

Friday  
1st April, 1949

# THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

## Official Report

Volume III, 1949  
(18th March to 7th April, 1949)

Fourth Session  
OF THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE)  
1949



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES.

## (PART I—QUESTIONS AND ANSWERS)

Friday, 1st April, 1948.

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

### STARRED QUESTIONS AND ANSWERS.

#### ●RAL ANSWERS

##### OFFICIALS ON DEPUTATION TO STATES AND STATES UNIONS

\*1540. **Shri R. K. Sidhva:** Will the Honourable Minister of States be pleased to state the number of officials, Gazetted and non-Gazetted, supplied by the Government of India and Provincial Governments for services in various States, and States Unions ever since their integration?

**The Honourable Sardar Vallabhbhai Patel:** The information is being collected and will be laid on the table of the House when it is complete.

##### ALLOWANCES TO MAHARAJAS FROM STATES AFTER APPOINTMENT AS GOVERNORS

†\*1541. **Shri V. C. Kesava Rao:** Will the Honourable Minister of Home Affairs be pleased to state whether Indian Maharajas when they are appointed as Governors or given other posts are eligible to draw allowances from their States?

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

##### UPLIFT OF HARIJANS

†\*1542. **Shri V. C. Kesava Rao:** Will the Honourable Minister of Health be pleased to state what steps Government have taken to implement the non-official resolution of Sri V. I. Munuswamy Pillai on the subject of the amelioration of the condition of Scheduled Castes adopted by the House on the 2nd December, 1947?

**The Honourable Rajkumari Amrit Kaur:** A statement showing the details of measures taken by the Central and Provincial Governments was laid on the table of the House on the 8th April 1948 in reply to a short notice question by Seth Govind Das. A further statement showing the progress made since then is laid on the table of the House.

#### STATEMENT

*Summary of the various measures taken by the Central and Provincial Governments in connection with the uplift of Harijans*

Name of Province or Centrally Administered area 1	Progress made since the last statement was laid on the table of the House 2	Remarks, if any 3
1. Delhi . . . . .	(i) <i>Housing</i> .—Provision has been made in the Andha Moghal Area Scheme and Gera Robilla Scheme I and II for the housing of pig-keepers, potters and other poor classes. In fact, in all the schemes of the Delhi Improvement Trust provision is made for quarters for	

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

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poor classes including Harijans. As the land disposal rules of the Trust do not provide for allotment of land by communities, the desired object of ameliorating the conditions of backward classes is obtained by zoning for specific purposes. An area of 6.22 acres in Basti Rehgar in the Western Extension Scheme of the Delhi Improvement Trust has recently been transferred to the R. and R. Ministry for the construction of houses for Harijan displaced persons.

(ii) *Water Supply*.—No separate arrangements are made for Harijans. Water supply is, however, provided in the various improvement schemes and is available to all without restriction of community.

(iii) *Education*.—A scheme providing for free education to the Scheduled Caste students studying in the various Secondary Standards, is under the consideration of the Local Administration.

## 2. Ajmer-Merwara

*General Welfare*.—A Harijan Welfare Board has been formed in Ajmer-Merwara. The Board started working in August 1948 and has held a number of meetings. According to resolutions passed in the meetings of the Board copies of the U. P. Removal of Social Disabilities Act, 1947 as extended to Ajmer-Merwara were sent to the various officers of the Administration and they were asked to co-operate in bringing the offenders to book and ameliorating the lot of Harijans in general. The Board has put up the following proposals for the uplift of the Depressed Classes in Ajmer-Merwara:

- (1) Setting up of model colonies for Harijans.
- (2) Setting up of adult schools, reading rooms, grant of scholarships and free-ships.
- (3) Imparting of vocational training in leather works tailoring, weaving and spinning etc.
- (4) Giving subsidies to industrial co-operative societies formed by the Harijans.
- (5) Allotment of lands, grant of taccavi loans for seed, digging of wells, etc.

These proposals have been approved by the Chief Commissioner's Advisory Council and are under the consideration of the Local Administration.

## 3. Coorg

(i) *Housing and Water Supply*.—The Coorg Administration has granted house-sites to Harijans in 45 villages, and provided wells in 21 villages for the exclusive use of Harijans.

(ii) *General Welfare*.—A Village Development Officer was appointed for the whole of Coorg with effect from the 1st September 1948 to enquire into the needs of Harijans and other depressed classes. Steps are being taken to give immediate effect to his recommendations wherever possible.

Two Bills viz., (1) for the removal of social disabilities and (2) to authorise entry into Hindu Temples have been passed by the Coorg Legislative Council and assented to by the Governor-General. These will be published as Acts shortly and will be brought into force.

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(iii) Education.—All Harijan and other de-  
 (cross) cased students have been exempted  
 from the payment of school fees up to the  
 S. S. L. C. examination. Sanction of the  
 Government of India has also been obtained  
 for spending a sum of Re. one lakh annually  
 towards the supply of free meals, books, dress,  
 etc. to these students. About 1600 students  
 are likely to benefit from this scheme during  
 the year 1949-50.

Rs. 63,000 have been  
 provided for 1949-50  
 in connection with  
 the supply of free  
 books, meals, dress,  
 etc. to Scheduled  
 Caste students.

(iii) 2. A committee consisting of four non-  
 official members with the Assistant Com-  
 missioner of Coorg as the Chairman and the  
 Village Development Officer as the Secretary,  
 has been set up for formulation of a five year  
 plan for ameliorating the conditions of the  
 Scheduled Castes, in all directions with parti-  
 cular reference to the following aspects:—

- (i) Provision of house-sites
- (ii) Provision of drinking water wells, etc.
- (iii) Grant of land for cultivation.
- (iv) Education
- (v) Formation of co-operative societies.
- (vi) Colonisation schemes and co-operative farming.

4. Central Government Educational facilities to Scheduled Castes.

The Government of India give grants to Pro-  
 vinces etc. for their Development Programmes  
 regarding Scheduled Castes which envisage  
 award of scholarships, construction of hostels,  
 grants to libraries and free supply of books  
 and slates to children. In 1944, the Govern-  
 ment of India approved a grant of Re. 3 lakhs  
 a year for a period of five years with effect  
 from 1944-45 for grant of scholarships to  
 Scheduled Caste students for post Metric  
 studies in Scientific and Technical subjects  
 in India and abroad. A Board with Sir  
 Maurice Gwyer as chairman was constituted  
 to assist and advise the Government of India  
 and administer the scholarship funds. The  
 following statement shows the progress of the  
 scheme during the last four years:—

Year	Number of fresh scholarships awarded	Number of scholarships renewed	Total number of scholarships	Total amount sanctioned	
1944-45	114		114	47,697	
1945-46	*218	76	292	2,11,982	Includes expendi- ture on 22 Over- seas scholars.
1946-47	311	216	527	4,70,397	
1947-48	412	243	665	5,39,307	
1948-49	293	328	621	4,32,317	

\* Excluding 22, 1945-46 Overseas S. C. Scholarship holders.

As this is the last year of the scheme, the ques-  
 tion of its continuance is receiving urgent  
 consideration of the Government and it is  
 expected that the scope of the Scheme will be  
 expanded and more funds will be made avail-  
 able.

Emoluments of Sweepers.—The Central Govern-  
 ment have issued orders increasing the pay  
 and allowances to all whole-time sweepers to  
 the level of those admissible to other class IV  
 servants.

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5. Madras	Information has been asked for from the Provincial Government and will be furnished in due course.	
6. Bombay	<b>Housing.</b> —The Bombay Government have sanctioned a scheme for the construction of buildings for backward classes through the agency of building societies. That Government have also formulated plans for slum clearance in the backward areas.	A provision of Rs. 2,00,000 for 1949-50 has been made for slum clearance.
7. West Bengal	<b>Housing.</b> —Certain sections of the Scheduled Castes have been declared to be aboriginal castes for purposes of the Bengal Tenancy Act so as to restrict any alienation of their lands by transfer, lease, sale, mortgage, etc. With a view to keeping them on land, there is a scheme of legal assistance including free legal advice to them in civil and criminal cases concerning their lands. In connection with the settlement of crown lands, the Scheduled Castes who are generally petty cultivators possessing uneconomic holdings, and landless agricultural labourers, are given preference under the existing rules in the Crown Estate Manual.	
	<b>Water Supply.</b> —The following special measures have been taken for the Scheduled Castes in general and Santals in particular, in certain areas of the Province :	
	(i) Rs. 15,400 and Rs. 25,000 have been allotted during the current year to the Dist. Magistrates, Bankura and Midnapore respectively, for the construction of cement concrete and masonry wells in non-tubewell areas.	
	(ii) Rs. 2,500 and Rs. 10,000 have been allotted for the present to District Magistrates, West Dinajpur and Malda, respectively, for the construction of ring or masonry wells.	
	(iii) Eleven tubewells at a total cost of Rs. 84,786 have been sunk in the Barind area of Malda district, which is mostly inhabited by Santals.	
	(1) Stipends (including $\text{\textcircled{O}}$ verses stipends).	
	(2) Maintenance Grants to Scheduled Caste Schools	
	(3) Building grants to Scheduled Caste Schools and hostels.	
	(4) Grants for the purchase, preparation and improvement of playgrounds.	
	(5) Grants for the purchase of school furniture and teaching appliances.	
	(6) Grants to Scheduled Caste Schools for the purchase of library books.	
	(7) Prize grants.	
	(8) Maintenance of 4 Scheduled Caste hostels for College students in Calcutta.	
	(9) <i>Per capita</i> grant for Scheduled Caste Students residing in general hostels attached to various Colleges in Calcutta or Muffasil towards meeting the charges for seat and furniture rent.	
	(10) Capitation grant to hostels for Scheduled Caste students of schools and colleges in Muffasil.	
	(11) Examination fees and book grants for poor and meritorious students.	

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(12) Miscellaneous expenditure such as travelling allowance of member of the Scheduled Caste Education Advisory Committee and other unforeseen and occasional charges.

*General Welfare.*—With a view to safeguard the legitimate interests of the aboriginal castes or tribes and to look after their welfare (i) the Member, Board of Revenue, West Bengal, has been authorised to give special attention to their cases, (ii) Special Officers have been appointed by Government in certain areas, (iii) a separate cadre of gazetted officers to be recruited from the aboriginal tribes has been created, and (iv) Aboriginal Welfare Boards are functioning in certain places.

6. United Provinces. The total provision specifically made for the uplift of depressed classes in the United Provinces in the budget for 1948-49 amounts to Rs. 19,23,160. In addition, the Provincial Government spend about Rs. 2,00,000 on a leather scheme and Rs. 3,500 on the development of *akhara*; these schemes also benefit the Harijans.

9. East Punjab . *Education.*—The East Punjab Government have drawn up a detailed scheme for providing educational facilities for Harijan students including grant of scholarships, fee concessions, and cost of books, etc.

*General Welfare.*—The East Punjab Government have created a special fund known as the Harijan Welfare Fund with an initial deposit of Rs. 8 lakhs from the Provincial revenues. The fund is proposed to be raised to Rs. 23 lakhs in a period of 10 years by an annual grant of Rs. 1½ lakhs from the Provincial revenues.

One Provincial Harijan Welfare Officer and 12 Dist. Harijan Officers have, been appointed to protect the interests of Harijans, for establishing liaison between the authorities and the residents, to assist the Government in the allotment of land and securing of *taccavi* and other loans, etc. Over 5,000 families of Harijans displaced from Pakistan have been allotted land for temporary cultivation.

One Provincial Panchayat Officer and three Assistant Panchayat Officers have been employed to promote and look after the interest of Harijans in villages. A Harijan Provincial Welfare Board has been established and steps are being taken to form District and Tehsil Harijan Welfare Associations. All schemes etc. designed to ameliorate the conditions of Harijans will, in future, be considered by these bodies. An Act known as the East Punjab (Removal of Religious and Social Disabilities) Act, 1948, has also been placed on the statute book of the Province.



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## 10. Bihar

*Education*.—A total number of 628 stipends ranging from Rs. 5 p.m. to Rs. 30 p.m. have been granted to Scheduled Caste students of various classes—primary, secondary, and university, including medical and engineering students. Books grant of Rs. 8,500 and University examination fees of Rs. 1,500 have also been granted to College and school students during 1948-49. A provision of Rs. 40,000 for school and hostel contingencies also exists during 1948-49.

The following provision has been made for 1949-50:

(a) Stipends	1,05,216
(b) Books grant	8,500
(c) Univ. Exam. fees	2,000
(d) Contin- gencies.	15,384

Total . . . . . 1,31,020

## 11. Central Provinces and Berar.

*Housing*.—The Provincial Government have issued instructions to the District authorities to compel municipal and other local bodies to undertake the work of providing houses for the sweepers and to draw up a five year scheme for the purpose.

*Water Supply*.—A scheme has been drawn up for sinking wells for improving rural water supply. Under this scheme the Provincial Government would contribute half the cost of a well in each village, the remaining half being found by local contribution. This scheme will benefit the Scheduled Castes, among others.

*Education*.—Backward classes, including Scheduled Castes, enjoy a number of concessions viz., monthly stipends for students of all classes—primary, middle, university including professional students, maintenance grants to Scheduled Castes institutions and hostels; grants for buildings and furniture for schools and hostels for Depressed Classes; Exemptions from the payments of fees and grants for the purchase of books, etc. Seats for Scheduled Caste Students are reserved in Schools and hostels.

The following provision has been made in 1949-50:

Grant-in-aid 44,410

Scholarships 49,840

Total . . . . . 94,250

*General Welfare*.—The Provincial Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (XXIV of 1947) aims at removing the disabilities imposed by social custom, usage or otherwise and confer the same rights on the members of the Scheduled Castes with regard to their access to, entry into, or enjoyment of, wells, shops, hotels tanks, ponds, bathing ghats and other public places, conveyances and institutions as are available to other classes and communities of Hindus.

## 12. Assam

*Education*.—Special provision has been made for education of the backward people including the Harijans. Annual grant of Rs. 6,972 to the Harijan Sevak Sangh has been increased to Rs. 9,972 since 1948-49 for the spread of education amongst the tea-garden labourers. Special attention is also being paid to the education of the Scheduled Castes by way of granting aids to schools, awarding scholarships and granting free and half free studentships.

13. Orissa                    *Housing.*—Steps are being taken to provide houses for the Scheduled Caste employees of the local bodies etc. The Government have sanctioned Re. 8,00,000 to provide 800 quarters to accommodate 800 sweeper families employed under municipalities.

*Water supply.*—In connection with the problem of water supply in rural areas the Government are taking steps to provide wells which will be open to the Scheduled Castes. A provision of Re. 5 lakhs exists in the budget of 1948-49 for the purpose.

*Education.*—Monthly stipends are given to Scheduled Caste students in schools and colleges and also annual grants for purchase of books, stationery, etc. Scheduled Caste students are exempt from payment of fees. Grants for payment of examination fees of University students have been given.

#### COLONISATIONS OF ANDAMAN AND NICOBAR ISLANDS

†\*1543. **Shri V. C. Kesava Rao:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the steps that have been taken to colonise Andaman and Nicobar Islands;

(b) the total number of people who can be settled in these islands; and

(c) whether any economic survey has been made and if so, what are its findings?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (c). A party of experts was recently sent to the Islands to investigate the possibilities of colonising and developing them. Their reports have been received and are under examination. In the meanwhile a small number of refugees has been sent to the Islands to settle on lands that are already vacant in the settled area.

(b) It is not possible to make any estimate till the reports referred to above have been examined.

#### LEPROSY RESEARCH INSTITUTE AT JORHAT, ASSAM

\*1544. **Srijut Kuladhar Chakrabarti:** (a) Will the Honourable Minister of Health be pleased to state whether Government are aware that the Province of Assam has about the highest incidence of leprosy, and if so, have Government considered the necessity of establishing a Leprosy Research Institute in Assam at Jorhat?

(b) Are Government aware that a colony for treating leprosy was established by the American Baptists Missionaries at Jorhat and is still there?

(c) If so, do Government propose to take it over and start a Leprosy Research Institute there?

**The Honourable Rajkumari Amrit Kaur:** (a) and (c). The incidence of leprosy in the provinces of Assam though fairly high is well below the highest in India. Government have appointed a Committee which will recommend *inter alia*, the location of a Central Leprosy Teaching and Research Institute. The Committee will, no doubt, fully consider the claims of Jorhat.

(b) Yes.

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

**Srijut Kuladhar Chakha:** Is Assam the third in India in incidence of leprosy?

**The Honourable Rajkumari Amrit Kaur:** The incidence was surveyed in some of the most infected areas in the province and of a population of 45,916, 1,454 were detected out of which 363 were infectious and 1,104 noninfectious and the rate of incidence was 3.18. In other places it goes up to as high as five per cent. so I might say Assam would really come fourth in India.

**Shri H. V. Kamath:** Is there any medical college or colleges in India where there is a special course in leprosy?

**The Honourable Rajkumari Amrit Kaur:** No, Sir. But there is research in leprosy being done in many of the provinces in India now, and also of course in the Tropical School of Medicine in Calcutta.

**Shri H. V. Kamath:** Am I to understand that there is no course in leprosy, in any medical college in India?

**The Honourable Rajkumari Amrit Kaur:** There is no special course for leprosy, but of course students are taught about leprosy just as they are taught about many other diseases.

**Shri Upendranath Barman:** Has the Honourable Minister got the figures of incidence in West Bengal?

**The Honourable Rajkumari Amrit Kaur:** Yes. As far as West Bengal, Orissa and parts of Madras are concerned, the incidence varies. As I said, from two per cent. it goes upto five per cent. in some places.

**Srijut Kuladhar Chakha:** Is there any scheme of skin clinics for treatment of leprosy?

**The Honourable Rajkumari Amrit Kaur:** Research is being done both in the Institute of Hygiene and in the Tropical School of Medicine.

#### APPOINTMENT OF CENTRAL SUBORDINATE SERVICES COMMISSION

† \*1545. **Lala Raj Kanwar:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) what stage the question of appointment of the Central Subordinate Services Commission has reached; and

(b) what the composition of this commission is likely to be, and when its members are likely to be selected?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). Before setting up Central Subordinate Services Commission an Officer on Special Duty was appointed to (i) collect the relevant data with regard to the nature and volume of work the Commission will have to handle and to (ii) suggest the most suitable organisation for the Commission. The preliminary work of collecting and analysing information from various Central Offices scattered through out India is nearly complete.

