which my Honourable friend Thakurdas Bhargava leads that he wants exemplary punishment even for ordinary weaknesses. But I have got great doubts whether such a serious punishment as 10 years is not more draconian than the law which was enacted so early as 1861. Times have changed. I do not agree that such an attitude should be taken as is taken in this Bill. It is opposed to all canons of freedom between a man and a woman. It is opposed to all principles in which we have been brought up. The only question is what



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is the degree of limitation that has to be imposed. It is good that my honourable friend Mr. Ishaq Seth has moved for circulation of the Bill. After it comes back, there will be time enough for us to consider this question. In the meantime, Sir, I am generally in favour of accepting the principle of the Bill.

**Shrimati G. Durgabai (Madras: General):** Mr. Speaker, Sir, while accepting the amendment of the Honourable Mover of the amendment, I consider it my first and foremost duty to express my deep debt of gratitude to the Honourable the Mover of this Bill. Sir, he stands here as a champion of the charter of freedom and emancipation of the women of this country. When he was speaking on the Bill, I saw what kind of agony he was having in his mind when he was giving expression to his ideas which prompted him to bring forward a measure like this. I really saw a woman's heart, a mother's heart, in him which prompted him to introduce this Bill. I now realise that a man might probably feel more for a woman than a woman can feel for a woman. He has introduced not one Bill of this kind, but he has brought several which sought to give protection to young girls. In his Statement of Objects and Reasons he has clearly stated what he meant to bring about through this Bill, namely, "for the physical well-being and better protection of young girls."

Now, Sir, it is stated in the Statement of Objects and Reasons: "It is true that changes incorporated in the Bill curtail the liberty of males, but it is equally true that these changes are absolutely indispensable from the national standpoint for the physical and moral well being of the coming generation." The matter being so important, I find that it is a great pity that the Report of the Age of Consent Committee which was appointed so early as 1928 and which made such an extensive and exhaustive survey and examined more than 400 witnesses and collected all the material that was necessary and also I believe spent more than Ra. 2 lakhs and produced a practically unanimous Report, was not given effect to by the Government so far. Although nearly 20 years elapsed, the matter has made no progress at all, and I am therefore glad that today my Honourable friend Mr. Bhargava has brought forward this Bill which seeks to introduce a great reform, at the same time giving effect to the recommendations made by that Committee.

Sir, in this Bill, there are two things which are particularly striking, namely, Section 876(a) and 876(b). I found that these provisions struck a kind of terror in the minds of some friends in the House. Just now, I heard the remarks made by the previous speaker, Mr. Karimuddin. His main grievance seemed to be not that this measure has been brought forward but rather, as to why girls are not also punished. It is really surprising why he made a grievance that under this Bill even the girls should have been brought in for some kind of punishment. Perhaps, it would have satisfied him if there was a provision bringing the girls also under the scope of this Bill and awarding them punishment simply because they are also consenting parties. I do not know what he meant by that, because we know how a girl of 12 years or a girl hardly about the age of 13 or 14....

**Kazi Syed Karimuddin:** I meant girls about 16.

**Shrimati G. Durgabai:** Even if a girl is 16, we know how much responsibility she takes about herself and how much she knows about her own self. Consent, Sir, may be obtained in more than one way. Therefore her consent should not really be taken as an authority or stamp for this kind of offence committed by the husband. I do not think Mr. Karimuddin is really right when he says that simply because a girl consents, therefore she too must be given punishment along with the man who commits this act.

Another matter, Sir, which calls for our attention is the punishment that is provided, namely ten years, for the offence committed with regard to a girl after

12 and below 15. It seems to strike terror in some quarters. I really do not know why Mr. Bhargava while prescribing this period of punishment did not explain what he really intends, because I feel that he really does not expect any case like this to come before any court of law and also that he does not expect any kind of offence of this type being committed if only the punishment provided is not lenient. It is no use providing lenient punishment. If you want this offence to disappear, you must provide for rigorous punishment, so that people may know what kind of punishment and suffering they will have to undergo if they violate the provision of the law in this respect. Otherwise, I feel that the period of ten years prescribed here is quite in proportion to the magnitude of the crime committed. We know that this offence does not really arise from any lawful marriage nor does it flow from obligations conferred by religion. It flows from the absolute right of the husband. This is an offence not against any marital law, but against the human body and it is the duty of the State not merely to ensure that no injury is committed against any person but against the human body. Therefore, I wholly agree that the period prescribed is in keeping with the magnitude and heinous nature of the offence. He has prescribed a period of two years as a punishment in case of a girl below 15. I think even that is not quite excessive but quite proportionate to the offence with regard to the girl.

With regard to the point which Mr. Ayyangar has raised whether it is really going to disturb the marital relation of the man and the woman after their marriage, that is, after the 14 years, Pandit Thakur Das Bhargava while speaking on the subject has already made it clear that he is going to bring another

Bill raising the marriageable age of the girl from 14 to 15 or above  
 P. v. that. He is going to do that and I am told that this Bill will be introduced simultaneously. If actually the marriageable age of the girl is just at 14, then it is not quite necessary that we should disturb the marital relationship for just one year, if only the consummation of that relationship is not going to take place immediately after the marriage of a girl just about 14 years. Certainly in the interest of the physical well-being of the girl, the parties can by mutual consent and a better understanding, wait for that one year's period and certainly during that period the relationship is not going to be disturbed and certainly that kind of weakness can be conquered by people and it is quite necessary.

I am not going to go into the details of all the points of the postponement of this age for the purpose of consummation, because the House is already aware of the figures of infantile and maternal mortality. Actually how many cases of such infantile mortality are there? Mr. Bhargava expects great benefits to flow from this Bill and from the point of view of nation-building, it is quite necessary that this kind of reform should be immediately brought and also from the physical well-being of the young girls it is quite necessary that this must be immediately given effect to.

I am very sorry that there is an amendment for further postponement or further to send the Bill for opinion and we have to accept that amendment because there is no other go. There has already been so much delay even after so much has been done by this Committee and after all the material is ready, but I hope that this period of six months which is contemplated by the amendment may be reduced to a shorter period and this measure may be brought forward as soon as it is possible.

**Dr. B. Pattabhi Sitaramayya** (Madras: General): Mr. Speaker, Sir, I must at the outset say that I gladly approve of the measure which has been brought by our Honourable friend Pandit Thakur Das Bhargava. It is seldom that social legislation is embarked upon in a House like this. The whole history of the British Government ever since 1856 has been one of utter barrenness in that no social legislation has been attempted or undertaken by the Legislature. The British were of the opinion that social legislation was apt to embroil them with

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the religious beliefs and susceptibilities of the country and in order to make their position safe, they have studiously abstained from all interference with the social customs and manners of this land.

So far as I can recall from memory, there was the Widow Marriage Act of 1856, which penalizes the widows rather than help them when they want to re-marry; then there was the Lex Loci which related to conversion into Christianity and property arrangements connected therewith; then there was the Brahma Marriage Act, which is popularly known as the Act of 1873, which enabled Marriages to be performed by a kind of registration, though it involved a declaration by means of so many negatives that a man is not a Hindu, a Muslim, a Jew, a Christian, a Jain or a Parsee.

Later we come to the Sarda Act and now we have got on to something more which is allied to this series of social legislation. Much is talked of social service nowadays and almost everybody talks on this subject even on a political platform. When people speak of a new social order, they can only mean economic betterment of the people, such as improvement of labour conditions, regulation of labour hours, control of child labour, conferment of maternity benefits, sickness and accident Insurance and so on. This is a different question altogether. Apart from this there are certain social evils which demand immediate attention. But slowly this aspect of Hindu society, of Muslim society or Indian society as an organic unit which has grown from strength to strength during these many centuries in its historic past, has suffered a reverse in the process of its development. The onslaught of foreign invasion always brings in its train penalties to which society is exposed, apart from the deprivation of political privileges. Foreign rule always fights shy of interfering with social matters and therefore, for at least, a century and a half, Indian society has become absolutely petrified and the High Courts have always fought shy of giving judgments on the principles of approved social reform, notwithstanding the fact that year after year for more than 25 to 30 years, the Indian National Congress was followed up by another national organization, namely, the National Social Reform Conference approving of such principles. It is a great pity that during recent years during the last 2 or 3 decades this Social Conference has receded into the umbras and penumbras of national life. The fact is that the more important aspects of Social Reform which related to the political development have been absorbed into the political programme and therefore, the purely social aspect of Reform has been absolutely neglected. The abolition of the caste system has been more or less a part of the Congress programme and in no Congress organisation do you see anything like the prevalence of the old caste distinctions, although each Member of the Congress may in his own home and in regard to marriages and various other allied matters observe the strict rules of caste. The prevention of child marriage, the promotion of widow marriage, the abolition of caste system on a wide scale—all these have gone into the background and it is a real pity that our legislatures have fought shy of legislation on these matters.