Final decisions as to the composition of the Commission and selection of Members will be taken after receipt of the report and recommendations of the Officer on Special Duty who hopes, shortly, to complete his task.

#### CANDIDATES INTERVIEWS AND SELECTED BY F. P. S. C.

† \*1546. **Lala Raj Kanwar:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the names of Members of the Federal Public Service Commission, with brief qualifications, date of appointment, and salary drawn by each member;

† Answer to this question laid on the table, the questioner being absent

(b) the number of candidates interviewed by the Federal Public Service Commission during each of the past three years;

(c) the total number of candidates selected by the Commission for various services after interview during the above period; and

(d) the number of cases in which the recommendations of the Commission were not carried out, during the above period?

The Honourable Sardar Vallabhbhai Patel: (a) to (d). Two statements containing the required information are laid on the table of the House.

#### STATEMENT I

Showing the names of the Members of the Federal Public Service Commission, their qualifications in brief, dates of appointments and salary drawn by each of them.

Name	Qualifications	Date of Appointment	Salary	Remarks
			Rs. p.m.	
<i>Permanent Members—</i>				
1. Mr. R. N. Banerjee (Chairman)	Serving member of the Indian Civil Service (M.A.)	14.1.49	4,000	
2. Mr. Javad Hussein	Retired Provincial Civil Service (Madras) Held 'listed' post in the Superior Scale of I.C.S. Was Member of the Madras Public Service Commission before appointment on the Federal Public Service Commission (B.A., B.L., B.L.S.)	14.3.47	3,500	
3. Mr. W. R. Purank	Retired Judge of Nagpur High Court (B.A., L.L.B.)	1.4.47	3,500	
4. Mr. K. Zachariah	Retired Indian Educational Service Officer (Director, Public Instruction, Bengal) (M.A.)	1.4.47	3,500	On deputation to the E.A. & C.R. Ministry for a year from 1st December 1948
<i>Temporary Additional Members—</i>				
1. Mr. S. G. Gaubb	Retired P. C. S. (Madras) Held 'listed' post (B.A.)	9.12.46	3,500	
2. Mr. Jivan Lal Kapur	Advocate, Punjab High Court (M.A., L.L.B.)	4.12.47	3,500	
3. Mr. S. C. Tripathi	Retired member of the Indian Educational Service (Director, Public Instruction, Orissa) (B.A.)	5.8.48	3,500	
4. Mr. Balwant Singh Puri	Secretary General of the Indian Red Cross Society.	from 1.6.48 to 31.7.48 and again from 18.8.48	3,500	

## STATEMENT II

*Showing the numbers of candidates interviewed and selected by the Federal Public Service Commission during the years 1946 to 1948 and of cases in which the recommendations of the Commission were not carried out during this period.*

Year	Number of candidates interviewed	Number of candidates selected	Number of cases in which recommendations of the Commission were not carried out.
1946	4126	767	Nil
1947	5092	1998	3
1948	5790	1612	5

NOTE.—Figures under column 3 include 103, 690 and 314 candidates placed in reserve during 1946-47 and 1948 respectively.

### NUMBER OF GOVERNMENT EMPLOYEES AND EXPENDITURE ON THEM

†1547. **Lala Raj Kanwar:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the total number of (i) Gazetted and (ii) non-Gazetted Government servants at present serving under the Government of India; and

(b) the total annual expenditure incurred in meeting the salary and allowances of such Government servants?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). The required information is not readily available and its collection will involve an expenditure of time and labour incommensurate with the results to be obtained.

### REPORT ON ADMINISTRATION OF DURGAH KHAWAJA SAHEB, AJMER

\*1548. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Home Affairs be pleased to state whether Government have appointed a committee to enquire into a report on the administration of the Durgah Khawaja Saheb of Ajmer?

(b) If so, who are the members of the Committee and what are their terms of reference?

(c) What has necessitated Government to appoint such a committee?

**The Honourable Sardar Vallabhbhai Patel:** (a) to (c). I draw the attention of the honourable member to the Government of India Resolution on the subject a copy of which is placed on the table of the House.

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
RESOLUTION

*New Delhi, the 14th January 1949*

No. 5512/48-Public.—The Government of India have found that the administration of the Durgah Khawaja Sahib, Ajmer,—one of the holiest Muslim Shrine in India—and its temporal affairs have since a long time been seriously affected by factionism and departure of majority of members of the Committee of Management after the partition of India have nearly brought about a deadlock. It has therefore been decided that the entire position should be reviewed so that the interests of the devotees of the Shrine as well as the property attached to it should be looked after in a manner befitting the position that the

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

Dargah occupies. In pursuance of this object, the Government of India are pleased to appoint a Committee with the following terms of reference namely:—

- (a) To enquire into an report on the administration of the Dargah Endowment by the Dargah Committee since its constitution under the Acte XXIII of 1835 and XII of 1838;
- (b) To examine the spiritual and temporal relationships between the Dargah Committee, the Dewan or the Sajjadnashin and the Mutawali, and to recommend such measures concerning the terms of grant of the Jagirs and the distribution of perquisites of office as may appear necessary to ensure harmonious working; and
- (c) To recommend such measures as appear necessary to secure, by efficient management of the Dargah Endowment, the conservation of the Shrine in the interest of the devotees as a whole.

2 The Constitution of the Committee is as under:—

*Chairman*

Mr. Justice Gbulam Haasan, Judge of the Allahabad High Court.

*Members*

Mr Mohd. Yamin Khan of Meerut.

Nawab Mehmud Yar Jung of Begumpet, Hyderabad, Occan.

Mr. Mustafa Kamil Kidwai, Additional Deputy Secretary, Judicial Department of the Government of the United Provinces, will act as Secretary to the Committee.

3 The Committee will be holding its preliminary meeting very shortly to decide (i) the details of procedure for the meetings, (ii) the places to be visited and (iii) the manner of recording evidence for the purpose of enquiry. The decisions arrived at will be announced in a Press Communique.

#### LOAN FOR CONSTRUCTION OF NEW CAPITAL FOR EAST PUNJAB

\*1549. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to state whether the Government of East Punjab have applied for a loan for constructing the new capital for East Punjab and if so, what is the amount applied for?

(b) Have Government considered the proposal and if so, with what result?

(c) Is it a fact that pending construction of the new Capital the East Punjab Government have planned to build the entire Secretariat and other buildings at a cost of nearly eighty lacs of rupees?

(d) If so, have the Government of India contributed any sum towards this cost?

**The Honourable Dr. John Matthai:** (a) and (b). No official request has so far been received from the Provincial Government, but the question of the construction of the new Capital has been discussed with them a number of times. The Provincial Government have been asked to go ahead with the preliminary measures and they have been told that the extent of Central assistance will be considered at the proper time.

(c) The Government of India have no information.

(d) Does not arise.

#### POLICE ACTION IN HYDERABAD

\*1550. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of States be pleased to state what is the total cost incurred by the Government of India in the Police Action in Hyderabad?

(b) Will the amount so incurred be recovered from the Hyderabad State Treasury?

(c) What is the total amount spent by Laik Ali Ministry in propoganda in India and foreign countries?

(d) How much amount was spent and set aside for representation to the United Nations Organisation to represent Hyderabad case by the Laik Ali Ministry?

**The Honourable Sardar Vallabhbhai Patel:** (a) An estimate of the expenditure incurred in connection with the Police Action is being compiled.

(b) The matter is under consideration.

(c) About O.S. Rs. 50 lakhs. \*

(d) About O.S. Rs. 3½ lakhs.

Of course, this does not in any way include the large amount kept by the Hyderabad agent in England, who kept it on his own account for some time and then transferred it to the Pakistan Government after spending half of it.

**Shri R. K. Sidhva:** May I know whether it is proposed to recover this amount from Laik Ali, if it was illegal?

**The Honourable Sardar Vallabhbhai Patel:** It is difficult to say that. I am not aware that he is worth so much.

**Shri Upendranath Barman:** Apart from these Rs. 3½ lakhs which the Honourable Minister mentioned in reply to (d), there was a large amount kept apart by the Agent General. May I know what was that amount?

**The Honourable Sardar Vallabhbhai Patel:** About £3 million of which half was spent by him and half was transferred to the Pakistan account.

**Shri Arun Chandra Guha:** Out of these Rs. 50 lakhs, how much was spent in U.K., how much in Pakistan and how much in U.S.A.?

**The Honourable Sardar Vallabhbhai Patel:** Details are not available.

**Shri H. V. Kamath:** Is it not a fact that this amount of Rs. 50 lakhs which was spent for propaganda in foreign countries by the Laik Ali Ministry was contrary to the terms of the Standstill Agreement which had transferred Foreign Affairs to the Union Government?

**The Honourable Sardar Vallabhbhai Patel:** The whole policy adopted by Laik Ali Ministry was contrary to the Standstill Agreement.

**Shri Mahavir Tyagi:** Have Government got any figures with regard to the money spent out of these Rs. 50 lakhs for propaganda in India?

**The Honourable Sardar Vallabhbhai Patel:** I have no information as to how much of this amount was spent in India, but I can get the information and supply it.

**Mr. K. T. M. Ahmed Ibrahim:** Is there any arrangement to reimburse provincial governments for the money spent by them in connection with the Hyderabad police action?

**The Honourable Sardar Vallabhbhai Patel:** That question is under consideration.

**Shri Deshbandhu Gupta:** May I know whether Government has got a list of agents through whom money was spent in India?

**The Honourable Sardar Vallabhbhai Patel:** No.

**Seth Govind Das:** Is there any investigation being made about those persons through whom this money was spent in India?

**The Honourable Sardar Vallabhbhai Patel:** It is very difficult to say, because one cannot say with certainty that the money actually reached the persons in whose name it was debited, because there were intermediaries and it is not sure whether they were honest persons. It is disclosed that in certain cases the money did not reach the persons for whom it was intended.

## PRINTING OF STAMPS

\*1551. **Dr. Mono Mohan Das:** (a) Will the Honourable Minister of Finance be pleased to state whether all our stamps are printed in this country and if not, what percentage of them is printed here and what percentage comes from foreign countries?

(b) What is our total expenditure for these foreign printed stamps?

(c) What steps have been taken by Government for printing all our stamps in this country?

**The Honourable Dr. John Matthai:** (a) to (c). I would refer the honourable member to the reply given on 22nd February 1949 to Starred Question No. 571 by Mr. Sidhva.

**Dr. Mono Mohan Das:** May I know what are the reasons for not putting on sale the archaeological series of stamps today?

**The Honourable Dr. John Matthai:** I must have notice of that. I cannot answer it straight away.

**Shri H. V. Kamath:** As regards the final selection from among the designs submitted to Government, was a decision taken by the Cabinet Ministers or the Finance Minister himself, or were some philatelic artists consulted in the matter?

**The Honourable Dr. John Matthai:** This is a matter that officially concerns my honourable colleague, the Minister of Communication.

**Mr. Speaker:** That question does not arise out of this.

**Shri H. V. Kamath:** I am concerned with the new designs for the stamps.

**Mr. Speaker:** This relates to the printing expenses.

**Shri Arun Chandra Guha:** Do any foreign Governments print their stamps in our Security Press in Nasik?

**The Honourable Dr. John Matthai:** No.

## LOANS TAKEN BY PROVINCES FROM GOVERNMENT OF INDIA

\*1552. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Finance be pleased to state the amounts due to the Government of India from the Provinces on account of loans taken?

(b) What is the interest charged and what are the terms of repayment?

**The Honourable Dr. John Matthai:** (a) and (b). A statement is laid on the table.

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



## STATEMENT

Amounts due to the Government of India from the Provinces: accounts of loans taken as on 1st April 1948.

Province	Nature of Loan	Amount of Loan	Interest	Terms of Repayment
Madras	Pre-Autonomy Debt	3.38	4½%	Repayable in half yearly equated instalments of principal and interest over a period of 45 years from 1937.38 to 1981.82.
	Loan for Development Schemes.	6.00	2 7/8%	Repayable on 15.11.1962. Interest payable half yearly.
	Pre-Autonomy Debt	10.23	4½%	Repayable in half yearly equated instalments of principal and interest over a period of 45 years from 1937.38 to 1981.82.
Bombay	Central Government Loan lent to Bombay Municipal Corporation	4.87	4½%	Repayable in equated annual instalments.
	Loan for Grow More Food Schemes	3.5	Interest free during the first year and 3½% thereafter	
United Provinces	Pre-Autonomy Debt	12.12	4½%	Repayable in 5 years. Repayable in half yearly equated instalments of principal and interest over a period of 45 years from 1937.38 to 1981.82.
	Loan for Development Schemes	5.00	2½% for Rs. 250 lakhs. 2 7/8% for Re. 250 lakhs.	Repayable on 1.11.1961. Interest payable half yearly.
Bihar	Loan for Development Schemes	40	2½%	Repayable on 31.3.1963. Interest payable half yearly.
	Ways and Means Advance	2.50	2%	Repayable in 1949-50. Interest payable half yearly.
C. P. and Berar	Pre-Autonomy Debt	1.51	4½%	Repayable in half yearly equated instalments of principal and interest over a period of 45 years 1937.38 to 1981.82.
	Loan for Grow More Food Schemes	1.00		This is made up of a number of short-term loans some interest-free sanctioned for financing the food production drive.

This is made up of a number of short-term Loans, some interest-free, sanctioned for financing the food production drive. Repayable on 31.12.1962. Interest payable half-yearly. Loan. Interest payable half-yearly. Date of repayment not yet notified.

37  
2,60 27/8%  
2,00 2%  
Nil

Loan for Grow More Food Schemes  
Loan for Development Schemes  
Ways and Means Advance

Orissa

East Punjab.

Assam

## LABORATORY TO TEST FOOD STUFFS FOR ARMY PERSONNEL

\*1553. **Shri V. C. Kamva Rao:** Will the Honourable Minister of Defence be pleased to state whether a testing laboratory is maintained to test the food-stuffs received for the use of the Army personnel?

**The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power):** Yes. In fact there are five such laboratories.

## EXCHANGE OF STUDENTS WITH RUSSIA

\*1554. **Shri H. V. Kamath:** Will the Honourable Minister of Education be pleased to state:

(a) whether the attention of Government has been drawn to a report appearing in the *Hindu*, dated the 13th October, 1948 (on page 8, column 5 thereof) under the caption "Exchange of students with Russia";

(b) whether the report is correct; and

(c) if so, the reasons for the recommendation of the Home Ministry, as a consequence of which the scheme for exchange of students between India and Russia had to be abandoned?

آنریبل مولانا ابوالکلام آزاد : (a) کا جواب مل ہے۔

(b) اور (c) - جو رپورٹ اخبار میں نکلی تھی وہ پوری طرح درست نہیں ہے۔ اصلی معاملہ جو پھس آیا تھا وہ یہ تھا کہ چند هندوستانی و دیپارتمنٹوں نے یہ معلوم کرنا چاہا تھا کہ اگر وہ تعلیم کے لئے رشا جانا چاہیں تو انہیں ضروری آسائیاں مل سکتی ہوں یا نہیں۔ گورنمنٹ نے اس بارے میں پوچھ گچھ کی تو معلوم ہوا کہ ضروری آسائیاں کے بارے میں هندوستانی و دیپارتمنٹوں کو پھروسے نہیں دالیا جا سکتا۔ چنانچہ جن لوگوں نے رشا جانے کا ارادہ کیا تھا انکو ایسا ہی لکھا گیا۔

**The Honourable Maulana Abul Kalam Azad:** (a) Yes.

(b) and (c). The report which appeared is not fully correct. What actually happened was that some Indian students wanted to know whether the necessary facilities would be available to them if they proceeded to Russia for further studies. Government made enquiries into the matter and it was learnt that for the present it could not be said definitely whether the required facilities would be available. The students concerned were informed accordingly.

ابو اچ۔ وی۔ کامت : کیا اور کسی ملک کے ساتھ اس طرح کی ایکسچینج سکیم منجور ہو گئی ہے ؟

**Shri H. V. Kamath:** Has any such 'Exchange Scheme' been agreed upon with any other country?

آنریبل مولانا ابوالکلام آزاد : ہاں بعض ملکوں کے ساتھ اس طرح کی کڑوائی ہو رہی ہے۔ جہاں تعلیم کی آسائی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Yes, we are in touch with certain countries where educational facilities are available.

ابو اچ۔ وی۔ کامت : کتنے ملکوں کے ساتھ ایسی سکیم منجور ہو چکی ہے ؟

**Shri H. V. Kamath:** With how many countries has this scheme been agreed upon?

آنریبل مولانا ابوالکلام آزاد : میں ابھی جواب نہیں دے سکتا اس کے لئے نوٹس

چاہئے۔

**The Honourable Maulana Abul Kalam Azad:** I cannot reply this off hand. I would like to have notice for this.

**Sbri M. Ananthasayanam Ayyangar:** Is it not a fact that even without any particular course of studies in any of these subjects, students who are sent there to study various subjects, leave those subjects and study only communistic principles even there?

آنریبل مولانا ابوالکلام آزاد: آنریبل ممبر اس بارے میں ایسی معاملات کے مطابق رائے قائم کر سکتے ہیں۔

**The Honourable Maulana Abul Kalam Azad:** The honourable member can form an opinion in this connection according to the enquiries made by him.

श्री महावीर त्यागी: क्या मैं यह जान सकता हूँ कि विद्यार्थियों को जब बर्नमेट की तरफ से यह कहा गया कि वहाँ तालिम का पूरा भरसा नहीं दिया जा सकता तो क्या क्या दिक्कतें हाथल हुई बर्नमेट के भरसा देने में ?

**Shri Mahavir Tyagi:** May I know that when the students were informed by the Government that the requisite training facilities could not be made available there, what were the difficulties that stood in the Government's way?