It sometimes occurs to me whether it would not be far better if a mixed body like this Legislature did not interfere with the social customs of one particular community or another, and whether it would not be much better if internally organised social councils are set up, the decrees of which must be registered as a basis of legislation by this larger legislative body. All of you perhaps know that in England there is a Church Council. The Parliament seldom deals with church matters directly. Whatever the Church Council passes is bodily registered without a comma or a foolstop being changed and sometime ago in Germany also there was an economic Council and its decisions were implemented likewise as legislation by the Reich. In the same manner if by some process of representative organisation we can bring into existence a body possessing, at any rate, adequate social authority, the verdict of that Body might be embodied as legislation in this House.

The great difficulty with regard to these matters is that initiative has been wanting. If this country were self-governing, if the country had a king, of its own, who was of the soil and sprang from the soil, anything could have been done, everything could have been accomplished by the example set by the King. As it is, a foreign King cannot control the social conditions of a subject-population. Therefore the King and the subjects become farther and farther apart from one another and it was not possible to achieve any such natural progress. In the meantime the progress of an individualistic civilization and the onslaughts of Western life and Western ideals have wrought havoc in the priest-craft and demolished altogether its position of authority and influence.

Thus everything has conspired to destroy the social forces that once made for progress in this ancient land and we have been left helpless. Society never stagnates. Custom is a thing that grows of itself; and it is the Government of the day that have stopped the march of progress in the change of custom. It is therefore high time that we resumed our social activities outside, and social reform activity inside the legislature. In this view I may say I am not immediately concerned with the actual contents of this Bill. The fact seems to be that it is more or less agreed that it will go out into the country, and therefore it is likely that it will be examined in all its details, section by section and phrase by phrase. It may be regretted by some that such a reference back to the country for eliciting public opinion is one way of evading the legislation immediately, but it has also an advantage, namely, that it once again makes the dry bones of the valley instinct with a new life and kindles their instinct into a new activity. Hitherto society has been moribund; and once society is called upon to support or oppose the principles that underlie legislation of this character, then certainly even the retrogressive people will stir themselves up and throw off their apathy, and give opinions which will provoke the opposite opinion from the opposite party. Therefore I do not personally regret the reference of this Bill back to the country. It may take about six months; that is not a very long period in the history of Indian society, and we can well afford to wait for six months if thereby we can get a Bill which will spring from within and not be imposed from without. All social legislation must really spring from within and not from without. It must be like the body growth which grows by intussusception—as it is called in Biology—and not by accretion as minerals and rocks grow by one stone being thrown on the top of another. We do not want legislation to be forced by extraneous authority, and therefore we would like that the people of the country should realise their responsibility and then call for such legislation. This is the advantage that a reference of the Bill to the country for public opinion will have.

So far as some of the outstanding details of the Bill are concerned, I shall only say that I welcome the raising of the age of consent from 13 to 15 and the promise of a Bill to raise the age of marriage from 14 to 16. I do not go into raptures over the success of the Sarda Act; it has been more disobeyed than obeyed. But at the same time to those who wanted to obey the injunctions of that Act but who were on the other side subject to the fears and threats of excommunication from society, it gave a new strength, a new hope and a new authority. And people of more or less orthodox families continue to send their girls to school because the girls themselves would not like to marry, and when challenged about the lapse, they say there is the Sarda Act prescribing the age limit of 14, and they could do nothing contrary to it. And once the limit of 14 years is crossed it does not matter whether it is 15 or 16 or 18 years. Sometimes the more a girl is educated the less does she run the chance of being married in this country. I do not say that on that account girls should not be educated or that they should be married early. Of course in a social scheme which is based upon the healthy principle of marriage being good for the average girl and the average boy, child marriage is certainly an excellent thing provided remedial measures are there by way of widow marriage as well. As a

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matter of fact, however where marriage is a question of choice by parties and of adequate social equipment and of capacity to maintain a family according to a particular standard of life, there arise numerous difficulties, in the way of every man and woman being married but we are not concerned with them. People talk much about the standard of life; I am sometimes amused. How did England raise her standard of life? It was only at the expense of India. I want to see how in the next five years England is going to maintain her standard of life. For all these years she had been fattening upon others more or less by parasitic life. I do not think it will be easy for us to raise the standard of life in this country to the levels that exist in Japan or America or Europe. We cannot live on others; we may not be wholly non-violent but we are not an imperialistic nation and therefore we do not encroach on others rights. In the circumstances, we must examine our ancient customs as they came into being in the pristine days, of the nation in all its purity, integrity and high honour. But the times have changed and with the times, conditions too. We must now realise that the time has come to raise the age prescribed by the Sarda Act from 14 to 16, in the case of girls. That would obviate some of the objections raised by our Muslim friends. I also see another little difficulty in regard to these matters. The Muslims may not feel exactly alike in this matter with the Hindus. If there are difficulties it is necessary for us either to set up separate Social Councils, such as I have indicated or to sit together and come to an understanding on all such matters because the statistics that have been revealed by the investigation party that was appointed in 1929 show that the evil is as rampant in Muslim society as in Hindu society. Therefore the evil being the same the remedies also must be similar. I am sure the House will unanimously accept Mr. Bhargava's motion. If it is not referred to the country for opinion I shall be glad; if it is referred, it will be none the worse for the Bill.

**Some Honourable Members:** The question may now be put.

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

" That the question may now be put "

The motion was adopted.

**The Honourable Sardar Vallabhbhai Patel** (Minister for Home Affairs): Sir, this measure has been introduced in order to bring the existing penal laws in line with the recommendations of the Age of Consent Committee. This Committee reported in 1920; the report was circulated in the provinces and the general opinion of the provinces was that some of the recommendations were not practical and some of them were fraught with grave difficulties. It is true that social legislation of this nature cannot be easily passed in a House influenced more or less by a foreign Government. When the foreign power was ruling the country certain customs, interests and systems which allowed for easy administration were not interfered with; at least opposition to them was not encouraged. Therefore it was difficult to get social reform through. So I have great sympathy for our friend the Mover of this Bill in his efforts to bring forward legislation of this character. But we have to take into account the fact that where a Bill affects the social system and the religious susceptibilities of a mass of ignorant people we must have more direct and concrete evidence of public support for the speed with which these measures should be introduced. It is true that a considerable time has passed since that report was received and no effort has been made by Government or by the legislatures to take any steps in this matter. It is possible that the reform is overdue and public opinion may favour it. But Government before accepting such legislation must have more concrete evidence and more positive evidence. Therefore the motion for circulation is the proper thing. The only difference in the House is about the period within which the report of the Committee should come. That opinion should be ascertained is a matter on which there is no doubt. Both the mover

of the Bill as well as the mover of the amendment desire that public opinion should be ascertained before passing any such measure. Therefore, apart from any controversy regarding a particular section of the Bill, it is better to confine ourselves to the question as to the period of circulation. Therefore, on behalf of Government, I suggest that having waited for long, in a measure of this nature we would not lose much if we accepted the amendment moved by my friend, Mr. Ishaq Seth. As such I am prepared to accept the amendment moved for the circulation of the Bill for the period which has been proposed by him.

**Pandit Thakur Das Bhargava:** I will deal very briefly with the points made by Honourable Members who have spoken after me.

In the first place there have been objections from Kazi Syed Karimuddin to the effect that the punishment in the Bill is excessive and secondly that the better measure would have been to increase the punishment in regard to marriage offences. I quite agree with him that so far as the punishment provided for offences against marriage laws is concerned, the proper thing is to accept the Bill which I have already got circulated and which is before the House. All the same, the reply which has been given by my sister, Durgabai is absolutely conclusive on this point. After all, as the Honourable Speaker has himself pointed out that the infraction of the consent law is fraught with great consequences to the girl herself, the policy of the law should be that this Act should only be useful in striking fear in the minds of those who want to violate it. As a matter of fact, no one wants that the family life should be so disturbed that the wife should never be reconciled to the husband. Therefore in a measure of this nature, it is fraught with great potentialities if we keep the amount of punishment rather more than less. I should therefore think that the amount of punishment provided in the Bill is quite right.

The Honourable Mr. Kazi Syed Karimuddin has raised certain other points. For instance, why should not women be punished and secondly why should there be a difference between intra-marital and extra-marital cases? I would refer him to the arguments in which all these objections have been met in the report of the age of Consent Bill. It would take me a long time to reply to all these arguments; I would ask him to read this report and he will get the right reply.

I am anxious that the other Bills which are set down for introduction should come up as soon as possible. Therefore I do not want to reply to him at length on these points. One point has been answered, and I do not want to repeat the argument about the liability of the woman for punishment.

As regards the second point, that the age should be same for extra and intra-marital cases, my friend argued the point in a simply astounding manner. He wants to suggest that the marriage ceremony and the selection of a bridegroom for the girl by the parents or guardians is of no consequence whatever. He thinks of a society in which the girls may not be married at all. Our society is one in which all the girls are married. Moreover, according to medical science 18 years is the safe age for motherhood and more safe and proper than 16. So far as intellectual development and psychological development goes, the age of 16 does not give that amount of discretion and independence to a girl which the age of 18 gives, and for many other reasons stated in the report, 18 is more proper. The whole country is unanimous that the extra-marital age should be raised to 18 and if we take the trouble of reading the evidence of the 400 witnesses, you will find that many of those witnesses were agreeable to this change and stated that this change to 18 is the proper thing and not 16. Otherwise all the evils which we hear of as happening in the countries of Europe will be introduced in India. We want to steer clear of them and we want our girls to be protected up to 18.

[Pandit Thakur Das Bhargava]

One point more that Mr. Karimuddin made was this. He was of the opinion that there was no sense in making the case compoundable with the permission of court. May I refer him to Section 365? There are many offences which are compoundable with the permission of Court. Even Section 420 has been made compoundable with such permission only.

**Kazi Syed Karimuddin:** This is "without". Section 376(b) second part is "with". There is no mention in Section 376(1) (2).

**Pandit Thakur Das Bhargava:** That is compoundable without the permission of the Court and naturally so. You have just stated before the House that if there is a case of courtship: for example, in Assam there is a custom that on a particular day the young man and the young woman go to the jungle after a dance and there remain for three or four days and after that they come to their homes and then they solemnize their marriage. In order to meet a custom like this, we thought that we should keep it compoundable without the permission of Court so that the Court cannot have a hand in determining whether the case could be compounded. So there will be no difficulties at all. It is in the hollow of the hands of the offender and the offended girl—to compound the offence at pleasure. He has made a reference to this too, but in that he has himself given the reply.

Then again, Sir, my friend was of the view that the offence should be cognizable. We have good reasons to say that it should be non-cognizable otherwise the whole society will rise against this House if they were pleased to make this offence a cognizable one. We know what our police is and we do not want that in such matter the police should interfere.

Mr. Ananthasayanam Ayyangar was pleased to remark that since the age of marriage is 14 and the age of consent has been raised to 15 there will be difficulties in this that after a person is married he will not be allowed to cohabit with his wife. I quite see the difficulty but does my friend realize that from 1860 till 1891 and from 1891 till the Sarda Act was passed the similar conditions prevailed and husbands could not cohabit with their wives below 10, 12 and 18. Heavens would not fall if a husband could not molest his wife under 15 years.

**Dr. B. Pattabhi Sitaramayya:** That was the Rubicon: that was crossed!

**Pandit Thakur Das Bhargava:** If that is so then you have answered Mr. Ananthasayanam Ayyangar. No girl should be allowed to live with her husband, unless she is full fifteen and there will be no difficulty in this matter also when the age of fourteen given in the Sarda Act is changed to fifteen. I thank Dr. Pattabhi Sitaramayya for giving the reply. According to him the age in the Sarda Act has to be changed. When these ages are the same there will be no difficulty. As to the argument that unless that age is changed this age should not be changed I may say that I am not opposed to the change in the Sarda Act. I want both to be changed. That means that there is practically no impediment in my way.

I want to say a word about a question raised by Dr. Pattabhi Sitaramayya. I do not agree with him that we should have councils like the Church Council which will take the place of this legislature so far as social reform is concerned. For a long time we have enacted all the laws in this legislature. This legislature is representative of all kinds of opinion in the country and should be the ultimate forum in which this question should be debated. I see the implication however. I have myself sent a cut motion in the budget and made the suggestion that a ministry of social reform and social justice should be established in this country. I want that our ministers and public servants should by their own action set an example to the country and demonstrate that they themselves are behaving in the same manner in which they want the country to behave. It usually takes for a measure of this kind several years before it comes on the

statute book. If we had a social justice ministry the passage of Bills like this would be quite easy... .

**Shri M. S. Aney:** Does the Honourable Member mean that all the Honourable Ministers should marry again?

**Mr. Speaker:** The Honourable Member need not answer each and every argument.

**Pandit Thakur Das Bhargava:** The question is to my own liking. I wanted myself to give a reply: before he put the question I was myself attempting to reply that argument. What I mean by the institution of a Ministry of social reform and setting of example by Ministers will be illustrated by reference to the ideal of casteless society in which matter I am a humble disciple of Mahatma Gandhi. As a matter of fact I desire that we should have in India a casteless society and all the 15 members of this Government should by their example, by inter-marriage of their children show that they are wedded to bringing such a society in existence.

**An Honourable Member:** With scheduled castes also?

**Pandit Thakur Das Bhargava:** Yes, with scheduled castes and Mohammedans also. That is what I want. The proposal may or may not be palatable but it is my view.

One word with regard to the circulation motion. I have to bow to what Sardar Patel has said. I do not want to make any sort of grievance against the commands of Sardar Patel. All the same I must point out that in 1922 a Bill of this nature was circulated throughout the country. In the report of the Age of Consent Committee you will be pleased to see what the repercussions of this circulation were. Then in 1924 and 1927 such a Bill was circulated. Our Committee itself was a circulating Committee. They went over the whole country. The report of the Committee was also circulated I understand, and the replies received showed that some of the recommendations in the report were not practicable. In regard to the recommendations which were not practicable, I have not incorporated even a single one of them. For instance, there was a provision that bonds should be taken and that the husband and wife should be separated. I have myself excluded those provisions. The simple proposition before the House is whether the age is to be raised or not. This point has been gone into already. What should be the punishment? Supposing the replies from the provincial governments say that the age should not be raised my humble submission is that this House should rise as one man and whatever the provinces might say we must have this increase in age. It is a question of nation-building. The medicine is always bitter. If the country does not like it I would beg of the Honourable Sardar Patel to enact this by an Ordinance or in some other way. Was any opinion taken at the time when the Bills about requisition or controls were passed? Was any opinion invited when the Foreigners Act was passed? In a matter of this kind which goes to the very root of the nation's prosperity, which goes to the very foundations of the nation's existence my submission is that we should not be chicken-hearted. We should take courage in both hands and pass this law. I know that by accepting this motion I would be delaying the Bill. But I bow to the opinion of my party, and do not raise any objection to the motion that it should be circulated. But it is difficult to swallow that it is being postponed to a very long period. I bow again to Sardar Patel though not without a gnawing of the heart which will cease not until the Bill is passed.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1948."

The motion was adopted.



## CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

**Shri Ram Sahai** (Gwalior State): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

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

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

**Shri Ram Sahai:** Sir, I introduce the Bill.

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## INDIAN BAR COUNCILS AND THE LEGAL PRACTITIONERS (AMENDMENT) BILL

**Shri T. A. Ramalingam Chettiyar** (Madras: General): Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879.

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

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879."

The motion was adopted.

**Shri T. A. Ramalingam Chettiyar:** Sir, I introduce the Bill.

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## CRIMINAL TRIBES (REPEAL) BILL

**Prof. N. G. Ranga** (Madras: General): Sir, I move for leave to introduce a Bill to repeal the Criminal Tribes Act, 1924.

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

"That leave be granted to introduce a Bill to repeal the Criminal Tribes Act, 1924."

The motion was adopted.

**Prof. N. G. Ranga:** Sir, I introduce the Bill.

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## INSURANCE (AMENDMENT) BILL

**Shri T. A. Ramalingam Chettiyar** (Madras: General): Sir, I move for leave to introduce a Bill further to amend the Indian Insurance Act, 1938.

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

"That leave be granted to introduce a Bill further to amend the Indian Insurance Act, 1938."

The motion was adopted.

**Shri T. A. Ramalingam Chettiyar:** Sir, I introduce the Bill.

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## INDIAN PENAL CODE (AMENDMENT) BILL

**Pandit Mukut Bihari Lal Bhargava** (Ajmer-Merwara): Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code.

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code."