آنریبل مولانا ابوالکلام آزاد: بہت بڑی دقت تو زبان کی ہے روس کی جتنی بھی روز پورسٹیاں ہیں ان میں نیچے سے اُوپر تک Medium of instruction روسی زبان ہے۔ عمارے و دیارتھی چو وہاں جا سکتے تھے انگریزی کو لیکر جا سکتے تھے۔ اس کے علاوہ دھن مہن کی وہاں بہت دقت ہے۔ اور بھی بہت سی دقتیں ہیں۔

**The Honourable Maulana Abul Kalam Azad:** The main difficulty is in respect of language. The medium of instruction in vogue in all the Russian Universities is the Russian language from the lowest to the highest standard. Our students who could go there, knew English only. Apart from this, there is a great difficulty of living there; and there are many other difficulties.

सेठ गोविन्द दास: किन किन देशों के साथ इस समय विद्यार्थियों के एक्चेंज के सम्बन्ध में लिखा वही हो रही है ?

**Seth Govind Das:** May I know the names of the countries with whom the Government are in touch at present with regard to the exchange of students?

آنریبل مولانا ابوالکلام آزاد: دشمن گورنمنٹ کے ساتھ اس کی کوئی لکھا پڑھی نہیں ہوئی ہے۔

**The Honourable Maulana Abul Kalam Azad:** The Russian Government have not been addressed on this subject.

सेठ गोविन्द दास: मैं यह पूछता हूँ कि किन देशों के साथ इस सम्बन्ध में लिखा वही हो रही है ?

**Seth Govind Das:** What I wanted to know is which of the countries have been addressed on this subject?

آنریبل مولانا ابوالکلام آزاد: جہاں تک مجھے معلوم ہے اس وقت کسی خاص ملک کے ساتھ اس طرح کی بات چیت نہیں ہو رہی ہے۔ ہمارا بیوٹے بیوٹے گا اور اس معاملہ کا فیصلہ کرنا کہ کن کن سرجیکٹس کے لئے کن کن ملکوں میں میں میں اپنے دیارتھی بھیجئے جائیں۔ تجھی اس بات کا فیصلہ ہو سکتا۔

**The Honourable Maulana Abul Kalam Azad:** So far as I am aware of, no such talks are in progress with any particular country. Our Board will sit and

decide this matter as regards the various subjects and the particular countries to which the students should be sent for receiving training therein. It is then only that this could be decided.

**Shri Brajeshwar Prasad:** Was the Russian Government approached through the Russian Ambassador in India to provide facilities for those applicants?

آنریبل مولانا ابوالکلام آزاد : اس بارے میں میں ابھی کچھ نہیں کہہ سکتا۔

**The Honourable Maulana Abul Kalam Azad:** I cannot answer this at the moment.

سٹھ گوویند داس : کبھی سرکار اس بارے میں بھی خیال کر رہی ہے کہ باہر انہی کی تعلیم کے لیے ایسی جگہیں جہاں ان کی تعلیم کے لیے سہولتیں دستیاب ہیں ان کی تعلیم کے لیے بھی اس کے لیے سہولتیں دستیاب ہیں۔

**Seth Govind Das:** Are Government also considering this that the students should be sent abroad for training in those subjects only for which facilities are not available in India?

آنریبل مولانا ابوالکلام آزاد : ٹھیک ہے۔ یہی گورنمنٹ کی پالیسی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Yes. This is the policy of the Government.

شری ایچ. بی. کامت : روس کے ساتھ اس ایکسچینج کے متعلق کس نے پہلا قدم اٹھایا ہے۔  
ہندوستان نے یا روس نے؟

**Shri H. V. Kamath:** May I know who initiated this exchange of students with Russia, whether India or Russia?

آنریبل مولانا ابوالکلام آزاد : ایکسچینج کے متعلق جیسا ابھی میں نے آپ سے کہا سوال نہیں اٹھا تھا۔ جو چیز ہمارے سامنے آئی تھی وہ صرف یہ تھی کہ جو طلبہ وہاں جا رہے ہیں ان کے لیے ان کو سہولتیں کی جائیں۔

**The Honourable Maulana Abul Kalam Azad:** Just as I have informed you, the question with regard to exchange had not arisen. The only thing that came up before us was that an enquiry should be made for the sake of those students who wanted to go there.

مسٹر تجمل حسین : آنریبل منسٹر نے ابھی یہ فرمایا ہے کہ وہاں پر بہت سی دقتیں ہیں۔ کیا یہ بھی وہاں پر دقت ہے کہ کھانا وہاں پر بہت مشکل سے ملتا ہے اور دودھ تو بالکل نہیں ملتا ہے اور آدے بھی نہیں ملتے ہیں۔ اور یہ دقت خصوصاً ہندوستانیوں کو پیش آ رہی ہے۔

**Mr. Tajamul Husain:** The Honourable Minister has just now stated that there are many difficulties there. Is it also not one of the difficulties existing there that food is scarcely available; milk is altogether out of question and even eggs are not available, and these difficulties are particularly experienced by the Indian students?

شری महावीर त्यागी : کہیں ایسا تو نہیں ہے کہ روس کی حکومت نے اپنے طلبہ کو ہمارے یہاں بھیج دیا ہے اور ان کے لئے سہولتیں فراہم کی ہیں اور ان کے لئے سہولتیں فراہم کی ہیں۔

**Shri Mahavir Tyagi:** Is it not so that the Russian Government would not have desired to send their students to this country; and we might have either refused or put difficulties in their way?

آنریبل مولانا ابوالکلام آزاد : نہیں اس طرح کی کوئی بات نہیں ہے۔

**The Honourable Maulana Abul Kalam Azad:** No; there is nothing like this.

श्री महावीर त्यागी : क्या इस वक़्त रूस के विद्यार्थी यहाँ पढ़ रहे हैं।

**Shri Mahavir Tyagi:** Are any of the Russian students studying here at present?

آنریبل مولانا ابوالکلام آزاد : جہاں تک مجھے معلوم ہے کوئی نہیں۔

**The Honourable Maulana Abul Kalam Azad:** So far as I am aware of, there is none.

श्री एच० वि० कामत : क्या रूस की यूनिवर्सिटियों में अंगरेजी की पढ़ाई बिल्कुल नहीं होती

**Shri H. V. Kamath:** Is English not at all taught in the Russian Universities?

آنریبل مولانا ابوالکلام آزاد : جہاں تک مجھے معلوم ہے وہاں کسی بھی

انگریزی تہذیب میں انگریزی ذریعہ تعلیم نہیں ہے۔

**The Honourable Maulana Abul Kalam Azad:** So far as I am aware of English is not the medium of instruction in any of the Institute there?

**Shri S. V. Krishnamoorthy Rao:** Are there any arrangements in any of the Indian Universities to teach Russian to those students who wish to go to Russia? If not such arrangements should be made.

آنریبل مولانا ابوالکلام آزاد : ہاں اس طرح کی کوشش کی گئی ہے کہ باہر کی

زبانوں کی تعلیم ہو۔ جہاں تک روسی زبان کا تعلق ہے میں سمجھتا ہوں کہ دہلی یونیورسٹی اس کے لئے کوشش کر رہی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Yes, efforts have been made to teach foreign languages. So far as the Russian language is concerned, I understand that the Delhi University is trying to arrange for it.

#### EXPANSION OF NAVY

\*1555. **Shri H. V. Kamath:** Will the Honourable Minister of Defence be pleased to state:

- whether any programme for the expansion and development of the Indian Navy is under Government's active consideration;
- if so, what its details are; and
- what decisions were taken at the Conference of Naval Officers held recently in Delhi?

**The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power):**

- Yes.
- It would not be in the public interest to disclose the details.
- The recent Naval Officers' Conference in New Delhi was a periodical meeting of a routine nature and the decisions taken were of a purely administrative character.

**Srijut Kuladhar Chaliha:** May I know if it is in the public interest to be informed of naval affairs and whether it is not in the public interest to be taken into confidence?

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

#### ARMS AND AMMUNITION STOLEN FROM ORDNANCE FACTORIES AND DEPOTS

\*1556. **Shri H. V. Kamath:** Will the Honourable Minister of Defence be pleased to state:

- the quantity of arms and ammunition stolen from each of the Ordnance Factories and Depots since 15th August, 1947;

- (b) how much of the stolen property has been recovered up to date;
- (c) the nature and number of prosecutions launched in connection with the thefts, together with their results; and
- (d) the measures that have been taken, or are being taken to prevent the recurrence of such thefts?

**The Honourable Shri N. V. Gadgil** (Minister of Works, Mines and Power):

(a) There have been no thefts of arms or ammunition from Ordnance Factories. As regards Ordnance Depots, I lay a statement on the table of the House.

(b) None.

(c) All the losses have been reported to the civil police. Convictions have been secured in four cases while in a fifth case the accused died while under trial. Decisions in three cases tried by Court Martial are awaited. So far, one person has been discharged from service in connection with the thefts.

(d) Security arrangements (including patrol by armed guards and rigid enforcement of the security rules) at all factories and depots have been tightened and frequent checks are also carried out to ensure that stocks accounts are correctly maintained.

### STATEMENT

#### Arms and Ammunition stolen from Depots

Name of Depot	Quantity of Arms	Quantity of Ammunition
Ordnance Depot, Kirkee C. O. D. Jubbulpore	3 Pistols	500 rounds
Ammunition Depot, Amla C.O.D. Delhi	2 Pistols 3 Rifles	36 Hand Grenades 5 rounds
C.O.D. Pulgaon		2 Boxes explosives
Ordnance Depot, Junalpur	1 Bayonet	1 Charger and 20 rounds of ammunition
Ammunition Depot, Gurgaon		400 rounds

**Shri H. V. Kamath:** How many of these Ordnance Depots are in charge of non-Indians?

**The Honourable Shri N. V. Gadgil:** I require notice of that.

**Seth Govind Das:** Is it a fact that the largest number of arms have been stolen from the Central Ordnance Depot, Jubbulpore, and is Government still receiving complaints that those thefts are still going on there?

**The Honourable Shri N. V. Gadgil:** As already replied there have been fewer thefts now, and as regards thefts still going on in the Jubbulpore Ordnance Depot, I require notice.

**Shri Mahorimohan Tripathi:** Is it a fact that in the case of most of these thefts the culprits were non-Indians?

**The Honourable Shri N. V. Gadgil:** Some of them were undoubtedly non-Indians.

**Shri R. K. Sidhva:** Since the tightening up of the security measures, have there been any thefts?

**The Honourable Shri N. V. Gadgil:** They have considerably improved matters.

**श्री महावीर त्यागी:** जो हथियार चुराये गये वह किस किस के थे; बन्दूकें थीं, तोपें थीं, स्टेन गन थीं या बम थे ?

**Shri Mahavir Tyagi:** What was the description of the arms stolen; were those Guns, Sten Guns or bombs?

**The Honourable Shri N. V. Gadgil:** The thefts are of these articles: three pistols from Kirkee, two pistols and three rifles from Delhi and one bayonet from the Cental Depot, Jubbulpore.

**Shri H. V. Kamath:** Do the figures received show whether the thefts have been confined to certain regions or are they uniformly distributed all over the country?

**The Honourable Shri N. V. Gadgil:** The names of the depots all over the country are Kirkee, Jubbulpore, Amha, Delhi, Phulgaon, Jannalpoore and Gurgaon.

**Shri H. V. Kamath:** Where thefts have occurred?

**The Honourable Shri N. V. Gadgil:** Yes, Sir.

**Shri Mahavir Tyagi:** In the circumstances, may I know whether Government is taking all action to stop these thefts?

**The Honourable Shri N. V. Gadgil:** The action taken is given in part (d) of the question.

#### RECOMMENDATIONS OF ECONOMIC PROGRAMME COMMITTEE

† \*1557, **Shri S. Nagappa:** (a) Will the Honourable Minister of Finance be pleased to state what are the recommendations of the Economic Programme Committee of which the Prime Minister of India is the Chairman?

(b) How far have Government implemented these recommendations?

**The Honourable Dr. John Matthai:** The Honourable the Prime Minister will answer this question in due course.

#### PROSCRIBING OF HINDI BOOKS

\*1558. **Shri H. V. Kamath:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether Government have proscribed two Hindi books published by the Vidya Mandir Limited, New Delhi, namely 'Swadhin Bharat ki Pramukh Samaasyaen' by Sahityatatsna R. P. Gondal, and 'Pathik' by Shri Guru Dutt; and

(b) if so, the reasons for the ban and forfeiture of the two books?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). The honourable member's attention is invited to my reply to parts (c) and (d) of Shri Damodar Swarup Seth's Starred Question No. 823, asked on the 2nd March, 1949.

**Shri H. V. Kamath:** Is it a fact that these two books advocated violence, communalism or Communism?

**The Honourable Sardar Vallabhbhai Patel:** The honourable member knows the reason why the books have been banned.

**Shri H. V. Kamath:** I do not know.

**The Honourable Sardar Vallabhbhai Patel:** They were banned for that reason.

#### APPOINTMENTS MADE WITHOUT CONSULTING F. P. S. C.

† \*1559. **Shri Ajit Prasad Jain:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some departments of the Government of India have made some appointments without consulting the Federal Public Service Commission or contrary to their recommendations; and

(b) how many such appointments have been made, department-wise, for a period exceeding one year but not three years and for periods exceeding three years?

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

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



(b) The period for which the information is required has not been stated by the honourable member. Information for the period since the 15th August 1947 is, however, being collected and will be laid on the table of the House in due course.

#### EDITORIAL STAFF IN PUBLICATIONS DIVISION, MINISTRY OF INFORMATION AND BROADCASTING

\*1560. **Shri K. Hanumanthaiya:** (a) Will the Honourable Minister of Information and Broadcasting be pleased to state how many people are working on the editorial side of the journals issued by the Publications Division?

(b) How many of these persons had any previous (i) journalistic and (ii) editorial experience?

**The Honourable Shri R. R. Diwakar:** (a) Sixteen.

(b) (i) twelve; (ii) eleven.

**Shri K. Hanumanthaiya:** What is the reason for choosing for appointment a large number of persons who have had no editorial or journalistic experience?

**The Honourable Shri R. R. Diwakar:** There are only three, as the honourable member can see. They had very high academic qualifications. They were taken as assistant editors and they were later trained.

**Seth Govind Das:** Were these posts advertised or these appointments were made through personal negotiation?

**The Honourable Shri R. R. Diwakar:** Except one which is under consideration all of them have been filled through the Federal Public Service Commission.

**Shri Mahavir Tyagi:** How many of them were Hindustani-knowing?

**The Honourable Shri R. R. Diwakar:** Those who are working on Hindi or Hindustani journals know Hindi or Hindustani.

**Shri Mahavir Tyagi:** How many of them are such?

**The Honourable Shri R. R. Diwakar:** I would like to have notice of that.

**Shri K. Hanumanthaiya:** How many of them are Kannada-knowing?

**The Honourable Shri R. R. Diwakar:** Since there are no Kannada journals there are no Kannada editors.

#### ABOLITION OF RICKSHAW-PULLING

\*1561. **Shri Kishorimohan Tripathi:** (a) Will the Honourable Minister of Health be pleased to state what steps Government are proposing to take to abolish rickshaw-pulling by law or otherwise?

(b) What is the medical opinion on rickshawpullers and rickshaw-pulling as a profession?

**The Honourable Rajkumari Amrit Kaur:** (a) and (b). Rickshaw-pulling no doubt involves hard physical exertion especially on the hills. Medical opinion has held that rickshaw-pulling like any other hard form of manual labour is not injurious in itself to health provided the puller is of good physique, does not suffer from any disease of the heart or lungs and works under conditions which are favourable for the maintenance of health. In practice, however, these conditions are hardly fulfilled. Inasmuch, therefore, as Government is not in favour of continuing this form of human labour, the attention of Provincial Governments is being drawn to the desirability of substituting other forms of transport for rickshaws as quickly as possible.

**Shri Kishorimohan Tripathi:** Is it a fact that most of the rickshaw-pullers generally suffer from either tuberculosis or paralysis?

**The Honourable Rajkumari Amrit Kaur:** I have no figures either to refute

or concur with the statement. As far as cases in Delhi are concerned we have not got statistics to prove that they contract tuberculosis.

**Dr. P. S. Deshmukh:** Before stopping rickshaw-pulling have Government thought of any substitute employment for these people?

**The Honourable Rajkumari Amrit Kaur:** Naturally that is a matter which we are taking up with all the provincial governments.

**Shri M. Tirumala Rao:** What is the alternative form of transport which Government are contemplating with regard to transport on the hills to substitute rickshaw-pulling. Just now the Honourable Minister was saying that they were considering alternative forms of transport. What form of transport they are thinking of to substitute rickshaws at hill stations?

**Mr. Speaker:** The Honourable Minister had in mind the centrally administered areas.

**Shri Ram Chandra Upadhyaya:** Is Government aware that there are about 800 rickshaws in Delhi? Do Government intend to abolish it here in Delhi?

**The Honourable Rajkumari Amrit Kaur:** I am aware that there are a number of rickshaws in Delhi?

**Shrimati Ammu Swaminadhan:** Are the cycle rickshaws that one sees in Delhi easier to manipulate than hand-drawn rickshaws? Has the Government considered that question?

**Mr. Speaker:** That is a suggestion for action.

**Shrimati Ammu Swaminadhan:** I am only asking whether the cycle rickshaws are less harmful to the health of the people than hand-pulled rickshaws. It is not a suggestion for action.

**Mr. Tajamul Husain:** The Honourable Minister told us that the attention of the provincial governments has been drawn in this connection. If the provincial Governments take no action at all, will the central Government do anything in the matter?

**Mr. Speaker:** I am afraid the question is hypothetical.

**Shri H. V. Kamath:** As a step towards the furtherance of the policy of Government about which the provincial governments have been apprised already, does the Honourable Minister propose to ban rickshaw-pulling in the centrally administered areas?

**The Honourable Rajkumari Amrit Kaur:** I have already said that the matter is under consideration.

#### TRANSLATION AND EXHIBITION OF DOCUMENTARY FILMS

\*1593. **Shri Mohorimohan Tripathi:** Will the Honourable Minister of Information and Broadcasting be pleased to state.