The motion was adopted.

**Pandit Mukut Bihari Lal Bhargava:** Sir, I introduce the Bill.

## PROVINCIAL INSOLVENCY (AMENDMENT) BILL

**Shrimati G. Durgabai** (Madras: General): Sir, I move for leave to introduce a Bill further to amend the Provincial Insolvency Act, 1920.

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

“That leave be granted to introduce a Bill further to amend the Provincial Insolvency Act, 1920.”

The motion was adopted.

**Shrimati G. Durgabai:** Sir, I introduce the Bill.

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## PREVENTION OF FORCIBLE AND FRAUDULENT CONVERSION OF HINDU WOMEN BILL

**Shri H. V. Pataskar** (Bombay: General): Sir, I move for leave to introduce a Bill to provide for prevention of forcible and fraudulent conversion of Hindu women.

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

“That leave be granted to introduce a Bill to provide for prevention of forcible and fraudulent conversion of Hindu women.”

The motion was adopted.

**Shri H. V. Pataskar:** Sir, I introduce the Bill.

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## INDIAN CATTLE PRESERVATION BILL

**Seth Govinddas** (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to preserve the milch and draught cattle of the country.

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

“That leave be granted to introduce a Bill to preserve the milch and draught cattle of the country.”

The motion was adopted.

**Seth Govinddas:** Sir, I introduce the Bill.

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## INDIAN COMPANIES (AMENDMENT) BILL

*(Amendment of Section 86 F)*

**Dr. P. S. Deshmukh** (C. P. and Berar: General): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Companies Act, 1913 (Amendment of Section 86F).

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

“That leave be granted to introduce a Bill further to amend the Indian Companies Act, 1913 (Amendment of Section 86F).”

The motion was adopted.

**Dr. P. S. Deshmukh:** Sir, I introduce the Bill.

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## INDIAN COMPANIES (AMENDMENT) BILL

*(Amendment of Sections 25, 31 etc.)*

**Dr. P. S. Deshmukh** (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Companies Act, 1913 (Amendment of Sections 25, 31 etc.).

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

"That leave be granted to introduce a Bill further to amend the Indian Companies Act, 1913. (Amendment of Sections 25, 31, etc.)."

The motion was adopted.

**Dr. P. S. Deshmukh:** Sir, I introduce the Bill.

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### INDIAN PENAL CODE (AMENDMENT) BILL

**Shri Ram Sahai** (Gwalior State): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code."

The motion was adopted.

**Shri Ram Sahai:** Sir, I introduce the Bill.

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### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

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

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

**Pandit Thakur Das Bhargava:** Sir, I introduce the Bill.

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### CRIMINAL TRIBES (REPEAL) BILL

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, I beg to move for leave to introduce a Bill to repeal the Criminal Tribes Act, 1924.

**Mr. Speaker:** This has already been moved by another Member.

**Shri M. Ananthasayanam Ayyangar:** That is true, but it may not come in the ballot. Therefore I want to move it.

**Some Honourable Members:** How can the same Bill be introduced by two different Members?

**Shri M. Ananthasayanam Ayyangar:** It is only when it is enacted as law that I will be out of court. Till then I can take my chance and it can very well go in my name.

**Mr. Speaker:** All that I can do is this. I must take time to consider this point. In the meanwhile, the Honourable Member may move it, without prejudice to the Chair\* ruling it out of order.

The question is:

"That leave be granted to introduce a Bill to repeal the Criminal Tribes Act, 1924."

The \*motion was adopted.

**Shri M. Ananthasayanam Ayyangar:** Sir, I introduce the Bill.

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**Mr. Speaker:** I think the same point arises in respect of the next motion (item No. 31) standing in the name of Shri Ananthasayanam Ayyangar.

**Haji Abdus Sattar Haji Ishaq Seth** (Madras: Muslim): Is it not better, Sir, that the motion is moved after you give a ruling?

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\*Motion barred under Standing Order 31, as subsequently decided by the Honourable the Speaker.

**Mr. Speaker:** All that I was thinking was this. *Prima facie*, it appears to me that it will be an awkward procedure that the House should adopt the same motion in the names of two different Members. Since the Honourable Member's motion is barred because of the acceptance of a similar motion, I am thinking of the possibility of permitting him, at the appropriate time, to proceed with it in view of the fact that he has tabled an identical motion though it was not adopted by the House.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): If I am given the substance of my request I have no quarrel.

**Mr. Speaker:** I was thinking of the analogy of resolutions. Two identical resolutions are tabled by two different Members, but the difference is that in respect of them the House adopts no motion before they come up before the House.

**Shri M. Ananthasayanam Ayyangar:** The Chair has got the right to admit it or not to admit it.

**Mr. Speaker:** It raises a point on which I should not like to decide offhand. I will therefore consider what is possible. I shall try my best to help the Honourable Member to keep the Bill alive. But the best course will be for the original mover to be present on the concerned day.

**Shri M. Ananthasayanam Ayyangar:** There is some difficulty. If some other Member wants to block it he can do so.

**Mr. Speaker:** If the difficulty arises we shall see.

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#### HINDU INTER-CASTE MARRIAGE REGULATING AND VALIDATING BILL

**Shri Mohan Lal Saksena** (U. P.: General): Sir, I beg to move for leave to introduce a Bill to regulate and validate marriages between different castes and sub-castes of Hindus.

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

"That leave be granted to introduce a Bill to regulate and validate marriages between different castes and sub-castes of Hindus."

The motion was adopted.

**Shri Mohan Lal Saksena:** Sir, I introduce the Bill.

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#### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL (Amendment of Sections 161 and 162)

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Item No. 33, being the motion in my name to introduce a Bill to amend the Code of Criminal Procedure, 1896, has not been moved by any other Member.

**Mr. Speaker:** Is it not the same Bill?

**Shri M. Ananthasayanam Ayyangar:** No, Sir.

**Mr. Speaker:** From the title, I thought it was the same Bill.

**Shri M. Ananthasayanam Ayyangar:** Various Sections are sought to be amended and each one of us has taken a Section.

**Shri M. S. Aney** (Deccan and Madras States Group): Will you please give a direction to all the movers that whenever they have a motion they should make it a point of mentioning the Section of the Act which they seek to amend?

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): It is not really necessary.....

**Mr. Speaker:** He means a short resume of the title of the Bill—just as has been shown in the motion of Dr. Deshmukh regarding the Indian Companies Act.

Since Mr. Ayyangar's motion relates to another Section I shall allow it.

**Shri M. Ananthasayanam Ayyangar:** Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

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

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

**Shri M. Ananthasayanam Ayyangar:** Sir, I introduce the Bill.

#### FACTORIES BILL

**Mr. Speaker:** The private Bills are all over. The House may now proceed to deal with further legislative business. We shall take up the Government Bills. The Honourable Shri Gadgil.

**The Honourable Shri N. V. Gadgil** (Minister for Works, Mines and Power): Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law regulating labour in factories.

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

"That leave be granted to introduce a Bill to consolidate and amend the law regulating labour in factories."

The motion is adopted.

**The Honourable Shri N. V. Gadgil:** Sir, I introduce the Bill.

**Shri Mihir Lal Chatteropadhyaya** (West Bengal: General): With your permission, Sir, I would like to congratulate the Honourable Minister for having introduced a Bill.....

**Mr. Speaker:** Order, order. There will be no speeches now.

#### DAMODAR VALLEY CORPORATION BILL

**The Honourable Shri N. V. Gadgil** (Minister for Works, Mines and Power): Sir, I beg to move for leave to introduce a Bill to provide for the establishment and regulation of a Corporation for the development of the Damodar Valley in the Provinces of Bihar and West Bengal.

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

"That leave be granted to introduce a Bill to provide for the establishment and regulation of a Corporation for the development of the Damodar Valley in the Provinces of Bihar and West Bengal."

The motion was adopted.

**The Honourable Shri N. V. Gadgil:** Sir, I introduce the Bill.

#### INCOME-TAX AND BUSINESS PROFITS TAX (AMENDMENT) BILL

**The Honourable Shri R. K. Shanmukham Chetty** (Minister for Finance): Sir, I move:

"That the Bill further to amend the Indian Income-tax Act, 1922, and the Business Profits Tax Act, 1947, be taken into consideration."

Sir, there is nothing new or controversial in this amending Bill. It is only intended to clarify the original intention of the Business Profits Tax Act and the Capital Gains Tax, and to rectify certain drafting errors and omissions. The best way of dealing with this Bill will be for me to explain briefly the object of the two clauses.

Clause 2 is intended to make certain drafting amendments relating to the Capital Gains Tax. It was the intention that capital gains arising out of sale of agricultural land situated in the provinces of India should not be subject to the Capital Gains Tax. But it was not intended that if such agricultural land was situated outside the provinces of India, that they should also be exempted from the operation of the Capital Gains Tax. The object of exempting from the operation of the Capital Gains Tax the sale of land in the provinces of India is that the income from such land is considered as agricultural income and therefore not subject to our income-tax. The agricultural income-tax derived from lands situated for example in an Indian State is however not exempt from the operation of our Indian Income-tax Act, and therefore we want to provide by this amendment that any sale of land situated outside the provinces of India, if it results in a profit to the owner of the land, that profit will be subject to the Capital Gains Tax. That is the purpose of clause 2 (1), sub-section (a).

*Sub-section (b).* In the original Bill it was provided that only capital gains arising in the previous year for the assessment year 1947/48 should be chargeable. In the Select Committee however, an amendment was made limiting the liability only to profits arising after the 31st of March 1946. A consequential amendment in the explanation to clause 6 (a) of section 2 was unfortunately overlooked. The object of the present amendment is to rectify that error so that the intention should be made clear, namely that if a company distributed dividends out of capital gains made prior to 1st April 1946, such distribution out of capital gains will not be chargeable as dividends in the hands of shareholders. That is the object of clause 2 (1) (b).

Now I come to clause 2 (1) (c). This amendment relates to capital gains where the assessee acquires the property by succession, inheritance or devolution. Under the Act as it stands now, the value of the property is its cost to the owner, but if a person acquires it by succession, inheritance or devolution, he has not paid any price for it. Therefore there is no value that he has paid. Now it is intended to provide that in such cases the value will be the cost to the previous owner. That is the object of this clause.

Now these three amendments cover the Capital Gains Tax. Clause 3 relates to certain amendments to the Business Profits Tax.

*Clauses 3 (1) (a) and (d).* These have got the following objects. This proviso existed in section 5 of the Excess Profits Tax Act 1940, but was omitted in the Business Profits Tax Bill as in the Bill originally drafted the abatement was fixed at a sum of 1 lakh in all cases without any reference to the capital or other circumstances of the business. It was also considered that the substantive clause 5 of the Bill secured that the application of the law would not be wider in scope than that of the Income-tax and Excess Profits Tax Acts. Changes were made in the Bill by the Select Committee, and during the passage of the Bill the Act as it emerged varied the abatement in the case of a firm according to the number of its working partners subject to a maximum of 2 lakhs, and in the case of a company at 6 per cent. of the capital computed in accordance with schedule II, subject to a minimum of Rs. 1 lakh. In the case of a company the entire profits are not chargeable to Business Profits Tax. It is necessary that the capital for the purpose of abatement should not be the entire capital but should be in the same proportion as the amount of its profits chargeable to taxes bearing to its total profits. In other words the capital of the company is to be reduced by an amount which bears to the capital the same proportion as the amount of profits not so chargeable bear to the total profits. This explains the fourth amendment inserting rule 2 (a) in Schedule II relating to the computation of capital.

[Shri R. K. Shanmukham Chetty]

In amending Schedule II, opportunity has also been taken to insert a proviso which existed in section 5 of the Excess Profits Tax Act to make it clear beyond doubt that where a part only of the business is chargeable to Business Profits Tax, such part would be treated as a separate business. Clause 3 (1) (b) enables the Income-tax Officer to call for a return not only of the profits on business but also of the taxable profits.

Clause 3 (1) (c). The third amendment to section 19 of the Business Profits Tax Act is to enable the Central Board of Revenue to prescribe by rule the necessary formal modifications in those sections of the Income-tax Act which under the law are applicable to the Business Profits Tax Act. As section 19 now stands, it makes certain provisions of the Income-tax Act as applied to the Excess Profits Tax Act, 1940, also applicable to the Business Profits Tax Act, but those sections of the Income-tax Act as apply to Excess Profits Tax are unsuitable for application to Business Profits Tax without certain formal modifications. Hence the need for the amendment.

I am sorry, Sir, that the explanation of these clauses is rather cumbersome, but it is unfortunate and it cannot be avoided. It is rather technical, but I might assure the House that it is not the intention to introduce any new ideas but only to clarify the old ideas and to rectify certain drafting omissions and errors. Sir, I move.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922, and the Business Profits Tax Act, 1947, be taken into consideration."

**Shri K. Santhanam** (Madras: General): Sir, I generally approve of this Bill. It is intended to clarify certain doubts which should certainly be clarified. But I have also one or two doubts about the Bill which I want to place before the Finance Minister. Before I do so, I would like to draw your attention to our difficulties in dealing with technical matters as these. We have not got a consolidated Indian Income-tax Act. There is the Indian Income-tax Act and then there are the amending Acts. We have not got copies incorporating the amendments so that if we want to look at one of the amendments, we have to look at the Amending Act and then collate it to the original Act, and we get thoroughly confused. The second point to which I would like to draw the attention of you, Sir, Mr. Speaker, is that this Bill proposes to amend two different Acts. I think on the whole it would be more convenient for us if a Bill amending one Act is brought in separately from other Bills amending other Acts. It will make far more expeditious transaction of business.

Sir, my doubts are simply as follows. I quite approve of the objective of the amendment in clause 1 which seeks to rope in agricultural lands owned by Indian assesses outside India. As the clause now stands the term "agricultural land" does not cover those lands; and the objective of the Finance Minister is to make by this Bill capital gains made out of the sale of those lands assessable in India. I quite approve of that objective.

But as the Bill has been drafted, if somebody owns agricultural land outside India and assigns the income, then if he sells that land and makes profit that profit goes out of the clutches of the Government. Therefore the words "income derived by the assessee" restricts the scope of the profits gained from selling lands outside British India and subject to our taxation. On the other hand, it brings lands within British India within the scope which is not the intention of the Finance Minister.

**Mr. Speaker:** May I point out to the Honourable Member that with reference to this Motion, he has tabled two amendments for the omission of these words and that he may discuss the matter by moving his amendment when the clause is put. I was just going to say that the Honourable Member would be allowed to move his amendments but the Honourable Member was perhaps nervous as to whether he will be granted leave to move his amendments. I have decided to grant leave, particularly in view of the fact that Government business is being taken up on a private day and Members had late notice thereof. They were entitled to presume that these Bills would be taken on a Government day, but as they have been taken up earlier, I feel I should not be strict as regards the provision of notice. So, the Honourable Member may address himself to his points when the clauses are under discussion.

**Shri K. Santhanam:** Sir, I will leave this particular point now and mention it when the clauses come up. One other point is that the words "British India" and "India" come not only in this Bill but have got application in other parts of the Act. The whole thing is confusing. What is "India" and what is "British India"? Before 15th of August it was clear, but now there are many firms which have got their registered offices in Pakistan but are actually operating within India. I do not know how the Income Tax Act, the Business Profits Tax Act and the Capital Gains Taxation are going to be adjusted to this. I think it is necessary that the Finance Minister should make the position absolutely clear.

Then in clause 3 we are asked to exempt such part of the business as is not controlled in India; the actual words used are: where "the business being the business of a person who is resident, but not ordinarily resident, in British India is controlled in India". "Ordinarily resident" has yet to be defined. Hitherto if residence was in any part of India he was considered to be "ordinarily resident" in India and in that definition you have got a period of residence of six or seven years. Now we cannot apply it to India and Pakistan. We do not know who is the person "ordinarily resident" in India after the 15th of August and in Pakistan after that date. Therefore, before we give any kind of exemption for incomes derived outside India, this point must be made clear; otherwise we may lose crores of rupees by some loose definition. And all these difficulties come in not only in the case of Pakistan: take Hyderabad; it was considered to be in India before 15th August, today we do not know whether it is in India—if it is not in India the same consequences will follow. The same thing applies to Junagadh. Therefore this question of jurisdiction is a matter which requires immediate examination and the Finance Minister should immediately take it up. If we pass our legislation including these words without such examination, we do not know what consequences this country will be incurring. We may be losing crores of rupees in the way of taxation and I hope no such loophole will be left. I commend to the Finance Minister that this matter should be immediately and carefully looked into and that he should bring before us necessary amendments for the Income Tax Act, and Business Profits Tax Act.

These are the few points which I wish to place before the House.