(a) whether the documentary films "Mother", "Child" and "Community", were taken over from the United Nations Film Board by the Government of India for exhibition in India in their vernacular dubbings;

(b) whether the documentaries in question have been dubbed in their vernacular versions or not;

(c) whether it is a fact that the documentaries were appreciated a great deal by the United Nations authorities dealing with them and by the Honourable Minister of Health;

(d) whether it is a fact that the producer of these documentaries, Mr. Paul Zils, has given a master copy for translations free of charge;

(e) whether it is a fact that Mr. Zils offered to dub them in their translations free of charge;

(f) if so, why the offer was not accepted; and

(g) what is holding up the work of translation and exhibition of these documentaries?

**The Honourable Shri E. B. Diwakar:** (a) The Government of India have undertaken, at the request of the United Nations Information Centre, New Delhi, to distribute Indian Language versions of three documentary films entitled "Mother", "Child" and "Community" for exhibition in India as and when required.

(b) Steps are being taken to dub the documentaries in Hindustani.

(c) They were considered quite useful for the purpose for which they were intended.

(d) No.

(e) No.

(f) Does not arise.

(g) The work has been held up pending recruitment of staff for the Films Division's section which will handle Indian language versions of films.

**Shri Kishorimohan Tripathi:** In what Indian language is it proposed to dub the films?

**The Honourable Shri E. B. Diwakar:** In Hindustani first.

**Shri S. V. Krishnamoorthy Rao:** Are Government aware of the adverse criticism in this regard and while dubbing the films do Government propose to take note of them?

**The Honourable Shri E. B. Diwakar:** I am aware that there has been some adverse criticism and while dubbing the Government will look into the matter.

#### PUBLICATION OF PAMPHLET, GUIDE OR BOOK ON BODHI GAYA

\*1563. **Mr. Tajamul Husain:** (a) Will the Honourable Minister of Education be pleased to state whether any pamphlet, guide or book has been published by the Archaeological Department on Bodhi Gaya?

(b) If the answer to part (a) above be in the negative do Government propose to publish a pamphlet, guide or book on Bodhi Gaya?

آندھل مولانا ابوالکلام آزاد : (a) کا جواب نہیں ہے - لیکن پچھلے آندھیا آفس لندن

نے General Alexander Cunningham کی جو کتاب یہاں بوندھی شاہی کی

تھی اس میں گیا کے مندر کے بارے میں بہت کچھ لکھا گیا ہے -

(b) گورنمنٹ آف آندھیا کا آرکھالوجیکل ڈیپارٹمنٹ صرف ان ہی نوآوریوں

کے لئے گائیڈ بک کی قسم کی لٹریچر تیار کرتا ہے جو اس کی حفاظت میں ہیں - بوندھ

کیا مندر اس کی حفاظت میں نہیں ہے -

**The Honourable Maulana Abul Kalam Azad:** (a) No, Sir. But under the auspices of the late India Office, London, General Alexander Cunningham, the first Archaeological Surveyor of India, published his Mahabodhi containing an exhaustive research on the Maha Bodhi temple at Bodhi Gaya.

(b) The Bodh Gaya temple is not a protected monument, and the Archaeological Department of the Government of India does not publish Guides on monuments which are not under its control.

مسٹر تجمل حسین : میں آنریبل ممبر سے یہ جاننا چاہتا ہوں کہ زکریا ہونڈو کی مندر کا تعلق گورنمنٹ آف انڈیا کے آرکیولوجیکل ڈیپارٹمنٹ سے نہیں ہے تو پھر کس سے ہے - اور کیا اس کے متعلق گائیڈ یا کوئی کتاب لکھنے کا خیال حکومت کو ہے یا نہیں - جس طرح ہے کہ نالانڈا یونیورسٹی کے متعلق گائیڈ موجود ہے ؟

**Mr. Tajamul Husain:** May I know from the Honourable Minister that in case the Bodh Gaya temple is not under the control of the Archaeological Department of the Government of India; then under whom is it? And whether or not the Government contemplate to publish any guide or book in connection therewith, just like the one on the Nalanda University?

آنریبل مولانا ابوالکلام آزاد : ان چیزوں کی حیثیت دوسری ہے - اور یہ براہ راست آرکیولوجیکل ڈیپارٹمنٹ کی حفاظت میں ہیں - جیسا کہ میں نے آنریبل ممبر کی توجہ ابھی دلائی - کیا کا مندر گورنمنٹ کی حفاظت میں نہیں ہے - جو اس کا پرائیویٹ ٹرسٹ ہے وہ اسکی حفاظت میں ہے -

**The Honourable Maulana Abul Kalam Asad:** These things have altogether a separate entity, and are directly under the control of the Archaeological Department. Just as I have already informed the honourable member, the Bodh Gaya temple is not under the control of the Government. It is protected by its Private Trust.

#### EXCAVATION OF VIKRAMSHILA, BHAGALPUR DISTRICT, BIHAR

\*1564. **Mr. Tajamul Husain:** (a) Will the Honourable Minister of Education be pleased to state whether Government propose to excavate the great University of Buddhist times Vikramshila, in Bhagalpur District of Bihar?

(b) If so, when and if not, why not?

آنریبل مولانا ابوالکلام آزاد : (a) کا جواب ہاں میں ہے -

(b) آرکیولوجیکل ڈیپارٹمنٹ کی وہ برانچ جو کھدائی کے لئے ہے اتنے فنڈز اور تکمیل سٹاف نہیں رکھتی کہ اس طرح کے کاموں کو تیزی سے شروع کر سکے - ایک سکیم اس بارے میں تیار کی گئی ہے اور گورنمنٹ اس بارے میں غور کر رہی ہے - جب کافی فنڈز کا انتظام ہوگا تو گورنمنٹ اس طرح کے کاموں کو فوراً ہاتھ میں لے گی اور دیکھے گی کہ کونسی جگہوں میں پہلے کام کرنا ضروری ہے - اگر دیکھ بھال کے بعد معلوم ہو کہ بھاگلپور ضلع میں جو وکرم شیلہ کی جگہ ہے اس کی کھدائی دوسری جگہوں کی کھدائی کے نام سے پہلے کرنی چاہئے تو گورنمنٹ غور اس پر دھیان دیگی -

**The Honourable Maulana Abul Kalam Asad:** (a) Yes.

(b) The Excavations Branch of the Department of Archaeology, as constituted at present, has very limited technical staff and funds at its disposal. A scheme for strengthening its staff is under the active consideration of Government. If it is sanctioned and sufficient funds are available, exploration is proposed to be undertaken to determine the comparative importance of known sites. If exploration shows that the site of Vikramshila is of greater importance than others, priority will be given to it for excavation in the programme of the fieldwork.

مسٹر تجمل حسین: یہ جو بہاگلپور میں بندھتے ہوئے ہوئی ہے اس کی حالت جو ہے وہ بہت ہی خراب ہو رہی ہے لوگ وہاں سے اینٹ اور پتھر لے جا کر گھر بناتے ہیں۔ کیا اس بات کو مدنظر رکھتے ہوئے حکومت یہ ضروری نہیں سمجھتی ہے کہ ایسے معاملہ کو توجہ میں لے؟

**Mr. Tajamul Husain:** In view of the fact that the condition of this Buddhist University in Bhagalpur is fast deteriorating, as the people are removing its bricks and stones for the purpose of constructing their own houses: does not the Government consider it necessary to take up this matter?

آنریبل مولانا ابوالکلام آزاد: گورنمنٹ اس کے متعلق ایکشن لے چکی ہے۔

**The Honourable Maulana Abul Kalam Azad:** Government have already taken action in this matter.

**Shri M. Tirumala Rao:** May I know if Government is making full use of the knowledge of one Swami Prannavananda who has made a special study of this Vikramshila University?

آنریبل مولانا ابوالکلام آزاد: نہیں میں ابھی اس بارے میں کچھ نہیں کہہ سکتا۔

**The Honourable Maulana Abul Kalam Azad:** No. I cannot say anything in this respect at the moment.

**Shri K. Hanumanthaiya:** What is the amount required for this excavation?

آنریبل مولانا ابوالکلام آزاد: یہ تو اسوقت کہنا مشکل ہے لیکن اس طرح کے کاموں کے لئے کافی فنڈز چاہئیں جو کہ آرکیولوجیکل ڈیپارٹمنٹ کے قبضے میں نہیں ہیں۔

**The Honourable Maulana Abul Kalam Azad:** It is difficult to specify this at the moment. But a large amount of funds is required for such purposes which has not been placed at the disposal of the Archaeological Department?

**Shri K. Hanumanthaiya:** I did not follow the answer.

**Mr. Speaker:** It requires a large amount of funds and the Archaeological Department has not got the funds at its disposal. I believe this matter was discussed in the Education grant and he mentioned the sum of Rs. 50,000.

**Shri B. P. Jhunjhunwala:** Has Government taken any action to find out whether any prior action is required before the excavation of Vikramshila at Bhagalpur?

آنریبل مولانا ابوالکلام آزاد: ہاں جیسا کہ میں نے ابھی کہا ہے اس کے متعلق آرکیولوجیکل ڈیپارٹمنٹ کے جو سرکلز بہار اور بنگلہ میں ہیں وہ ابھی ضروری کارروائی کر رہے ہیں سلیٹرل ڈیپارٹمنٹ کے معاملے میں ابھی یہ چیز ہے اور جو جگہ بہاگلپور میں سمجھی گئی ہے اور خیال کیا جا رہا ہے کہ اصلی سائٹ یہی ہے اسکی حفاظت کی ابھی کارروائی کی گئی ہے۔ باقی ابھی یہ معاملہ اس سطح میں نہیں ہے کہ اس کے بارے میں کام چاہی شروع کیا جائے۔

**The Honourable Maulana Abul Kalam Azad:** Yes; just as I have stated now, the Archaeological Department's circles in Bihar and Patna are taking necessary action in the matter. This is also under the consideration of the Central

Government; and action has been taken to protect the site which has been explored in Bhugalpur and is considered to be the original one. Further, this matter has not as yet reached that stage when work in respect thereof may be undertaken without any delay.

श्री नं० वि० कामत : क्या राष्ट्रीय उन्नति और मूल्य चक्र के दृष्टिकोण से इस खुदाई के काम के लिये इतना पैसा खर्च करना निहायत जरूरी है ।

**Shri H. V. Kamath:** Is it very necessary to find such a large amount for this excavation from the point of view of national development and prosperity?

مسٹر تحصیل حسین : شہنشاہ اشوک کا جو پورا کھنڈل جو پٹالیپتر کے اندر ہے کیا حکومت یہ خیال رکھتی ہے کہ اشوک کے اس کھنڈل کو جو پٹالیپتر میں ہے ایکسکویٹ کرے ؟

**Mr. Tajamul Hussain:** Do Government contemplate to excavate the old capital of the King Asoka which is in Patliputra?

آنریبل مولانا ابوالکلام آزاد : حکومت اس طرح کے بہت سے خیال رکھتی ہے مگر سب سے پہلا سوال فنڈز کا ہے ۔

**The Honourable Maulana Abul Kalam Asad:** Government keep many such things in view, but the primary question is the availability of funds.

#### RECRUITMENT OF BRITISH PERSONNEL TO ARMED FORCES ACADEMY AND INDIAN MILITARY ACADEMY

\*1565. **Shri Ari Bahadur Gurung:** (a) Will the Honourable Minister of Defence be pleased to state the reasons for the recruitment of British personnel again to the Staff of the Armed Forces Academy and the Indian Military Academy?

(b) What are the terms and conditions under which their services have been procured?

(c) Is it proposed to appoint Indian Instructors as their "understudies", and if not why not?

**The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power):** (a) and (c). British personnel have been employed only where suitable Indian personnel do not exist. The policy is to train Indian personnel to take the place of British personnel as soon as possible.

(b) I would invite the honourable member's attention to my reply to part (c) of Starred Question No. 268 asked by Seth Govind Das on the 25th November 1947.

**Shri Ari Bahadur Gurung:** How long do the Government propose to retain them?

**The Honourable Shri N. V. Gadgil:** Till the Indian Personnel is trained.

#### MAINTENANCE OF GORKHA REGIMENTS

\*1566. **Shri Ari Bahadur Gurung:** Will the Honourable Minister of Defence be pleased to state the cost incurred per annum for the maintenance of the Gorkha Regiments in India?

**The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power):** I regret it would not be in public interest to disclose this information.

## RECRUITMENTS OF GORKHAS IN ARMY

\*1567. **Shri Ari Bahadur Gurung:** Will the Honourable Minister of Defence be pleased to state whether it is a fact that since the last six months the number of Gorkhas recruited by our Indian Recruiting Depot at Kunarghat has been diminishing considerably?

**The Honourable Shri N. V. Gadgil** (Minister of Works, Mines and Power): No.

**Shri H. V. Kamath:** Is it a fact that Gurkhas are recruited by British officers on Indian soil for the British Army.

**The Honourable Shri N. V. Gadgil:** I require notice of that.

**Shri Ari Bahadur Gurung:** May I know whether it is a fact that a large number of Gurkhas are recruited at Khundraghat for the British Imperial troops?

**The Honourable Shri N. V. Gadgil:** They are recruited at several places and one of them is Khundraghat.

**Shri Mahabir Tyagi:** I want to know whether we have agreed to allow the British Imperialist Government to recruit Gurkhas here?

**The Honourable Shri N. V. Gadgil:** Does it arise out of the question, Sir?

**Mr. Speaker:** No, it does not.

## INTEREST ON LOANS PAID AND RECEIVED BY GOVERNMENT

\*1568. **Shri Kishorimohan Tripathi:** Will the Honourable Minister of Finance be pleased to state:

(a) the total amount of annual interest which Government have to pay on loans raised; and

(b) the total amount of annual interest which they receive on loans which they have advanced?

**The Honourable Dr. John Matthai:** (a) The amount varies from year to year but for this year the payments are estimated at Rs. 48.1 crores.

(b) The total amount of interest recovered on loans and advances other than advances to Commercial departments of the Central Government is estimated at Rs. 8.18 crores.

**Sreematty Annie Mascarene:** May I know whether any loan has been advanced to States and if so on what conditions?

**The Honourable Dr. John Matthai:** I am not aware of any loan which has been given to States, but I will look into it.

**Pandit Hriday Nath Kunzru:** Is the State Government of Jammu and Kashmir being given any loans?

**The Honourable Dr. John Matthai:** I believe so, but I cannot give the exact figures.

**Shri Khandubhai K. Desai:** May I know how much interest the Government gets from the commercial Departments of the Government?

**The Honourable Dr. John Matthai:** The commercial Departments of the Government pay an interest on the loans advanced to them which corresponds to the weighted average interest on Government borrowings at the time.

**Shri Krishna Chandra Sharma:** What is the basis of the loan advanced to the Keshmir Government?

**The Honourable Dr. John Matthai:** I am not in a position to give the information straightaway.

**Mr. Speaker:** It also goes beyond the scope of the question.

**Shri Kishorimohan Tripathi:** I do not want to put the question No. 1569.

**-AUGMENTING WATER SUPPLY IN KAROL BAGH, DELHI**

\*1570. **Shri H. V. Kamath:** (a) Will the Honourable Minister of Health be pleased to state whether Government are aware that many people in Karolbagh, even those living on the ground floor experience much difficulty in summer in respect of free water supply especially now when the population has nearly doubled?

(b) What arrangements have been or are proposed to be made to augment the regular supply in all areas of Karolbagh?

(c) Have Government considered the question of having the water reservoir on the hill nearby and if not, why not?

(d) Is it a fact that even two-storeyed buildings will get water supply at all hours on the second storey if the reservoir is located on the hill nearby called Anand Parbat?

(e) If so, when do Government propose to investigate the aforesaid possibility?

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

(b) to (e). An order has been placed for new cast iron mains for augmenting the water supply in Karolbagh, and construction of two reservoirs on the top of the hills nearby and one elevated reservoir is to be taken up shortly. After these works are completed a regular supply of water is expected to be available in the whole area including two-storeyed buildings. A booster pump has also been provided to increase the water supply in two storeyed houses and high level areas along Pusa Road.

**Shri Deshbandhu Gupta:** How long will it take to finish this work?

**The Honourable Rajkumari Amrit Kaur:** I could not give the honourable member the exact time, but I hope that this construction will not take too long.

**Shri H. V. Kamath:** Does the Honourable Minister anticipate or fear any scarcity of water in the coming summer months?

**The Honourable Rajkumari Amrit Kaur:** Yes indeed, and the scarcity of water is not confined to any one area; it is an all-round problem for Delhi.

**Shri H. V. Kamath:** What measures are being taken by Government to ensure the citizens against the scarcity of water?

**The Honourable Rajkumari Amrit Kaur:** We are trying to provide hand-pumps, we are also trying to resuscitate some of the public wells in Delhi. Recently we sent the Engineer-Secretary of the Delhi Joint Water and Sewage Board to England, and thanks to the very great help given to us by our High Commissioner in England we hope to have a water plant machinery here within six months, so that by next year I hope there will be no water shortage in Delhi.

**Shri H. V. Kamath:** So the position is that this year we are not sure of adequate supply?



**The Honourable Bajkumari Amrit Kaur:** There will be scarcity this summer.

**Shrimati Ammu Swaminadhan:** What steps are Government taking to see that water is not wasted so that the water supply will not run out to a great extent?

**The Honourable Rajkumari Amrit Kaur:** We appeal constantly to people to be careful in this matter.

**Shri M. Tirumala Rao:** Will Government take steps to minimize the use of water during summer months by postponing the session of the Constituent Assembly?

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

**Shri H. V. Kamath:** Does the staff of the Health Ministry or of any other Department go round the city to see how many taps are dripping all day and night?

**Mr. Speaker:** I think, these are unnecessary details.

#### EXPENDITURE ON WAR PREPARATIONS IN HYDERABAD

\*1571. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of States be pleased to state what amount the Laik Ali Government in Hyderabad State spent upon preparation of war with the Indian Union and what the particulars of such expenditure are?

**The Honourable Sardar Vallabhbhai Patel:** From the information available about O.S. Rupees eight-crores and sixty-five lakhs were spent on war preparations. It is not in the public interest to disclose details.

\*1572 and 1573. [WITHDRAWN].

#### REPLACING KING'S EFFIGY ON COINS AND CURRENCY NOTES

\*1574. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Finance be pleased to state whether it is proposed to replace the existing effigy of the King on the coins and currency notes of various denominations?

(b) If so, from which date and what emblem is intended to replace the King's effigy?

(c) What denominations of coins and currency notes are intended to be issued in place of the existing ones? Is it intended to recall the existing currency?

**The Honourable Dr. John Matthai:** (a) Yes.

(b) In the notes the King's effigy will be replaced by the Asoka Pillar and the new design notes are expected to be put into circulation within the next few months. Changes in the design of coins including the replacement of the King's effigy are under consideration.

(c) No change is proposed in the existing denominations at present; nor is it proposed to demonetise the existing currency which will continue to be fully legal tender along with the new design notes and coins.

**Shri H. V. Kamath:** How many designs, Sir, have so far been received so far as the coins are concerned?

**The Honourable Dr. John Matthai:** I am not in a position to give the information straightaway, but the matter is being considered.

**Shri H. V. Kamath:** Has the Government set up a committee of numismatic experts or artists to go into this question before a final decision is reached?

**The Honourable Dr. John Matthai:** Government have a Committee.

**Shri Mahavir Tyagi:** Is it the intention of the Government to withdraw the currency which bears the King's effigy as soon as their own currency is issued?

**The Honourable Dr. John Matthai:** No such intention.

**Shri M. Tirumala Rao:** Is there any proposal before the Government to replace the King's effigy by that of Mahatma Gandhi on these coins and currency notes?

**The Honourable Dr. John Matthai:** No. That matter was considered, but I think on the whole the Government felt that the sentiment in the country would be more respected by keeping Mahatma Gandhi out of things like currency notes.

**DISCOVERY OF OLD SILVER COINS IN SRI NAGAR FORT, BUNDELKHAND**

\*1575. **Dr. Monc Mohan Das:** Will the Honourable Minister of Education be pleased to state:

(a) whether it is a fact that old silver coins weighing several maunds were discovered during excavations in the ancient Fort of Sri Nagar in Hamirpur District, Bundelkhand; and

(b) if so, whether Government propose to make a statement about it?

آرٹھنل سولانا اہوالکلام آزاد : (a) کورنٹ کو اس بارے میں کوئی خبر نہیں مئی ہے۔ ہیرپور کا شہری نگر فورٹ، ان عمارتوں میں سے نہیں ہے چلکی آرکیولوجیکل ٹیپوٹمنٹ کے ذریعے حفاظت کی جاتی ہے اور نہ آرکیولوجیکل ڈیپارٹمنٹ نے وہاں کسی طرح کی کھدائی کا کام کیا ہے۔

(b) یہاں نہیں ہوتا۔

**The Honourable Manlana Abul Kalam Azad:** (a) Government have no information. Sri Nagar Fort in Hamirpur District is not a protected monument and no excavations have been carried out there by the Department of Archaeology.

(b) Does not arise.

**VISIT OF EXPERT "DEMONSTRATION MALARIA TEAM" FROM ABROAD.**

\*1576. **Dr. Monc Mohan Das:** Will the Honourable Minister of Health be pleased to state:

(a) whether it is a fact that four expert "Demonstration Malaria teams" are coming to India from abroad in connexion with India Government's anti-malaria campaign for 1949;

(b) if the answer to part (a) above be in the affirmative, from what countries they are coming; and

(c) what will be the total expenditure in this connection?

**The Honourable Rajkumari Amrit Kaur:** (a) to (c). A statement is laid on the table of the House.

**STATEMENT**

*Report 'Demonstration Malaria Teams' coming to India from abroad.*

The World Health Organisation in collaboration with the United Nations International Children's Emergency Fund and Food and Agriculture Organisation have offered their assistance in the field of malaria control in India. Their assistance will consist of the provision of expert malaria demonstration and control teams and consultants in order to survey

selected areas in India, organise and carry out malaria control and to train local personnel who will be made available by the Provincial and State Governments concerned. The World Health Organisation/United Nations International Children's Emergency Fund will also provide insecticides, drugs and equipment necessary for the purpose. The salaries of the personnel of the foreign teams and their passage expenses to and from India as well as the bulk of the cost of equipment will be met by the World Health Organisation/United Nations International Children's Emergency Fund. On her part, India will meet the incidental expenses of the personnel of the foreign teams, including their board and lodging and their travel within India and also the expenses in connection with the parallel Indian teams and other requisite ancillary staff.

2. The World Health Organisation has allocated one team and a consultant (Malaria Engineer) for 2 months. The team will work in Terai (U. P.). The Malaria Engineer will take part in the instructional work in the one week malaria courses for Class I Engineers specially arranged at the Malaria Institute of India, Delhi. If, after the courses are finished, the World Health Organisation Consultant has any time left, it is proposed to arrange for him a visit to the various Provincial Headquarters especially the centres, where the multi-purpose projects are being executed.

3. The United Nations International Children's Emergency Fund has allocated two teams, one for Bombay Province and the other for Malnad (Mysore). As the malaria control projects are directed towards increasing food production: the F. A. O. will also provide a malariologist who will be drafted to the Jeypore-hill tracts (Orissa). Each team is expected to consist of 1 leader, and 1 public health nurse.

4. On the assumption that the foreign teams will work in India for a period of one year, the total expenditure is estimated as follows:

Area	Estimated cost to be borne by India				Foreign Teams.	Estimated cost to be borne by WHO/UNICEF in respect of insecticides, equipment etc. (but excluding cost of salaries and passage of foreign teams which will also be met by W.H.O.)
	Indian Teams					
	Staff	Transport	Contingencies	Total		
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Malnad	65,000	26,000	18,500	1,09,500		51,600
2. Terai	40,130	16,000	12,800	68,930	64,500*	52,600
3. Jeypore Hill Tracts	65,000	26,000	18,500	1,09,500		51,000
4. Bombay	43,390	26,000	18,500	87,790		51,000
				Total: 3,75,720	64,500	3,05,600
Total cost to be borne by India Rs. 4,40,220						

\*India's share of the cost of the foreign teams is arrived at as follows:—

- (1) There will be three teams working for 12 months each team having 3 members
- (2) There will be a consultant from the F. A. O. who will be here for 12 months.
- (3) The WHO consultant will be in India for 2 months.
- (4) The cost of subsistence allowance per day is Rs. 25 per head.

**Dr. Mung Mohan Das:** May I know whether these "Demonstration Malaria teams" coming from abroad have developed a new and special method for fighting malaria, which is unknown in this country?

**The Honourable Rajkumari Amrit Kaur:** They have had considerable experience as for example both in South America and in Italy so that they have come out with definite experience which perhaps our people have not so far had.

**EXPORT DUTY ON JUTE COLLECTED AT CALCUTTA PORT**

\*1577. **Dr. Mono Mohan Das:** (a) Will the Honourable Minister of Finance be pleased to state what is the total amount of export duty on jute collected from the Port of Calcutta in the year 1948-49?

(b) What percentage of this amount is given to West Bengal Government?

(c) Did the Government of West Bengal make any representation to the Centre for increasing their share in the said export duty on jute?

(d) If so, what is the result of the representation?

**The Honourable Dr. John Matthai:** (a) The total collections up to the 15th March 1949 amounted to Rs. 7,21,16,009.

(b) Twenty per cent of the net proceeds of the export duty on jute is distributed among the jute growing provinces in proportion to the respective amounts of jute grown therein. In 1948-49 West Bengal's share of the amount assigned to the Provinces is estimated at 45.39 per cent.

(c) Yes.

(d) After a careful consideration of the West Bengal Government's representation it has been decided that the existing allocation should continue for the coming year and that for the future, arrangements should be made to have an expert enquiry conducted into the allocation of the duty so that the revised allocation may take effect when the new constitution comes into force.

**Dr. Mono Mohan Das:** Is it a fact that formerly Bengal used to get 67 per cent. of the total export duty on jute?

**The Honourable Dr. John Matthai:** Yes. When the main jute-growing area was transferred to Pakistan the whole basis of the allocation of the jute export duty had to be reconsidered and on that basis the particular proportions which are now in force were introduced.

**Pandit Lakshmi Kanta Maltra:** Is it not a fact that every single ounce of jute that is produced in Eastern Pakistan has to be processed in the Indian Union and the whole jute duty comes from the export of the processed jute?

**The Honourable Dr. John Matthai:** That is the contention which has been put forward by the West Bengal Government, and there is a certain amount of force in that contention. That is the reason why Government have decided that this whole question should be re-examined.

**Pandit Lakshmi Kanta Maltra:** May I also enquire of the Honourable Minister if he has himself caused an enquiry to be made into the question that every ounce of jute that goes out of this country is processed in the Indian Union in West Bengal?

**The Honourable Dr. John Matthai:** These are matters which will necessarily come up for consideration when the enquiry is instituted.

**Shri Upendranath Barman:** Is it a fact that for the present the consideration of the collection of duty is not taken into account while making the allocation to different Provinces, or is it that only the question of production of jute is taken into account?

**The Honourable Dr. John Matthai:** I take it the honourable member's point is whether in determining the present allocation the fact that practically all the manufactured jute is produced in West Bengal, was taken sufficiently into account. That I take it is the honourable member's question?

**Shri Upendranath Barman:** Yes.

**The Honourable Dr. John Matthai:** If that is so, the answer is that when it was decided to allocate a certain proportion of the export duty on jute to Provinces, at the time it was made the basis of allocation was the proportion of raw jute grown. That basis has been retained, but the other point has now been raised by the West Bengal Government and we would like to examine it.

**Dr. Mono Mohan Das:** Is the appointment of a committee under the consideration of Government for the re-examination of these allocations?

**The Honourable Dr. John Matthai:** That is what I have said in my reply, that we are setting up an expert committee.

**Pandit Lakshmi Kanta Maitra:** Do I take it that the Honourable Minister is making an *ad hoc* grant temporarily for the purpose till a new committee is set up and a decision reached?

**The Honourable Dr. John Matthai:** Yes, we are giving Rs. 50 lakhs as an *ad hoc* grant to supplement this allocation, this will continue for the present year.

**Shri Upendranath Barman:** Is it the case that at the time when the award was made regarding allocation of jute duty, only the question of the production of jute was considered and not the collection of duty?

**The Honourable Dr. John Matthai:** That was the basis that was adopted at the time, a basis for which I accept no responsibility.

#### APPOINTMENTS GIVEN TO ARTISTS FOR PROGRAMMES ON A. I. R.

\*1578. **Shri B. N. Munavalli:** Will the Honourable Minister of Information and Broadcasting be pleased to state:-

(a) whether artists from all parts of India are allowed to have their programmes fixed on the All India Radio; and

(b) whether appointments are made with the artists on the invitation by the All-India Radio or on the applications received from the artists?

**The Honourable Shri E. E. Diwakar:** (a) All-India Radio utilises artists from all parts of India for its programmes.

(b) Both.

**Seth Govind Das:** Have the Government been receiving complaints from the Provinces that artists of some repute are never approached by the All-India Radio?

**The Honourable Shri E. E. Diwakar:** I am not aware.

**Shri H. V. Kamath:** Does the All-India Radio maintain a blacklist of artists and speakers so far as their employment in the All-India Radio is concerned?

**The Honourable Shri E. E. Diwakar:** I am not aware.

**Shri H. V. Kamath:** Does the All-India Radio maintain a list of persons whose statements or speeches are not to be given publicity on the Radio?

**The Honourable Shri E. E. Diwakar:** I am not aware of it.

**Shri Mahavir Tyagi:** Is there any permanent staff of artists on the roll of the A.I.R.

**The Honourable Shri R. R. Diwakar:** There is a very small artists staff of that type but usually it is on a temporary basis that artists are engaged.

**Shri B. N. Munavalli:** What is the time usually required to dispose of the applications sent by the artists?

**The Honourable Shri R. R. Diwakar:** The procedure is that when the applications are received, if it is found that an artist is likely to be of use then he is called for an interview, and the application disposed of.

**Shri B. N. Munavalli:** How is the Government ascertaining as to whether the artists are of use or not?

**The Honourable Shri R. R. Diwakar:** Well, there is a description of qualifications of artists and there is also a history of artists as, also a list of known artists.

**Shri M. Tirumala Rao:** Has the All-India Radio ever extended an invitation to famous artists from South India like Shrimati M. S. Subbulakshmi and Shri D. Venkataswamy Naidu who are known not only in India but also outside?

**The Honourable Shri R. R. Diwakar:** I do not exactly know but I think they are invited.

**Shri R. K. Sidhya:** Is there any restriction on the use of the Radio by the Constituent Assembly Members?

**The Honourable Shri R. R. Diwakar:** I do not think so.

**Seth Govind Das:** Sir, may I know when was this list of Artists prepared? And is it a fact that the list which was prepared at the time of Mr. Bokhari still continues, and most of the artists invited to the All India Radio are from that list?

**The Honourable Shri R. R. Diwakar:** Lists are often being revised and there is no permanent list of the type referred to by the honourable member.

#### NEWSPAPERS SERVED BY PHOTOGRAPHIC SERVICE

\*1579. **Shri Mahavir Tyagi:** (a) Will the Honourable Minister of Information and Broadcasting be pleased to state the number of newspapers served by Government's Photographic Service?

(b) How many of these newspapers are in English and how many in the Indian languages?

**The Honourable Shri R. R. Diwakar:** (a) The press Information Bureau's photographic publicity unit supplies photographs to 102 newspapers in India excluding official journals; photographs are also supplied by this unit for distribution abroad.

(b) Thirty-nine of these newspapers in India are in English and sixty-three in Indian languages.

**Seth Govind Das:** Out of these sixty-three newspapers in Indian languages how many newspapers are in Hindi and how many in other provincial languages?

**The Honourable Shri R. R. Diwakar:** I would like to have notice.

**Shri S. V. Krishnamoorthy Rao:** Is any fee recovered for the supply of these photos?

**The Honourable Shri R. R. Diwakar:** No.

#### STRENGTH OF STAFF OF RESERVE BANK OF INDIA

\*1580. **Shri R. K. Sidhya:** (a) Will the Honourable Minister of Finance be pleased to state the number of officers, clerks, peons and all other staff in the Reserve Bank of India in the years 1939, 1942, 1947 and 1948 together with the total pay bill of each class of staff separately for the above years?

(b) What is the corresponding increase in work as compared with the increase in staff?

**The Honourable Dr. John Matthai:** (a) A statement (No. I) giving the information regarding the number of employees of each class separately and the total pay bill for each year is laid on the table of the House. Information regarding the total pay bill separately for each class is being collected and will be laid on the table of the house in due course.

(b) The increase in the number of staff is due to the increase in the work of the various departments of the Bank owing to rise in (1) Notes issues; (2) Public Debt; (3) Number of Scheduled Banks; and (4) Government receipts and disbursements. A statement (No. II) showing statistics in respect of (1), (2) and (3) is placed on the table of the House. The increase in the staff is also partly accounted for by the opening of the following new departments and offices:

- (1) Exchange Control Department after the outbreak of the war in 1939;
- (2) Department of Research & Statistics in 1945;
- (3) Department of Banking Operations in 1945;
- (4) New office at Dacca and fullfledged Issue Department at Delhi during the year 1947-48;
- (5) Public Debt Offices at Karachi, Lahore and Dacca in 1948.

**STATEMENT II**

Showing the number of officers, superintendents etc., in the bank and the annual pay bill of the staff for years 1939, 1942, 1947 and 1948.

Number of Staff

As on	Number of Staff				Total	Total pay bill	Remarks
	Officers	Other super- vising staff	Clerical	Subordinates (peons etc.)			
30th June 1939	51	143	1638	742	2,574*	Rs. 34,92,690	A. P. For the year ended 31st December 1939.
30th June 1942	63	169	2141	940	3,313	39,08,266	2 5 For the year ended 30th June 1942.
30th June 1947	113	306	3515	1325	5,259	1,09,94,316	1 3 For the year ended 30th June 1947.
30th June 1948	158	368	3988	1617	6,026	1,33,46,734	12 5 For the year ended 30th June 1948.
31st December 1948	148	345	3578	1339	5,410†	65,93,384	1 0 For the half year ended 31st December 1948.

\*Does not include temporary staff as the relative records have been destroyed.  
†Decrease due to the transfer of Staff to the State Bank of Pakistan.



## STATEMENT III

As on	Notes issued (In crores of Rs.)	Public Debt Central and scheduled Provincial Governments (In crores of Rs.)	Number of banks	Total sta ff
30th June 1939 . . . . .	211	452	61	2574
30th June 1942 . . . . .	462	640	59	3313
30th June 1947 . . . . .	1263	1607	97	5259
30th June 1948 . . . . .	1351	1667	98	6026
31st, December 1948 . . . . .	1199	1533	100	5410

**Shri R. K. Sidhva:** What is the total strength of the staff in 1948, as compared to that in 1939?

**The Honourable Dr. John Matthai:** Details are given in the Statement.

Number of officers in June, 1939 was	51
Number of officers in December, 1948	148
Other supervisory staff, June 1939	143
Other supervisory staff, December, 48	345
Clerical staff, June, 1939	1,638
Clerical staff, December, 1948	3,578
Menial staff in June, 1939	742
Menial staff in December, 1948	1,339

**Shri Arun Chandra Guha:** What are the special responsibilities of the Reserve Bank towards the Scheduled Banks?

**The Honourable Dr. John Matthai:** Does the question arise?

**Mr. Speaker:** No.

## INCOME TAX DUE FROM PAKISTAN UNDER PARTITION AGREEMENT

†1581. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to state what was the amount assessed and received from the Government of Pakistan as the share of Income Tax under the terms of the Partition Agreement?

(b) Has the entire amount of our share been received or is any sum towards income-tax outstanding from Pakistan?

**The Honourable Dr. John Matthai:** (a) The amount of income-tax collected in Pakistan and divisible between the two Dominions has not yet been communicated by the Pakistan Government.

(b) Does not arise.

## ALLOWANCES TO MARRIED COUPLES IN GOVERNMENT SERVICE

†1582. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to state whether it is a fact that the dearness and other allowances given to women staff in the service of the Government of India have been stopped on the ground that their husbands who are in the service of the State draw similar allowances?

(b) How many such cases exist where husbands and wives are both in the service of the Government of India in Delhi?

† Answer to this question laid on the table, the questioner having exhausted his quota.

**The Honourable Dr. John Matthai:** (a) Yes, if she draws a lower rate of pay than her husband in which case the husband only draws the allowances.