**Mr. Speaker:** With reference to the suggestion of the Honourable Member about having two separate Bills because there are amendments to two separate Acts, I may just point out to him that, both these relate to one scheme of taxation; though the Acts are different, for all practical purposes both the enactments are the same. The procedure is that the amendment of the Indian Income-Tax Act takes place every year by a Finance Act; but both these amendments are parts of the same scheme—they are not separate legislations which are being amended together.



**Shri K. Santhanam:** That is why I did not raise a point of order but simply put it as a question of convenience.

**Mr. Speaker:** Greater convenience is by having them under one group because the scheme of taxation is one.

**Shri M. Ananthasayanam Ayyangar (Madras: General):** Sir, I would like to say a few words on this. Sir, it is not such a matter of form as it is one of substance. Even when the amendment was made in the Income Tax Act of 1922 there have been representations from various persons who had agricultural income in non-British India; South Indians had large estates in Burma—and there is a deputation also here requesting that income from lands in Burma ought to be exempted from taxation if they are received by any persons here resident in India, as persons resident in India receive income from lands in India which is exempt from taxation so far as that agricultural income is concerned. They wanted that income from land in non-British India or places outside British India should also have the same exemption of income-tax under the Act of 1922 as agricultural income inside British India. But unfortunately they were not able to have their way. Now, I do not know whether it was deliberately or otherwise that capital gains, through sale of lands from which agricultural income is derived, were omitted from the Capital Gains Tax Act which seeks to modify the Income-Tax Act of 1922 and make capital gains also liable to taxation. This portion of capital gains from sale of lands in foreign territory or in territory which is not British India, were exempted under this Act.

The Honourable the Finance Minister has introduced this Bill on the supposition that they escaped being assessed, being brought under this scope, by a mere inadvertence and that therefore it is a simple matter, that income from capital gains must be taxed as agricultural income from foreign territories is taxed. I do not believe it is such a simple matter—it is not merely a matter of form or procedure to bring it in line. It is a matter of substance. I do not know what our friends from South India have to say so far as this matter is concerned.

I would like to say that we are all anxious that our Legislature should pass laws to which no exception is taken. As a matter of fact, you will see that it is not a printed Bill that has been circulated to us, it is only a typewritten Bill that is circulated to us. Practically, we are having little or no time to look into the various provisions and come to conclusion. What I submit is that in all cases where the Honourable Minister in charge does not seek to move for reference to a Select Committee, but on the other hand wants the Bill to be taken into consideration then and there, and passed by the Legislature, I would request him to place the Bill before at least the Standing Committee relating to his Department so that there may be an opportunity for the Standing Committee to find out if the intentions of the Minister are carried out, if there is deviation in substance and in spirit. Such an opportunity has not been given so far as this matter is concerned. The Honourable Minister might easily say that it will take time to convene a meeting of the Standing Finance Committee. All the members are here and any day a meeting of the Standing Finance Committee might have been called. So far as the amendment that has been tabled in regard to the definition of agricultural land is concerned, after discussion with the Honourable the Finance Minister it appears that it deviates, and there is much more scope than what he intended to bring within this Bill. (*An Honourable Member:* "Much less also") Yes, much less also in certain respects. Not that I am anxious that the Government should lose what they are legitimately entitled to get, but all I say is that by an inadvertent wording the scope of their intentions should not be enlarged. Therefore, I would request the Honourable Minister to see to it—

as also other Ministers—that in all cases where they want Bills to be considered straightaway without reference to Select Committees, they would place those Bills for consideration before the Standing Committees attached to their various Departments and give them an opportunity of scrutinising these matters.

**Dr. P. S. Deshmukh** (C. P. and Berar: General): Mr. Speaker, Sir, I rise to support the suggestion that has been made by Mr. Ayyangar and I think it would be very reasonable if the Honourable Minister would be pleased to accept it. There could also be a way out of the difficulty because it is not usual to refer a Bill to the Standing Committee for its opinions. A more proper step would, perhaps, be to make the Standing Committee the Select Committee, to which the Bill may be referred and it may be returned to the House within the shortest possible time. Besides the arguments that he has advanced in support of his suggestion, I find the Honourable Minister has in clause 2 (b) substituted for the original proviso to clause 6 (a) of section 2, the following proviso:

“Provided further that the expression ‘accumulated profits’, wherever it occurs in this clause, shall not include capital gains arising before the 1st day of April, 1946.”

It was tried to be made out by the Honourable Minister that this was merely a legislation of a formal nature, over which no deliberation was necessary; but, Sir, this proviso is a very important one and we would certainly like to know all the reasons which have made the Finance Minister decide that the accumulated profits which have arisen before 1st of April 1946 are to be exempted. I for one, speaking from an ordinary man’s point of view, would have thought that the capital gains have really accumulated before the 1st April 1946. So if the original enactment is to be effective and is to remain in force, this sort of legislation would probably nullify it. So this is one of the clauses in the Bill which I think ought to be considered more carefully by this House and every opportunity for greater study and deliberation should be allowed by the Honourable Minister. I therefore support my Honourable friend’s suggestion and trust that the Honourable Minister will be pleased to accept it.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Mr. Speaker, Sir, some of the loopholes have already been referred by two very learned members of this House and they have requested the Honourable Minister to look into the matter and come to the House once again, if necessary, with amendments. It has been extremely difficult to follow the Bill. The Bill as circulated has attempted to amend two Acts, the Income-Tax Act and the Business Profits Tax Act.

With regard to the Income-Tax Act, I took out a copy from the Library which was printed on the 9th April 1947 and I thought it was an up-to-date copy. But I found that the Bill deals with matters which are not to be found in this published copy. After a great deal of hard work and some amount of hard searching, I had to go to the Library and then to find that there were two amending Acts, one passed in 1946 and the other passed in March 1947. These Acts were not however incorporated in the printed copy of the parent Act. I beg to submit, Sir, that if a consolidated copy of the Income-Tax Act had been printed after the passing of these two Acts, that would have minimised the labours of many Honourable Members.

A suggestion has been made that the Honourable Minister should reconsider his Bill. I should make another suggestion, which I have sought to effect by an amendment. That is with regard to clause 3 sub-clause (i), paragraph (c). In that paragraph (c) power has been attempted to be taken to modify the Act as may be prescribed by Departmental orders. That may enlarge the scope of the Act beyond what is contemplated in the Act itself and may lead practically to departmental legislation. In these circumstances, I submit that

[Mr. Naziruddin Ahmad]  
if the Honourable Minister would take time to consider the suggestions made by my Honourable friends, he would also be pleased to consider this and give a correct decision on the point.

[At this stage Mr. Speaker vacated the Chair which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen.)]

**Mr. Chairman:** Before I put the motion to the House, I feel that there is some force in the request made by Mr. Ananthasayanam Ayyangar and Mr. Panjabrao Deshmukh. Though the Bill was circulated more than three days ago, yet it was fair for the Honourable Members to presume that this Bill would not be taken on the unofficial day and therefore it is that many amendments have not come in, and other members including myself have not had the time to study the provisions of the Bill. A request has been made to the Honourable Minister whether in the circumstances of the case he would consider the question of postponement of the consideration of the Bill favourably. I would beg of him to kindly tell us if he is agreeable to this course. Otherwise, I shall put the motion to the House.

**The Honourable Shri R. K. Shanmukham Chetty:** Sir, if it is the desire of the House that the consideration of this Bill be postponed for a few days, I have certainly no objection, but I would like this to be passed in this session, because our assessment for capital gains is being held up on account of these difficulties.

**Mr. Naziruddin Ahmad:** There is no desire, so far as I understand, to delay the Bill. The only point is whether in view of the difficulties that have been raised, the Honourable Minister thinks that a reconsideration of the Bill would be necessary.

**The Honourable Shri R. K. Shanmukham Chetty:** I do not think that a reconsideration of this measure is necessary. In fact, the only substantive amendment is that which stands in the name of Mr. Santhanam and Mr. Ananthasayanam Ayyangar to clause 2 and I was going to say that I was willing to accept the amendment. There is really nothing more complicated.

With regard to the point raised by Mr. Panjabrao Deshmukh in exempting the profits arising before the 1st April 1946, I might point out that we are only carrying out the intentions of this House because when the Capital Gains Tax Act was finally passed in this House, the House limited the liability only to profits arising after the 31st March 1946. So we are only giving effect to that.