(b) The information is not readily available.

#### SUBSIDIES TO NEWS AGENCIES

(\*1583. **Shri R. K. Sidhya:** (a) Will the Honourable Minister of Information and Broadcasting be pleased to state whether any subsidy is given to any news agencies in India; and if so, to which and what were the subsidies given during each of the years 1946-47, 1947-48 and 1948-49?

(b) Has the Reuters News Agency in India applied to the Government of India for any facility to be given in India?

**The Honourable Shri R. R. Diwakar:** (a) No subsidy is given to any news agency in India.

(b) No.

#### HOUSES OF RULERS OF STATES IN DELHI

(\*1584. **Shri R. K. Sidhya:** (a) Will the Honourable Minister of States be pleased to refer to the statement laid on the table of the House on 10th March, 1949, containing the information promised in reply to a supplementary raised on Starred Question No. 227 asked on 9th February, 1949, regarding the houses of Rulers of States in Delhi in which it is stated that Government have no information as to whether the houses of Bikaner, Hyderabad, Travancore, Baroda, Jaisalmer, Jaipur, Kaslunir, Bahawalpur, Tehri, Cochin and Sikar are the Rulers' private property or state property and state what decision Government intend to take in this respect?

(b) In whose possession are these houses at present?

(c) What use is made of these houses?

**The Honourable Sardar Vallabhbhai Patel:** (a) Government of India have to deal with questions of State and private property only in the case of Rulers of merged or Union States. In that connection the question of Bikaner, Jaisalmer, Jaipur and Baroda houses is under consideration. Bahawalpur House was leased to the American Embassy last year. The question of other houses will be considered when it arises.

(b) and (c). A statement containing the information is placed on the table of the House.

#### STATEMENT

Particulars of house	In whose possession it is	What use is made of it
1	2	3
1. Bikaner House	With the Bikaner State authorities.	Is used, apart from certain people staying in the house with the permission of the Ruler, for the residence of the Ruler, members of his family and officers of the State.
2. Jaipur House	With the Jaipur State authorities.	Ditto.
3. Tehri-Garhwal	With the Tehri-Garhwal State authorities.	Is used for the residence of the Ruler and members of his family.

1	2	3
4. Hyderabad House	With the Hyderabad State authorities.	A portion of the House is being utilized by the office of the Indian States Finances Enquiry Committee.
5. Travancore House	U.S.S.R. Embassy.	Occupied by the U.S.S.R. Embassy.
6. Bahawalpur House	American Embassy.	Occupied by the American Embassy.
7. Baroda House	With the Baroda State authorities.	At present the office of U.N.C.I.P. is located
8. Jaisalmer House	With the Government of India.	Being used for administrative purposes
9. Kashmir House	Ditto.	Ditto.
10. Sikar House	Ditto.	Ditto.
11. Cochin House	International Labour Organisation.	International Labour office is located in this house.

#### PRIORITY FOR BOOKING OF GOODS ON STATES' RAILWAYS

\*1585. **Shri Sita Ram S. Jajoo:** (a) Will the Honourable Minister of States be pleased to state whether the Indian States Railways adopt the general policy of the railway administration as regards restricting movements and bookings of certain commodities from time to time?

(b) Have the Indian States Railways the same priority list of booking goods?

(c) If the answer to part (b) above be in the affirmative, do Indian States Railways also accord higher and 100 per cent. priority to basic industries, viz., textile, iron and steel and cement?

**The Honourable Sardar Vallabhbhai Patel:** (a) to (c): Government of India do not exercise any statutory control over the general policy of the States/Union Governments concerned in this matter. But the Governments of the States and Unions have been advised to follow the priority list applicable to the Indian Government Railways and are expected to follow that list as far as practicable.

#### NATIONAL PLANNING COMMISSION

\*1586. **Shri H. V. Kamath:** Will the Honourable Minister of Finance be pleased to state when Government propose to set up the National Planning Commission?

**The Honourable Dr. John Matthai:** I would invite the attention of the honourable member to the reply given by the Honourable the Prime Minister on the 19th March, 1949, on the question of setting up a Ministry of Economic Affairs. Although Government have accepted in principle the setting up of a Planning Commission, certain preliminary steps require to be taken before such an authority is set up and they have therefore constituted an Economic Committee of the Cabinet and also an Economic Co-ordination Section.

#### ARMS AND AMMUNITION LYING IN INDONESIA

\*1587. **Shri Damodar Swarup Seth:** Will the Honourable Minister of Defence be pleased to state;

(a) whether any arms and ammunition lying in Indonesia on the Indian Government Account were sold to the Dutch Government; and

(b) if so, the value thereof as also the date of sale?

† Answer to this question laid on the Table, the questioner being absent.

**The Honourable Shri N. V. Gadgil** (Minister of Works, Mines and Power):

(a) No.

(b) Does not arise.

### UNSTARRED QUESTIONS AND ANSWERS

REGULAR AND TEMPORARY COMMISSION GRANTED SINCE 15TH AUGUST 1947

**126. Shri S. Nagappa:** Will the Honourable Minister of Defence be pleased to state the number of regular and temporary commissions in the Armed Forces granted since the 15th August, 1947?

**The Honourable Shri N. V. Gadgil** (Minister of Works, Mines and Power): I lay a statement on the table of the House.

#### STATEMENT

*Number of various commissions granted in the Armed Forces since 15th August 1947.*

	Navy	Army	Air Force	Total
Permanent Commissions ... ..	28	2,076	130	2,234
Short Service Commissions (3 years) ... ..	140	327	—	467
(4 years) ... ..	—	—	54	54
(3 years) ... ..	2	548	—	550
(1 year) ... ..	—	181	—	183
Extended Service Commissions (4 years regular service plus 5 years in the Reserve)	—	—	408	408
Temporary Commissions ... ..	1	51	—	52
TOTAL	171	3,185	592	3,948

#### FOREIGN STUDENTS STUDYING SANSKRIT IN INDIAN UNIVERSITIES

**127. Shri Balwant Sinha Mehta:** Will the Honourable Minister of Education be pleased to state what is the total number of foreign students studying Sanskrit in Indian Universities?

**The Honourable Maulana Abul Kalam Azad:** Only two foreign students studied Sanskrit in Indian Universities during the current academic year. Both of them are in the University of Poona.

Friday  
1st April, 1949

# THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—QUESTIONS AND ANSWERS)

## Official Report

Volume III, 1949

(19th March, 1949 to 5th April, 1949)

Fourth Session  
OF THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE)  
1949



Chamber Fumigated. 18410.173.....

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS.)

Friday, 1st April, 1949.

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

QUESTIONS AND ANSWERS

11-45 A.M.

(See Part I)

ELECTION TO ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

آنریبل مولانا ابوالکلام آزاد : جناب میں تحریر کرتا ہوں کہ اس اسمبلی کو چاہئے کہ اس طریقے سے جو آنریبل ممبر ملظور کریں - اپنی تعداد میں سے آٹھ آدمیوں کو چلنے کی کارروائی انجام دیں جو آل انڈیا کاؤنسل فار ٹیکنیکل ایجوکیشن کے ممبر فراہم پائیں گے۔ اس ممبری کی معہاد تین برس کی ہوگی اور کاؤنسل کے دوبارہ بلنے کی تاریخ سے شروع ہوگی اور یہ کارروائی گورنمنٹ آف انڈیا کے اس ریپوزیشن کے مطابق کی جارہی ہے جو ۳۰ نومبر ۱۹۴۵ء کو سلسلوی آف ایجوکیشن میں ملظور کیا گیا تھا اور پھر جس طرح کہ اس میں ترمیموں کی گئی تھیں

سری महावीर त्यागी: जनाब, क्या मैं दरयाफ्त कर सकता हूँ कि इस टेक्निकल एजुकेशन कमेटी का क्या काम होगा और आप का वह रिजोल्यूशन जिस के मुताबिक इस को क्रायम किया गया है वह रिजोल्यूशन क्या है किन किन मुआमलात में यह कमेटी काम करेगी और क्या क्या काम इस के सुपुर्द होगा। और इस कमेटी के मेम्बरान अलावा असेम्बली के कौन दीगर असहाब होंगे और किन तबकों से उन का तर्करर होगा।

Mr. Speaker: He is not answering any question.

Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16.10/44.E.III, dated the 23rd November, 1945, as subsequently amended."

آنریبل مولانا ابوالکلام آزاد : پوری تفصیل اس وقت بہان کرنا ضروری نہیں محالوم ہوتا کیونکہ ریپوزیشن گورنمنٹ کے پاس چھپ چکا ہے اور اس میں یہ تمام تفصیلات موجود ہیں۔ اس کاؤنسل کے بنانے کا مقصد یہ تھا کہ ٹیکنیکل تعلیم کو

[مولانا ابوالکلام آزاد:]

اور آئی پڑھانے کے لئے اور اونچے درجہ پر لانے کے لئے ایک اعلیٰ درجہ کی ایجنسی پیدا کرنی چاہئے اس کا کانسٹی ٹیوشن اس طرح کا بنایا گیا کہ پانچ ممبر ایجنسی کے لئے جائے ہیں - ایجوکیشن ایڈوائزر گورنمنٹ آف انڈیا؛ ایک ایک نائیلدہ پرائیویٹ گورنمنٹوں کا؛ ۵ ریپریزنٹٹیو ریاءمٹوں کے؛ چودہ نائیلدہ انڈسٹری؛ کمونس اور لیبر وغیرہ کے؛ سٹیشنل ایڈوائزی بورڈ آف ایجوکیشن کے دو ممبر؛ انٹر یونیورسٹی بورڈ کا ایک ممبر؛ دو ممبر اور گورنمنٹ آف انڈیا نامی نیت کرتی ہے جو دوسرے انٹریٹس کو ریپریزنٹ کر لے ہیں - اس طریقے سے یہ بورڈ بنتا ہے۔

**Mr. Tajamul Hussain:** Sir, there are two motions before the House; one as moved by the honourable the Minister for Education in Urdu and the other as read out by you in English. We want to know, Sir, which of the two is the original

**Mr. Speaker:** Both are originals.

سری महाश्रीर स्थायी : जनता वाला, में यह तबदील करना चाहता हूँ कि इस को अभी जल्दी न बना जाय और इसके इन्तख़ाब करने से बेहतर यह बेहतर होगा कि अब तक इस बोर्ड ने क्या कार्रवाई की है वह हाउस के सामने आ जाय, क्योंकि यह मज़मून मेरे लिए बिल्कुल नया है और मैं महसूस करता हूँ कि चूँकि इस में सबों के काफ़ी नुमाइन्दे हैं इसलिये इस पर भी धीरे कर लिया जाय कि क्या यह मुनासिब न होगा कि अलग अलग सबों की हुकूमतें इस तरफ़ खर्चा करें और तबज्जह करें और वही इन कामों को चलायें और इस वक़्त इस बड़ी कमेटी को बनाकर हम अपने ऊपर इतना बड़ा खर्चा न लें। अगर इन अमूर पर गौर करने के लिए मिनिस्टर सचिब इस का कुछ दिनों के लिए मुत्तवी फरमावें तो बेहतर हो और हाउस ज्यादा अच्छी तरह जान सके कि इस कमेटी ने अब तक क्या किया है और क्या काम इस कमेटी के सुपुर्द किये जायंगे। ताकि उस को मद्देनजर रख कर हम लोग अपने मيمبرों को मुत्तखिब कर सकें।

انریبل مولانا ابوالکلام آزاد - میں نہیں سمجھتا کہ اس اسمبلی پر کارروائی روکی جا سکتی ہے - ۲۹ اپریل کو پچھای کمیٹی کا زمانہ ختم ہو جائے گا - اور اس کے بعد نئی کمیٹی بنی چاہئے۔ ہاؤس کے سامنے یہ سوال نہیں ہے کہ یہ کونسل آئیڈلہ قائم رکھی جائے یا نہ رکھی جائے؟ صرف یہ سوال ہے کہ وہ اپنے حصہ کے پانچ ممبر جن لے۔

مقرر تحصیل حصہ میں - اس بورڈ کے بنانے اور چلنے میں گورنمنٹ کا کتنا خرچہ ہوگا۔

آنریبل مولانا ابوالکلام آزاد - میں یہاں نہیں کر سکتا - لیکن اس بارے میں جو گورنمنٹ کے نامے بلے ہوئے ہیں اس کے مطابق ممبروں کو الونس دیا جاتا ہے۔

(English translation of the above speech)

**The Honourable Maulana Abul Kalam Azad** (Minister of Education)  
Sir, I beg to move:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44.E.III, dated 30th November, 1945, as subsequently amended."

**Shri Mahavir Tyagi** (U. P. General): Sir, may I know what will be the functions of this Technical Education Committee and what are the provisions of that Resolution under which this has been set up? What are the terms of reference of this Committee and what would be its functions? Who would besides the Members of this Assembly be the members of this Committee and nominated from what bodies?

**Mr. Speaker:** He is not answering any question.

Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44.E.III, dated 30th November, 1945, as subsequently amended."

**The Honourable Maulana Abul Kalam Azad:** It is not necessary to give full details at the moment because the Resolution has since been published in the Government Gazette and all these details are available therein. The object of the constitution of this Council was that a high class agency should be set up for the purpose of developing the technical education at a high standard. Its constitution provides for the nomination of five Members of the Assembly; the Educational Adviser to the Government of India; one representative from each of the Provinces; five representatives from States and fourteen members representing the Industry, Commerce, Labour etc.; two members of the Central Board of Education, one member of the Inter-University Board and two more members are to be nominated by the Government of India who represent other interests. This is the constitution of this Board.

**Mr. Tajamul Hussain** (Bihar: Muslim): Sir, there are two motions before the House: one as moved by the honourable the Minister for Education, and the other as read out by you. We want to know, Sir, which of the two is the original.

**Mr. Speaker:** Both are originals.

**Shri Mahavir Tyagi:** Sir, I would suggest that this election should not be made so soon and before doing this, it would be better if a report of the activities of this Board is brought up before the House, because this is quite a new subject for me and I think that since it consists of many representatives from the Provinces; it should also be considered whether it will not be proper that each Provincial Government should spend money towards this direction and they should themselves manage these affairs and we should not incur this heavy expenditure by setting up such a large Committee at present. It would be better if the honourable Minister agrees to postpone

[Shri Mahavir Tyagi]

this for a couple of days so that we may consider these aspects and the House could acquire an adequate knowledge as to what work has been done by this Committee heretofore, and, what sort of work will be signed to this Committee, and thus enable us to elect the Members amongst ourselves after keeping all this in view.

**The Honourable Maulana Abul Kalam Azad:** I do not think if this can be postponed at this stage. The tenure of the previous Committee will expire on 29th of April and after that date a new Committee should be set up. The question before the House is not that whether this Council should be reconstituted or not. But the question is that it should elect five Members representing its quota.

**Mr. Tajamul Hussain:** What expenses will be incurred by the Government in the constitution and working of this Board?

**The Honourable Maulana Abul Kalam Azad:** I cannot say. But the members are paid an allowance in accordance with the rules and regulations framed in this connection.

**Mr. Speaker:** I am putting the motion to the House.

The question is:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their number to be members of the All India Council for Technical Education for a period of three years to be reckoned from the date of re-constitution of the Council under the provisions of the Resolution of the Government of India in the Ministry of Education No. F.16-10/44-F.III, dated the 30th November, 1945, as subsequently amended."

*The motion was adopted.*

#### ELECTION TO COMMITTEE TO REVIEW CONVENTIONS RE SEPARATION OF RAILWAY FROM GENERAL FINANCE

**The Honourable Shri N. Gopalaswami Ayyangar (Minister of Railways and Transport):** Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

I do not wish to say anything much by way of commending this motion to the House. I dealt with this matter at some length in my speech on introducing the Railway Budget, and I gathered the impression that, in the course of the debate, the suggestion that I had made in my speech, namely that I would invite the House to set up a committee of this sort in the course of this Session, was well received. In implementation of the statement I made then, I move this motion.

**Mr. Speaker:** Motion moved:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

**Shri B. Das** (Orissa: General): I did not come to the same conclusion as the Honourable Shri Gopalaswami Ayyangar on the discussions on the Railway Budget that the House wants to review the working of Convention by a Committee of this sort at an early date. Four days ago we discussed the report of the Indian Railway Enquiry Committee. On going over its recommendations I found that the Kunzru Committee has recommended that a Convention Committee need not be set up at an early date. On page 141 of the Report, they say: "We feel that owing to the uncertain factors involved in the present situation, it is not possible to make any recommendation in respect of a revision of the Convention which might not be rendered impracticable by future events."

I read it out the other day and I will read it again this morning. But this Resolution is asking the Committee to go into the question of the Railway Depreciation Fund also. Only three or four days ago we discussed that Railway Enquiry Committee Report. I want the House to note what the Committee says on page 148: "As in the present unstable conditions, no fixed principles can be laid down for making allocation to the Fund, we content ourselves to recommending that an annual contribution to the Fund for the next five years be made at about 22 crores per annum." Even though I opposed that idea a few days earlier I support the recommendation that Rs. 22 crores every year be placed at the disposal of the Railway Minister for the Depreciation Fund for the next five years. I want the House to consider it and I hope my honourable friends Shri Gopalaswami Ayyangar and the Finance Minister will timely express their views whether the present is the opportune time when we can go into this question. Pandit Kunzru's report came out only a couple of months ago. If within these two months the conditions have become stable I will not object to this motion. But my reaction is that conditions have not become stable and have not returned to normalcy so that a committee of this House can give its final verdict on the question of the Depreciation Fund and on the Separation Convention.

**Shri B. K. Sidha** (C. P. and Berar: General): I am rather surprised at the attitude of my honourable friend Shri B. Das. I do not know what he is driving at. The matter is simple. During the discussion of the Railway Budget the House advocated that the time has come to revise the Resolution of September 1924. It was a practically unanimous view. And the Railway Minister only wants that this question should be examined. Such being the case I do not know why Mr. B. Das thinks that the time has not yet come for taking up this question.