Some of the Honourable Members did not realize that the scope of the Act was intended to be restricted in this manner and therefore it is that we are giving intention to that by a formal amendment and I fully sympathize with the Honourable Members. Sir, in the difficulty that they have in not getting a consolidated copy of the Indian Income-tax Act. I may inform the House that the Indian Income-Tax undergoes so many changes in the course of the year and it is very difficult to keep an up-to-date edition always ready at hand, but we try our best to see that at least one complete copy containing at least in slip forms attached, containing all the up-to-date amendments are kept in the library of the House and we shall try our best to see that the newly incorporated amendments are brought out as soon as possible. If that amendment to clause 2 is secured, I do not think there is any thing really contentious in the Bill. In any case I have no objection to the postponement for two or three days.

**Mr. R. K. Sidhwa (C.P. and Berar: General):** Mr. Chairman, I have not been able to follow that any substantial argument has been advanced for sending this Bill to the Select Committee or to the Standing Committee. It is true that a reference has been made in this Bill to two previous Acts and copies were available in the Library and those who are interested could have seen them there.

**Mr. Chairman:** The House is not considering the question whether the Bill ought to be referred to the Select Committee or to the Standing Committee. The Honourable the Minister wants the Bill to be taken up and I do not see any difficulty in taking it up just now.

The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922 and the Business Profits Tax Act, 1947, be taken into consideration."

The motion was adopted.

**Shri K. Santhanam:** I move:

"That in part (a) of sub-clause (1) of clause 2 of the Bill, in the proposed part (iii) to clause (4A) of Section 2, the words 'by the assessee' be omitted."

If this Motion is accepted, the clause will read "any land from which income derived is agricultural". That exactly defines the capital or property which the Finance Minister wants to bring within his net and the words which are now deleted are quite superfluous but there are other implications which I have already indicated. As the Honourable the Finance Minister has accepted this, I do not want to take up the time of the House. Sir, I move.

**Mr. Chairman:** Amendment moved:

"That in part (a) of sub-clause (1) of clause 2 of the Bill, in the proposed part (iii) to clause (4A) of Section 2, the words 'by the assessee' be omitted."

**The Honourable Shri R. K. Shanmukham Chetty:** Sir, I accept the amendment.

**Mr. Chairman:** The question is:

"That in part (a) of sub-clause (1) of clause 2 of the Bill, in the proposed part (iii) to clause (4A) of Section 2, the words 'by the assessee' be omitted."

The motion was adopted.

**Mr. Chairman:** Now I will put the amended clause to the House.

The question is:

"That clause 2 of the Bill as amended stand part of the Bill."

The motion was adopted.

Clause 2 as amended was added to the Bill.

**Mr. Naziruddin Ahmad:** I beg to move:

"That part (c) of sub-clause (1) of clause 3 of the Bill be omitted."

The portion which I want to be omitted is to this effect. In Section 19, after the words "provision of this Act", the words "and such modifications, if any, as may be prescribed" is sought to be inserted. I submit that this provision will empower the Honourable Minister or practically his Department to modify the Act of 1947, as may be prescribed, that is, there is no direction or indication of the limits or of the lines on which the modifications may be made. It is against sound principles of legislation to give a Department the power to legislate and effect modifications in Acts. The fact that such modifications would not be repugnant to the provisions of the Act is not a sufficient safeguard. I submit that in spite of the phrase there is a possibility and scope for enlarging the provisions of the Act by just obeying the condition that it is not repugnant to the provisions of this Act. I repeat that such a grant of power to modify the Act as may be prescribed is against sound principles of legislation. I really desire a clarification on the point and if it appears that the modification will not go beyond the scope of the Act, then of course I need not press my amendment to vote. I want really a clarification as a difficulty has arisen in my mind and I hope the Honourable the Finance Minister will make it clear.

**The Honourable Shri E. K. Shanmukham Chetty:** There is probably some misunderstanding on the part of my Honourable friend regarding the scope of this amendment. It is not intended to empower the Central Board of Revenue to issue by notification any substantial modifications of an Act passed by this House. Obviously it is not correct to do that. Already power has been given to the Central Board of Revenue to issue the necessary formal modifications to apply the Income-tax Act to the Excess Profits Tax Act. Now those legislative modifications which have already been made are not exactly suitable to the Business Profits Tax. So it is purely a formal matter and no modifications of substance will be made by the Government and the Central Board of Revenue.

**Mr. Naziruddin Ahmad:** May I suggest, therefore, that instead of the word 'modification', the word 'adaptation' be accepted. That would, I believe, remove the objection which I have made. Instead of modifications of the Act, adaptations of the Act would be quite in keeping with the spirit.

**Shri M. Ananthasayanam Ayyangar:** I think the word 'Modification' is much better, as it gives a larger scope than the word 'adaptation'. Later on some changes may have to be made which cannot strictly be brought under the word 'adaptation'. Therefore, the word 'modification' may stand as it is.

**Mr. Naziruddin Ahmad:** That is just my objection, the word "modification" may be suitable but it enlarges the scope.

**Shri M. Ananthasayanam Ayyangar:** It does not enlarge the scope on the question of principle; it is only a question of procedure.

**The Honourable Shri E. K. Shanmukham Chetty:** Already in section 21 of the Excess Profits Tax Act this power has been given, and there the word used is "modification". Here we have to make consequential amendments which are necessitated by the passing of the Business Profits Tax Act. So it is nothing new.

**Mr. Naziruddin Ahmad:** Then the phrase "consequential amendments" as used by the Honourable Minister may be used.

**The Honourable Shri E. K. Shanmukham Chetty:** I used that rather loosely; I meant modifications to suit the Business Profits Tax Act.

**Mr. Naziruddin Ahmad:** Sir, if the Honourable Minister will give me an assurance that the points raised by me will be considered by him I am prepared not to press this.

**The Honourable Shri E. K. Shanmukham Chetty:** I can certainly give that assurance.

**Mr. Naziruddin Ahmad:** Then I beg leave of the House to withdraw the amendment.

The amendment was by leave of the Assembly withdrawn.

**Shri M. Ananthasayanam Ayyangar:** Sir, I move:

"That to clause 3 of the Bill the following Explanation be added, namely:

'For the purposes of this section "British India" and "India" shall have the same meaning as they had before the 15th August, 1947.'

I do not want to keep the House long over this. Those persons who carry on business in British India, even if they should be in any part of India, are liable to be taxed on income derived from outside. The words "British India" and "India" are used in clause 3. Whether it applies to that portion which has been separated and what the exact implication is has not been made clear. I thought the intention of the framers of this Bill was to bring it into line with the Act as it was before the 15th August 1947. That is also expressed in the Preamble as also in the Statement of Objects and Reasons. So I suggest that the definition of the words "British India" and "India" may be brought into line with the definition that existed before 15th August 1947.

**Mr. Chairman:** Amendment moved:

"That to clause 3 of the Bill the following Explanation be added, namely:

"That to clause 3 of the Bill the following Explanation be added, namely:  
meaning as they had before the 15th August, 1947."

**The Honourable Shri R. K. Shanmukham Chetty:** Sir, I must confess that I am not competent to give a satisfactory explanation as regards this point as it is a technical and legal point. But I have been told that an Order in Council is now ready to be issued and it will be issued in the next few days which will explain exactly the scope of these terms for future application. I think that should satisfy the Honourable Member.

**Shri K. Santhanam:** Shall we have an opportunity to scrutinise that Order in Council?

**The Honourable Shri R. K. Shanmukham Chetty:** That is a matter for which my Honourable friend the Law Minister must answer.

**Mr. Chairman:** That may have other implications and therefore it is best to consider this question independent of that Order in Council. We do not know what it will be.

**Shri M. Ananthasayanma Ayyangar:** Sir, not only in this but in other measures also we have got these expressions "British India" and "India". Some clarification is certainly necessary and so I propose to wait for this Order in Council. I ask for leave of the House to withdraw the motion.

The amendment was by leave of the Assembly withdrawn.

**Mr. Chairman:** The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Shri R. K. Shanmukham Chetty:** Sir, I move:

"That the Bill as amended be passed."

**Mr. Chairman:** The question is:

"That the Bill as amended be passed."

The motion was adopted.

#### EXTRA-PROVINCIAL JURISDICTION BILL

**The Honourable Sardar Vallabhbhai Patel** (Minister for Home, Information and Broadcasting and the States): Sir, I move:

"That the Bill to provide for the exercise of certain extra-provincial jurisdiction of the Central Government be taken into consideration."