**Mr. Speaker:** What Mr. B. Das was saying was that he does not understand why it is thought that the time has come.

**Shri B. K. Sidha:** It is rather depressing. After having said that the time has come for this, he now says that the time has not come. The honourable Minister has brought in the motion at the right moment, before the Session is concluded. If we are to wait till August for this, we will have only a few months to go into the matter. If this Committee is appointed now it will have sufficient time to examine the question from all aspects and come to decisions. I commend the motion for the acceptance of the House.

**Pandit Hriday Nath Kunzru** (U. P.: General): Mr. Speaker, I am afraid that as you have already said, Sir, Mr. Sidha has criticised my honourable friend, Mr. Das without either hearing or understanding what he has said. My honourable friend, Mr. Das has raised a very important point. The Indian Railway Enquiry Committee felt that an enquiry would be needed in connection with the separation of railway finances, the fixation of the amount that ought to be contributed to the Depreciation Fund and so on, but after considering the matter came to the conclusion that unless the

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course of trade and business generally and of prices was clearer than it was towards the end of last year or is now, an enquiry would yield no useful results. Any recommendations made by a Committee of the kind that is proposed to be appointed now may become inapplicable to the circumstances that may develop in the course of a year or two. It is obvious, Sir, that any Committee that examines the separation of the Railway from the General finances would have to go into the question of the amount that ought to be paid into the Depreciation fund. The exact amount that should be paid over a series of years would depend on future prices. I do not think anybody can say at the present time what will be the cost of the materials that the Indian Railways require, say the next year or the year after. I do feel, therefore, that the appointment of the Committee suggested by my honourable friend the Minister of Transport is rather premature. It is true that the House would like the matter to be settled. We all would like that we should come to a speedy conclusion on the subject, but the circumstances in which a sound conclusion can be come to do not exist at the present time. It seems to me, therefore, that the appointment of such a committee will not lead to any useful result. Now, we ask what is to be done if such a committee is not to be appointed? So far as the Depreciation Reserve Fund goes, Government may or Government can, if they feel next year that the prices have risen and that the contribution to it should be more than Rs. 22 crores, ask the Legislature to increase the contribution.

As regards the division of the surplus between the General finances and the Railways that again can be decided by *ad hoc* committees appointed by agreement between the Minister of Transport and the Minister of Finance. Such a thing has been done in the past and I see no reason why this arrangement should not be repeated in future. I think the consideration of these matters every year will be preferable for the time being to the appointment of a Committee that is meant to settle it finally.

**Shri Khandubhai K. Desai** (Bombay: General): Mr. Speaker, Sir, I have no intention to intervene in this debate, but I am compelled to do so after Pandit Kunzru has placed before this House, in my opinion, certain assertions without giving any reason whatsoever that the time is not opportune. He has not said why the time is not opportune.

**Pandit Hirday Nath Kunzru**: I referred to the course of trade, business and prices.

**Shri Khandubhai K. Desai**: Now particularly these remarks coming from him as one who has gone into the whole question of finances and placed before this House assertively that the financial conditions of our Railways are not very happy I feel the honourable the Minister for Railways would have failed and it would have been a dereliction of his duty had he not come before this Parliament to ask for a Committee to go into the question of the Depreciation Fund and other financial considerations with regard to the Railways. I had occasion to point out these things in various debates that our railway finances are in a very bad condition and the sooner it is done, it is better. I, therefore, wholeheartedly support the motion before 12 Noon this House, so that the report of the Committee which the honourable the Railway Minister is proposing will be before us much earlier, so that we will be able to take into consideration the report before the next Railway Budget is prepared. I support it, Sir.

**Shri M. Ananthaswamy Ayyangar** (Madras: General): Two points have been raised by my honourable friend Pandit Kunzru. Firstly, that the

prices are in an unsettled condition and until they settle down, there is no need to go into the enquiry of depreciation. Sir, I looked into this Blue Book that was circulated to us, the Report of the Railway Enquiry Committee. I do not know why this matter was not referred. On page 2 of this report the terms of reference refer only to economy in all branches of railway administration and any other means. Therefore, it does not appear either of these matters, the financial convention between the railway and the General Administration on the one hand and also the amount that is to be allocated for depreciation on a scientific basis and on an average basis and so on have not been directly referred. They have incidentally referred and given certain opinions which they have come to in respect of this matter.

So far as depreciation is concerned, I agree with him that the fluctuations of the market are so heavy that it may not be possible for us to ascertain what exactly the prices will be in two or three years, but my own impression is that the enquiry does not depend so much upon the prices as on what basis we have to ascertain the depreciation.

I was a member of this committee; two years ago a committee was appointed; before that another committee had been appointed. This matter has been considered from time to time for nearly three or four years now. We looked into this matter and before we concluded our deliberations, that committee was somehow dropped and hereafter there is a proposal to have a third committee. The point is this: Depreciation on what basis? Today we levy depreciation setting apart 1/60th of the capital at charge. There is a charge against this method; it is considered to be a blind method. 1/60th on what basis is set apart year after year? I know personally Mr. Guruswami, the President of the Railwaymen's Federation and he had been constantly attacking and threatening Government with strikes. Almost every year, there is a threat of a strike. There is a ballot; some unions take the ballot also in their favour and on what ground? It is that too much depreciation is allowed.

Secondly there is the allocation for depreciation on a scientific basis. The honourable Railway Minister is unable to answer it. You are unnecessarily giving away from Railway finances to the General Revenues. Therefore, it is absolutely improper. I would ask my honourable friend Pandit Kunzru to answer them. This Committee will certainly answer them for this reason. Then instead of a flat rate of 1/60th on the capital at charge, there is another method of trying to find the life of all these assets. One Mr. Sankara Ayyar who was the financial commissioner of these Railways and who had a long experience was specially deputed to go into this matter and find out the life of the various assets.

But unfortunately the previous Governments made it appear that they introduced very many good reforms in this country, but before they took one step, they would merely pay the man his salary and ask him to keep quiet and then pull him out after some time. So Sankara Ayyar did not proceed with the determination of the life of the assets. Now, the life of an engine is not going to change within four or five years. When a particular type of engine is brought, we will have to determine on a scientific basis what is its life—thirty years, forty years and so on. If such a scientific basis is approved by the Committee, we know that the depreciation should be, say, one-thirty-fifths if the life of the engine is thirty five years and so on. Or it may be done in a telescopic manner as is done in America, that is to say, to start with it may be one-thirty-fifths and gradually go on reducing it until ultimately you come to the last year. These are the three ways of determining depreciation. Therefore, the question of prices does not come into this matter at all. My honourable friend, I fear, was not here.....



**Pandit Hirday Nath Kunzru:** This remark of my honourable friend is wonderful.

**Shri M. Ananthasayanam Ayyangar:** He will wait and see what further wonders I am going to achieve. Certainly, he thinks what we have been doing in this country, myself and persons belonging to my ilk, is wonderful. My friend has not forgotten that within a few years of agitation we did the wonder of obtaining freedom. Similarly, we expect to achieve more wonders in this country. So that, so far as wonder is concerned, I am not going to answer my friend. I leave him to be in the wonder land.

So far as prices are concerned, my honourable friend was not in this House; he was in the other House. I will even answer that point. When the European Member was here, I forget his name, the man who was last in charge of Railway Administration, the merchant from Calcutta, (An Honourable Member: "Benthall?")—Yes, Benthall: thank you for your suggestion—he said in his Budget speech about depreciation, what would happen to the replacement cost? At the time of purchase depreciation depends upon the purchase value, one-thirty-fifth, one-sixtieth or whatever it is of the original capital at charge, but if you replace it, the cost today is twice or thrice. I need not go into details. Even for that there is a solution. Whatever my honourable friend may think, by getting up into the air, diving into the sea, talking here and elsewhere, these things are not going to be achieved. He may wonder when we find a solution even for this. For the present, he may wonder what other things we are going to achieve or not going to achieve.

As regards the separation convention, I am very particular about finance. Day in and day out, even on the floor of this House, there are a number of people who are wedded to this. My friend says "Appoint an *ad hoc* committee". On what basis? *Ad hoc* basis? The Railway men complain, "Why are you taking away more to the general revenues?" If item after item of our national resources are brought under a socialist economy and they are managed by the State itself, we will lose all income-tax. What are we going to get and how is the State to be run? It is for that purpose, if not anything else, I want a committee to go into this and they should come out with their decision in this regard. It will then be time for us, after the Committee has gone into this matter, to say whether it is a waste or whatever it is. Instead of my honourable friend sleeping over it as some of his predecessors have done—I am not accusing my honourable friend Dr. Matthai who has been there only a short time, but some of the others who started similar committees and then dropped them in the middle,—I am sure my honourable friend will pursue this matter and if Pandit Kunzru with his experience has any objections let him come and place them before the House and it is for the House to accept or reject or modify the recommendations in such a manner as to make it acceptable. This is a welcome measure. It is not come a day too early. It is already late. I am glad he has introduced it, now.

**Shri Biswanath Das (Orissa: General):** Sir, I heartily congratulate my honourable friend for this Resolution and I call it a very responsible and democratic method because he has chosen to come forward with a resolution so soon after the debate in this House which was practically unanimous on this question. My honourable friend Pandit Kunzru, for whom I have got a very high regard, wants to have, if at all, an *ad hoc* committee as and when required. On an important question like this, I would beg of him not to think of an *ad hoc* committee. The objection has been partly met by my honourable friend Mr. Ayyangar. Sir, the Government has to face fire, both from the

railwaymen union and also from Members of this House. Both have to be humoured and explained. If that is to be done, it can only be done by a responsible body elected by Members of this House carrying the influence and prestige of the House.

Having stated so much about the committee which ought to be a committee of this House, I come to the question of its necessity. True it is that we have not been—at any rate speaking for myself.—I have not been able to do full justice to the voluminous Railway Inquiry Committee Report which was so late placed in our hands. I have my protests and I think I will be failing in my duty if I do not record them. We in this House have been working like school boys. Hardly have I worked so hard even as student in my lower classes. Sometimes I have to come at 9 o'clock and it is 6-30 P.M. when I return home. That being the position, is it possible for honourable Members of this House to go through a huge volume of 300 pages of printed matter which, for close attention, requires at least ten days? Unfortunately, all these reports have been placed in our hands during the session. We had the indigenous Medicine Enquiry Report which is equally a big volume and there are so many other reports of committees, standing committees and select committees. Under these circumstances, it is hardly fair to expect us to go through such a voluminous and import report of a very serious nature within so small a time. The very fact that it comes from so responsible a person as my honourable friend Pandit Kunzru goes to attach a very great importance to the report. We have regard for him and more regard for his recommendations which have come out of due deliberation. Under these circumstances, I do not say and I will never say that the report is useless or unnecessary or unfair or anything of the kind, but I do say that a committee such as this is necessary in the sense that Government has to come to some decision before the close of the current year, namely 1949-50. If that is to be done, how else could you expect Government to proceed, unless you the Government, taking into account the views expressed in the House, and come to decisions on the various points raised and recommended in the report. I think my honourable friend Pandit Kunzru will agree with us that instead of Government themselves coming to conclusions on each of these points, it is fair, necessary and desirable that they should have the co-operation, help and decision of a committee appointed by this House so as to give it prestige and influence and necessary backing of this House. Therefore, it is necessary.

Then, I come to the second reason why it is necessary. The Railway Convention that was presided over by late lamented Sir B. N. Sharma is one of about twenty four or twenty five years—nearly two yugas ago. It is all old history and there are many questions which have to be reviewed. Conditions have now entirely changed.

Wherefore all these call for review. The question is not confined only to the Railway Depreciation Fund and various other funds connected with the Railways, but also refers to certain other ancillary questions connected with these things. I have always been puzzled when I look into the various funds that you have in the Railways. I think the time has come when a simplification of the constitution of these funds is necessary.

Secondly, caution must be taken as to the amount of annual allotment that has to be made to these various funds.

I refer my honourable friend to the railway budget speech of the honourable Benthall. In his speech of 1946 he gave a glowing picture of the Railways. From his picture we thought that the recovery would be very early. No one hardly expected that the recovery would be so difficult, so continuous and so long. In fact, in the same speech he stated that it was not necessary to make very big purchases. As a matter of fact we now see that for the

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Railways big purchases are necessary, including engines. It becomes difficult under the circumstances to assess the life-time of the various items necessary to run your Railways. A newer approach to the question becomes necessary. Under these circumstances, I feel that the method of approach that has been decided by the Ministry is the right approach. Business questions have certainly their bearing. I should feel that after the enhancement of fees and fares, the business aspect of the question recedes into the background, because the Railways under the enhanced fees and fares are assured of a steady and substantial income. If business improves Railways are bound to improve and we will get more income. Sir, I have always claimed that Railways should contribute more to the general revenues. I do not agree at all with those friends who feel that Railways should have nothing to contribute to the general revenues.

These are very important questions which need discussion and deliberation and a committee of this nature is very necessary and desirable. I would therefore implore my honourable friend, Pandit Kunzru and my honourable friend Mr. B. Das not to oppose the motion.

**Shri B. Das:** I do not oppose the motion.

**Shri Biswanath Das:** I am glad and I equally understood him that this was not an opposition. He only wants to utter a word of caution. I take it that this is the position also taken up by Pandit Kunzru. Under these circumstances, I strongly support the motion and I feel that it is a very useful and necessary one.

**Shri Mahavir Tyagi** (U. P.; General): I admire the good intention of the honourable Minister for Railways for he has been prompted so soon after the budget discussion to bring in to practice what was suggested by the House. When I say the honourable the Minister of Railways, I include,—as in law man includes woman—in parliamentary parlance, the Minister of State. They are both anxious to bring into quick practice the suggestions made on the floor of this House for the improvement of their department. I know, Sir, they are very anxious to improve matters and hence this proposal. I welcome it. However I have a few remarks to make for their consideration for whatever they are worth. I hope they will consider them too.

Firstly, the Railway Enquiry Committee has finished its deliberations. I do not know how many lakhs have been spent on the committee which has submitted its report. In going through the report I find that it has at some places to a greater extent and at other places casually, reviewed also these questions and on some of them they have gone a good length and they have taken into consultation and discussion and confidence the experts of the Railways too. So practically the other committee will be more or less reviewing the same procedure. That is one of my views.

I have become very keen after the budget discussions to see that no extra money is spent on committees, deputations or missions—purchasing or diplomatic. I want expenditure to be spent directly in governmental matters under the administration and time and money should not be spent over consultations or discussions as far as we can avoid them.

So my one impression is that as the Committee which the honourable Minister is going to get appointed will go over the same field of enquiry which the Railway Enquiry Committee has already done. So why not consider those recommendations in the department and be content. Besides, the House has already provided you with the co-operation of so many of our

honourable Members who can sit with you in the Railway Standing Committee and the Railway Finance Committee. After all, they are our accredited representatives. The honourable Ministers for Railways and Finance could sit with them for the purposes of this Committee. The Railway Finance Committee and the Railway Standing Committee could do the job better because they have been dealing with the department's needs and requirements. Why not extend the work of these Committees? Sit for a longer time and then discuss matters with them and make suggestions. I want to know if the appointment of this Committee can be avoided and the work done in the Standing Committee along with the Railway Finance Committee. If that is possible, then I think this Committee will not be necessary because it would mean a duplication of the work. If a new committee is appointed, all its findings and recommendations will have to be considered for final disposal by the Standing Committee.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar).]

So I would suggest that the Standing Committee take up the job and do the work. But I do not agree with my friend, Mr. Kunzru, that the matter should be postponed. It should be immediately done. I think the idea of a Finding Committee is good. If the work can be done otherwise, why go into the business of having a Committee? But if the honourable Minister feels that the Standing Committee will not do the work and he requires some more enquiry to be conducted, or an extensive going out into the country is necessary, then a committee has to be appointed, I will not mind the expense. I will agree with the appointment of the Committee. But, then there comes the question of the terms of reference. These were not the only salient points or questions discussed on the floor of the House. There were many other important questions which have been left out from the purview of this Committee. For instance, I would suggest if there be a Committee for Railways it should consider some concrete plans for the reform of the department, and the first question should be whether the Railways should be reorganised on a zonal basis or the same organization as it is today should continue.

This question of reorganisation will tell upon the finances one way or the other. If you are going ultimately to reorganise, why not include it in the terms of reference of this very Committee. If the Railways are reorganised on a zonal basis it will make a lot of difference.

**Mr. Deputy Speaker:** It was one of the terms of reference of the previous committee, which was asked to report as to whether and how economies could be effected on the various railway administrations. Therefore the Minister has brought forward this motion separately to look into this convention.

**Shri Mahavir Tyagi:** The wording of the motion is:

"To review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from general finance:

To examine the constitution and administration of the Railway Depreciation Reserve Fund and the Railway Reserve Fund as well as other ancillary matters....."

It is not for a reorganisation of the Railways that the Committee is to be appointed but to examine the Railway Depreciation Reserve Fund, as also the Reserve Fund—and the Betterment Fund, unless you include under "ancillary matters", matters of vital importance like reorganisation of the Railways.

**Shri M. Tirumala Rao (Madras: General):** There is already a report on that submitted by the Kunzru Committee.

**Shri Mahavir Tyagi:** These matters are also discussed by that Committee. I thought that the honourable Minister wanted to take the House into his confidence and take advantage of the knowledge of honourable Members so that he may put into effect their suggestions. If only financial matters are involved the Finance Minister is also there and they would know what the effect of these measures will be. If we reorganise the Railways the Finance Minister will have to be asked to co-operate and for that another committee shall have to be appointed. So why don't you add this also in the terms of reference of this Committee, so that they can have an overall picture and all the financial considerations may be dealt with all together.

There was another idea of substituting the Railway Board with some statutory authority. That is also a vital question. That will also cause financial changes one way or the other. These are also questions which will have financial repercussions on the Railways. If a Committee is to be appointed will the honourable Minister take into consideration these questions and enlarge the field of reference of the Committee, so that there may not be any need of another committee to implement the suggestion.

As regards the appointment and the members of the Committee I not only support but welcome the idea.

**The Honourable Shri N. Gopalaswami Ayyangar:** Sir, I do not think I need take up much time in replying to this debate, which was perhaps more prolonged than I had anticipated on the very innocent motion of mine.