This is a short measure and I shall only briefly explain the reasons why I have come to this House for its passage. The Government of India acquired certain powers and jurisdiction in and in relation to certain areas known as non-jurisdictional and semi-jurisdictional States and *Talukas* of Western India and Gujrat, Manipur, etc. Before the power was transferred to the Government of India these powers were exercised by the Agencies known as Political Agencies under the Crown Representative; and when Paramountcy lapsed and power was transferred there was possibility of a vacuum being created in these areas as obviously these were not fit for the exercise of sovereign jurisdiction. The Government of India had to step in to fill in the vacuum and we passed an Ordinance creating a machinery by which these powers were to be exercised. It is therefore now attempted to replace the Ordinance by means of a short

[Sardar Vallabhbhai Patel]  
 legislation to create the machinery of appeal courts and other necessary paraphernalia for exercising jurisdiction in those areas. Therefore it affects small areas of these semi-jurisdictional States and *Talukas*. It does not affect any other part of the country. It is proposed to replace the Ordinance by an Act of the Legislature and to give effect to it from the 15th August 1947. The House will thus see for itself the necessity and justification for the powers we are taking, and therefore I commend this Bill for the consideration of the House. Sir, I move.

**Mr. Chairman:** Motion moved:

"That the Bill to provide for the exercise of certain extra-provincial jurisdiction of the Central Government be taken into consideration."

**Shri Himmat Singh K. Maheshwari** (Sikkim and Cooch Behar Group):  
 Sir, I move:

"That the Bill be referred to a Select Committee consisting of the Honourable Sardar Vallabhbhai Patel, Shri Balwant Rai Gopalji Mehta, Shri A. P. Pattani, Sir V. T. Krishnamachari, Durbar Gopaldas A. Desai, Dr. B. Pattabhi Sitaramayya, Shri M. Ananthasayanam Ayyangar, Shri Raghuraj Singh, Mr. Naziruddin Ahmad, Shri N. Madhav Rau and the Mover, with instructions to report by the 6th December 1947 and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The form in which I have moved the amendment represents an agreement reached on the subject and before making any remarks and taking up the time of the House, I shall be grateful if the Government will kindly express their attitude so that the House may not have to waste any time in hearing arguments in favour of this motion.

**Haji Abdus Sattar Haji Ishaq Seth** (Madras: Muslim): You do not want to speak?

**Shri Himmat Singh K. Maheshwari:** No, if the Government accepts the motion.

**The Honourable Sardar Vallabhbhai Patel:** I accept it.

**Shri Himmat Singh K. Maheshwari:** In view of the Government's acceptance of the amendment, it is not necessary for me to offer any remarks and I commend the motion for the acceptance of the House.

**Mr. Chairman:** The question is:

"That the Bill be referred to a Select Committee consisting of the Honourable Sardar Vallabhbhai Patel, Shri Balwant Rai Gopalji Mehta, Shri A. P. Pattani, Sir V. T. Krishnamachari, Durbar Gopaldas A. Desai, Dr. B. Pattabhi Sitaramayya, Shri M. Ananthasayanam Ayyangar, Shri Raghuraj Singh, Mr. Naziruddin Ahmad, Shri N. Madhav Rau and the Mover, with instructions to report by the 6th December 1947 and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

**The Honourable Shri N. V. Gadgil** (Minister for Works, Mines and Power):  
 Sir, I move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

This Bill enacts the provisions of Ordinance No. 27 of 1947. It provides three things. In the first place it provides that no person shall transfer or clear any ship in any port or port in India, or any share or interest thereof without the previous approval of the Central Government. The second thing it provides is that it restricts the transfer of registry of shipping. A ship that has been registered in India will not be allowed to be registered in any port outside India. The third provision is that under the present position for every

exemption that is required from the compliance of certain provisions with regard to safety and other matters, a special case has to be made out and a special notification is issued under Section 126 of the Indian Merchant Shipping Act. What is provided here is that general power is taken under proposed Section 289C so that general exemption may be made available.

The main object of the Bill is to conserve shipping and the small tonnage that we have. It is possible, Sir, that people may like to transfer their rights and may also like to transfer the ships that are registered here to countries outside. It is necessary that this power must be with the Government, when Government is anxious to increase tonnage. There is nothing to which any objection can be taken and I therefore commend that the House may be pleased to accept this Bill.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, be taken into consideration."

**Mr. Nasiruddin Ahmad** (West Bengal: Muslim): Sir, I move:

"That in clause 2 of the Bill, in the proposed new section 289B—

- (i) the word, figures, letters and brackets '(57 & 58 Vict., c. 60)' be omitted; and
- (ii) the word, figures, letters, and brackets '(57 & 58 Vict., c. 60)' be inserted in the margin."

This is only a drafting amendment. The Statute reference is incorporated in the body of the Bill. The usual practice is to give these Statute references on the margin. The reason is that in the Merchant Shipping Act of 1894 it is laid down that the Act shall be called the Merchant Shipping Act of 1894. No statute reference is necessary to complete the description. The description by way of Statute reference is necessary for research students, or for anyone who would care to find the Statute in the margin. This Statute reference not being required to identify the Act should be taken out of the body of the Bill and taken to the margin. It does not involve any change in the principle or structure of the clause but is only a drafting device.

**Mr. Chairman:** Amendment moved:

"That in clause 2 of the Bill, in the proposed new section 289B—

- (i) the word, figures, letters and brackets '(57 & 58 Vict., c. 60)' be omitted; and
- (ii) the word, figures, letters, and brackets '(57 & 58 Vict., c. 60)' be inserted in the margin."

**The Honourable Dr. B. B. Ambedkar** (Minister for Law): I should like to explain the position. I would say that the amendment has no substance in it. The identifying clause may either be in the margin or may be in the context of the section itself. All that is necessary is that there should be some identification. Originally it is true that in all the Bills that we have presented to the Assembly, such identification references were in the margin. But recently the printers have adopted the method of giving the references in the very body of the section itself and the purpose is to economise paper. For instance, when you have to give the references in the margin obviously you want to use a larger piece of paper. Since the war started this device was adopted just for the purpose of economising paper. I do not think there is any violation of the principles relating to drafting nor any violation of any law with regard to marginal notes. As a matter of fact marginal notes are unnecessary and need not be printed.

**Shri Suresh Chandra Majumdar** (West Bengal: General): There is such a thing as "inner margin" note which does not waste paper.



**The Honourable Dr. B. B. Ambedkar:** I do not know. Probably there is. I am not an expert. I was given to understand by the Printing Department of the Government of India that if you give these identification sections on the margin it would consume more paper.

**Mr. Nasiruddin Ahmad:** In view of the explanation given by the Honourable Minister which I fully accept, I beg leave of the House to withdraw my amendment.

The amendment was by leave of the Assembly withdrawn.

**Mr. Nasiruddin Ahmad:** Sir I move:

"That in clause 2 of the Bill, in the proposed new section 289C, (i) for the words 'the Merchant Shipping Acts' wherever they occur, the words and figures 'the Merchant Shipping Act, 1923 and the Merchant Shipping Act, 1894' be substituted;"

Sir, while the clause in the Bill mentions the Merchant Shipping Acts which means the British Statute as well as the Indian Act, the amendment points out specifically that these are the two Acts meant. Of course if this amendment is accepted, then the statute references, as has been explained by the Honourable the Minister for Law, should be incorporated in the text. I submit that instead of describing them as the Merchant Shipping Acts, it is better to describe them as the Merchant Shipping Act of 1894 and the Merchant Shipping Act of 1923, meaning the British Act and the Indian Act.

**Mr. Chairman:** Amendment moved:

"That in clause 2 of the Bill, in the proposed new section 289C, (i) for the words 'the Merchant Shipping Acts' wherever they occur, the words and figures 'the Merchant Shipping Act, 1923 and the Merchant Shipping Act, 1894' be substituted;"

**The Honourable Shri N. V. Gadgil:** Sir, I cannot accept this amendment, because it will restrict the effect and some scope for mischief will be left.

**The Honourable Dr. B. B. Ambedkar:** If I may add one more observation to what has been said by the Honourable Minister in charge, I think this amendment is unnecessary and if my Honourable friend were to refer to the definition in the original Act, the Merchant Shipping Act, 1923, Section 2, sub-clause 5 (here I am speaking from memory), he will find that this amendment is quite unnecessary.

**Mr. Nasiruddin Ahmad:** My only reason for moving this amendment was that I did not get a copy of the Act. In view of the explanation given by the Honourable Minister I beg leave of the House to withdraw the amendment.

The amendment was by leave of the Assembly withdrawn.

**Mr. Chairman:** The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Shri N. V. Gadgil:** Sir, I move:

"That the Bill be passed."

The motion was adopted.

*The Assembly then adjourned till Eleven of the Clock on Thursday, the 4th December, 1947.*