I think the main issue that has been raised is not so much the necessity for a Committee as the necessity for an enquiry into certain financial questions connected with the administration of Railways. Most honourable Members are agreed that such a committee is necessary. We must have definite, implementable recommendations from a Committee which could bestow its thought to a matter of this kind. The only thing that has come in the way is the report of the Indian Railway Enquiry Committee on this matter. So far as this particular committee is concerned I need only refer honourable Members to the fact that the Convention was adopted nearly a quarter of a century ago. At the time it was adopted it was intended that the working of this Convention should be reviewed practically every three years. An attempt was made in 1928 which proved abortive. We did not do anything at all till about 1942-43. And then we appointed a committee which only made a recommendation for the time being and we slipped into the present position of determining the question of the contribution to general revenues on a purely *ad hoc* basis.

Here I must correct my honourable friend, I mean you, Sir, when you seemed to imply that all the wickedness in not bringing into existence a committee of this sort was to be ascribed to people before Dr. Matthal and you seemed to give him an exemption—a sort of thing which he failed to do but which you were prepared to excuse. What I would like the House to remember is that during Dr. Matthal's time a committee was appointed for the purpose of reviewing this Convention and but for the fact that there was transfer of power in August 1947 and the old Legislative Assembly went out of existence we should have had that committee sitting for sometime. It would have made recommendations which if we had adopted, perhaps my motion today might not have been necessary.

What I wish to point out is that the necessity of reviewing the resolution which was adopted in 1924 has been felt throughout this long period of almost a quarter of a century and we have not reached any conclusion. We did expect that we would have some firm and definite recommendation from the Indian

Railway Enquiry Committee about this matter which might have rendered unnecessary the appointment of this Committee. But as it so happened the Indian Railway Enquiry Committee took the view that the present conditions are so uncertain that they would rather recommend that we should not attempt a review of the existing position for some years to come. However, so far as that is concerned Government are firmly of the view—and I am glad the House is with me in that matter—that this is a question which we cannot delay any longer. The question of placing railway finances on a satisfactory basis is too important to be postponed merely on the ground that conditions are uncertain. Conditions have been uncertain in the past and even if we reach, say within the next year or two, conditions which appear to be less uncertain we cannot altogether rule out the prospect of the conditions becoming uncertain once again after that. After all what is it that this Committee is intended to do? It is not going to say that so many crores of rupees should be paid into the Depreciation Reserve Fund and so many crores of rupees should be paid every year as a contribution to general revenues. No Committee is likely to say that. It will only examine the principles on which the amounts to be paid to these funds can be determined on a proper basis every year. It will not leave either the railway finances or the general finances in the uncertain position of not knowing what each could expect to get or to retain out of the railway revenues. That is really the matter which this Committee will have to tackle. I think that is a question which requires immediate tackling and I have suggested that the tackling should be done by a Committee of this House.

My honourable friend Mr. Tyagi raised a pertinent question as to why when Railways had the benefit of the advice and assistance from other Committees which had been constituted for the purpose of helping railway administration it should be necessary to appoint a separate Committee for going into this question. My first answer to that is that the problems that we shall remit to this new Committee are problems which concern not merely Railways but general finances, and it is necessary that the Committee that we constitute should be sufficiently representative to be able to understand and pronounce judgment upon the somewhat conflicting views that may be presented to it by those who espouse the cause of the general finances and those who would espouse the cause of railway finances. That is why we would not have a Committee whose duty it is to assist the Railways alone to constitute a Committee of this sort but we want the whole House to be represented on this Committee. And by the whole House I mean that portion of the House which is not peculiarly charged with the task of looking after Railways alone.

The second thing that he did ask is that I must consider the question of enlarging the terms of reference to this Committee so as to include matters which are not strictly financial but which are administrative—which are matters relating to the reorganisation of the whole of the railway administration and so on. I quite see the point that administrative decisions do have a bearing upon the financial position of the Railways. But there is a clear line which has to be drawn between what might be considered administrative aspects of railway administration and what might be considered to be purely financial questions. I consider that this Committee will deal not with those larger aspects of administration which are more administrative than financial: it should limit itself to those aspects which are more financial than administrative. That is the position I would like to place before the House.

I do not think there is really any other point which I need meet on this occasion. Mr. Das of course referred to the Depreciation Fund. I quite appreciate all that he said, but I think that after we receive the report of this

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Committee and after we get the principles on which the contribution to the Depreciation Fund should be made in the future and the Government and the House accept that position, his difficulties as regards the Depreciation Reserve Fund will disappear altogether.

**Pandit Lakshmi Kanta Maitra** (West Bengal: General): May I put one question, Sir? I want to know from the honourable Minister one definite thing. I think many Members are aware, and the honourable Minister is aware, that this is the third time that an attempt is made to have a Committee like this to go into the whole vexed question. The first one was at the time of Sir Edward Benthall, it was shelved; the second time it was in the Honourable Dr. Matthai's time in 1947;—a Committee was appointed to sit, it was shelved and nobody knew what happened to it. And now for the third time my honourable friend has come with this. I want to know if the honourable Minister is satisfied that at the present moment he has been able to get sufficient data to go into all these questions. I know the importance of the question. He must fix the principle of the Depreciation Fund, the Amortisation Fund, Renewals and so on and so forth. Most of these have been done in a haphazard way after partition and after the situation that has been created as a result of partition. Is the honourable Minister now in a position to be able to furnish the Committee full and necessary data by which accurate decisions could be arrived at?

**The Honourable Shri N. Gopulaswami Ayyangar**: My answer to that question is that when the Committee which was appointed on a motion by my honourable colleague here was about to set to work a great deal of material was collected by the Railway Board.

**Pandit Lakshmi Kanta Maitra**: I am told they had been taken away after partition. Most of the records are missing, that is what I am told.

**The Honourable Shri N. Gopulaswami Ayyangar**: I have seen printed copies of some of these papers myself. I do not think the Railway Board has now been incapacitated by loss of records from producing the kind of material that this Committee would require for its consideration. I can assure the honourable Member that all the material that he may require will be produced and the officers concerned would be set to work from now, and before the first meeting of the Committee we shall place as much material as it is possible to collect at their disposal. If more material is required by them after they meet that also will be collected. That is why I have fixed the period at something like nine months during which there will be some time for collection of additional material and the Committee also will have ample time to consider that material. I want this Report by December next because I want to use that Report for the purpose of fixing the Budget for the following year.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, nine Members to serve on the Committee, of which the Honourable the Minister of Transport and Railways and the Honourable the Minister of Finance will be *ex-officio* Chairman and member respectively, to review the working of the Convention adopted under the Central Legislative Assembly Resolution dated the 20th September 1924 for the separation of Railway from General finance, to examine the constitution and administration of the Railway Depreciation Reserve Fund, the Railway Betterment Fund and the Railway Reserve Fund as well as other ancillary matters and to make recommendations before the 31st December, 1949."

*The motion was adopted.*

**Mr. Deputy Speaker:** I have to inform honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1. All India Council for Technical Education.	2-4-49.	5-4-49.
2. Committee to review the working of the Railway Convention.		

The nomination for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

#### HINDU CODE—contd.

**Mr. Deputy Speaker:** The House will now proceed with the further consideration of the following motion moved by the Honourable Dr. B. R. Ambedkar on the 31st August, 1948, namely:

"That the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee, be taken into consideration."

**Pandit Lakshmi Kanta Maitra (West Bengal: General):** Sir, before you call upon my honourable friend Mr. Naziruddin Ahmad to continue his speech I feel constrained to bring to your notice once again the irregular manner in which this motion is being brought to this House from time to time. I think very few of us knew up till yesterday that this Bill was coming up again for consideration. As a matter of fact the House was under the impression that so heavy was the pressure of urgent government business that no day could be found for it. In fact several Members of this Parliament who came over here to participate in the deliberations on this subject went back under the impression that this matter was not going to be taken up again in this session. I can particularly mention an honourable Member, Pandit Govind Malaviya, who came over here and who wanted to speak for a very long period of time, and when he was assured that the matter was not coming up.....

**Several Honourable Members:** Assured by whom?

**Pandit Lakshmi Kanta Maitra:** Most people knew. It was not a case of ordinary business of this House. No single Member of Government stands up and says, "I give you an assurance that this will be discussed". Nothing like that. Everybody got the impression from Party talks and elsewhere that the matter was not going to come up at any rate in this session. (Interruption). That being so, if it is taken up now it will be showing very scant courtesy to the House. I feel this Bill is of such a controversial nature that I do not think that you should allow this Bill to be proceeded with in the way in which it is being done repeatedly in its different stages. Sir, it is for you to consider the point of view which I am placing before the House. The House is attenuated, and because the whole Budget discussion was over most Members were under that impression—and quite reasonably. When they had no idea of the change suddenly to spring a surprise by bringing in a motion like this at this late stage of the session, is, I think, hardly fair.

**An Honourable Member:** We want your decision, Sir.

**Mr. Deputy Speaker:** But there is no point of order here.

**Shri Mahavir Tyagi (U.P.: General):** But then I want information as to how long the discussion is proposed to be held. There are friends in my Province who had requested me to inform them when the Hindu Code Bill comes for consideration. I could not inform them because I did not know whether the



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Bill will be considered only for today or for tomorrow or any other day or till the end of the session. So, Sir, will you now be in a position to tell the House how long we are going to discuss this Bill so that if there is time for them to come, I might inform them.

**Mr. Deputy Speaker:** I am in full sympathy with what Pandit Maitra has said, but I do not find any way out of it. As far as I am aware—I have been here for a number of years in this Assembly—when any matter of such importance where a number of people are interested, comes up, the agenda for the next week would be at least read out on the previous Friday. I have been accustomed to some procedure. Evidently it was not expected that there would be time for this Bill, but it was put in when one day was extended and time found for today and tomorrow. That is why previous notice could not have been given. I believe the honourable Members would try to take as good advantage of it as possible by sending telegrams, etc. and get other Members. Therefore, so far as Mr. Tyagi is concerned, if he thinks that other Members outside are interested in the proceedings, I may say that the proceedings will be broadcast this evening or tomorrow morning and then they will come to know of it.

**An Honourable Member:** How can they come tomorrow?

**Mr. Deputy Speaker:** They can come by aeroplane! It is not for the Chair to decide how they can come. All that I can say is that on an important matter of this nature, certainly Government must have given proper notice; it is not as if Government could lose sight of this important matter. The general public is interested, a large number of the Members from the Provinces and States are not here. Even if they were here, it cannot be expected that everybody should be expected to read all the books and carry all the information for use at a moment's notice. These are the disadvantages but I am sure the honourable Members will try to do as best as they can of the opportunity. Nobody can guarantee how long the discussion will go—it may conclude this evening or go on till tomorrow.

**Shri T. A. Ramalingam Chettiar (Madras: General):** What is the programme for this Bill?

**Mr. Deputy Speaker:** It is entirely in the hands of the House. I do not think we can have a cut-and-dried programme. It is for the House to see whether it is necessary to continue discussion, and if there is sufficient debate to close it as early as possible.

**Shri Mahavir Tyagi:** Sir, I will put the question the other way round. May I know if there is any other Government Bill for the rest of the Session or this Bill is the only work before us, so that I can make out how long this Bill will go?

**Mr. Deputy Speaker:** As the honourable Member will see from the Order Paper, there is so much other work. This no doubt happens to be the first Bill for the day but tomorrow other Bills will come which are on the list. We need not spend any more time on this question.

**Mr. Naziruddin Ahmad.**

**Shri B. Das (Orissa: General):** Will you please fix a time-limit for speeches?

**Mr. Deputy Speaker:** I cannot fix any time-limit on a controversial matter of this kind. I shall try, so long as I am in the Chair—certainly the Speaker will do it better—to see that repetition is avoided. That is all that I can do, and I shall, to the best of my ability, avoid all irrelevant matters being brought in Subject to this. I would like to give as much freedom as possible.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Mr. Deputy Speaker, it is a strange irony of fate that apart from the interrupted nature of the debates on this Bill, it has been decided by Government that the chequered career, of this Bill and the intermittent debate should, after an interval be seriously resumed on the All-Fools' Day. On the last occasion, when I pointed out that the Bill was sent to the Select Committee in a great hurry on the 9th of April last, some honourable member reminded us, that 9th April was very near the 1st of April. Somehow or other this Bill is associated with the 1st of April. On this day, we are accustomed from time immemorial to deal with each other in a playful spirit. We issue bogus invitations, bogus marriages are announced and various other bogus things are done.

**Shrimati Ammu Swaminadhan** (Madras: General): Sir, has this got anything to do with the Hindu Code? Just now you said that no irrelevant matter will be allowed. Has all-fools' day anything to do with the Hindu Code?

**Mr. Deputy Speaker:** I have not heard the honourable Member sufficiently to come to a conclusion as to whether it is irrelevant or not.

**Mr. Naziruddin Ahmad:** Sir, I was merely emphasizing the unsatisfactory manner in which the Bill is being brought up from time to time. A Bill of this importance and magnitude requires that it should be sat over continuously by honourable Members.

**Pandit Lakshmi Kanta Maitra:** Sat over?

**Mr. Naziruddin Ahmad:** Sat over. Pandit Maitra thought "sat over". I did not mean that. I submit, Sir, a Bill of this magnitude requires that Members should sit over it continuously for a long time. The disadvantage of considering this matter at long intervals is that Members lose the thread of argument and it is very difficult for them to appreciate what has already been said so as to connect with what is said on each occasion. I submit, therefore, that this is not dealing seriously with the Bill or with the House.

On the last occasion when I was dealing with the history of this important legislation, I pointed out that the first mistake was committed in 1937 with the passage of the Hindu Married Women's Rights to property Act, 1937.

The mistake was to have rushed to the legislature and without sufficient consideration to have passed a Bill of that complicated nature. In fact, an honourable Member of that House at that time, Mr. Deshmukh, had a happy idea and without giving sufficient consideration to the subject, he came to the House and the House in a generous mood passed the Bill. By that Act, certain women were given the right of direct inheritance along with the sons, grandsons and great-grand sons. They were given independent right. They were not merely Hindu women's rights, but absolute, transferable and inheritable rights. Soon after that, a distinguished lawyer from Bengal—Mr. Rishindranath Sircar—drew attention to certain difficulties which would arise in connection with the Act. Mr. Rishindranath Sircar is a distinguished lawyer and author of a text book on the Hindu Married Women's Right to Property Act, and connected Acts. He pointed out certain inherent difficulties which would arise in connection with the Bill, and in 1938, the Act had to be amended by Act, XVI of 1938. The trouble, however, did not cease there and difficulties arose afresh. A further difficulty arose by the Act as it was amended in 1938. By the Act even as amended, right was given to the widow of the deceased, the son's widow, grand-son's widow and the great-grandson's widow and considerable difficulties arose as to the position of the daughter. In fact, there was a great deal of controversy and Mr. Sircar again pointed out the difficulties of the situation created so far as the daughter was concerned. This question was agitated throughout the country, and we find about half a dozen Bills were submitted to the Legislative Assembly to clarify the position of the daughter, to

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give her also that right, along with the son, grandson, and the widows of the various persons. Those Bills were presented to the House and they were on the agenda. I believe experienced Members of this House, like Pandit Lakshmi Kanta Maitra will be able to recall the situation with which the Government was faced, when it had a large number of Bills before it—about six Bills. Sir Reginald Maxwell, the Home Member, at that time pointed out in the House that it was always a bad thing to rush legislation on social matters, without adequate consideration. And the difficulty was more and more increased as there were more and more legislations. He was, therefore, in full sympathy with the position taken by those members, and he agreed to have the matter examined properly, from every point of view, before legislation was undertaken. This led to the birth of the Rau Committee. That Committee prepared a Draft Bill and sent questionnaires to various people, and considered and analysed the answers and they prepared another Bill. But before proceeding any further with their work, they were met with an initial difficulty. They found that there was another blunder in connection with the Acts of 1937 and 1938. They were of opinion that the Act of 1937, as it was amended by the Act of 1938 did not apply to agricultural land. The difficulty arose in this way that the first Act of 1937 was passed by the Legislative Assembly when agricultural land was a subject no longer cognizable by the Centre.

**Mr. Deputy Speaker:** The House stands adjourned to 2-30 P.M.

*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.*

**Sreematty Annie Mascarene** (Travancore State): I wish to raise a point of order. May I know whether it is the duty of a Member of this House to attend the session of the legislature throughout?

**Mr. Speaker:** It is hardly a point of order. A member need not attend any discussion if he does not like to do so. But I will make one observation. If a member makes a speech in support of or in opposition to a Bill, it is his duty to remain present in the House to hear the reply.

**Sreematty Annie Mascarene:** If he is absent for a few days and then comes back and complains that he is not aware of the agenda of the House, can that be excused, Sir?

**Mr. Speaker:** He will be judged by his statement before the House.

**Mr. Naziruddin Ahmad:** Before we parted for Lunch today I was dealing with the first part of the history of this legislation. The Act of 1937 and the amending Act of 1938 led to difficulties with regard to the daughter and a large number of Bills were brought forward to clarify her position. At that stage the Government agreed to have the matter examined and appointed the Rau Committee. The Rau Committee soon found that the legislature had no jurisdiction to pass the Acts so far as agricultural land was concerned. The point arose in this way: Agricultural land was in the Legislative List of the Centre under the previous Constitution. The Bill was passed by the Lower House in March 1937 when it was functioning under the old Constitution. The Upper House passed it sometime in April when the new Constitution of 1935 had come into force. So, when the Bill was passed by the Upper House it had no jurisdiction to legislate for agricultural land. The amending Act of 1938 was passed when none of the Houses had this jurisdiction. These were capital blunders committed by the Legislature of the time. The Rau Committee referred the matter for opinion to the Federal Court. The Federal Court gave a ruling that the House had.....

**The Honourable Dr. B. R. Ambedkar** (Minister of Law): The history is wholly wrong.

**Shri L. Krishnaswami Bharathi** (Madras: General): How could the Rau Committee refer to the Federal Court?

**Mr. Naziruddin Ahmad**: Is it wholly wrong?

**The Honourable Dr. B. R. Ambedkar**: Yes, wholly wrong.

**Mr. Naziruddin Ahmad**: In what respect?

**The Honourable Dr. B. R. Ambedkar**: I will deal with it in my reply.

**Pandit Lakshmi Kanta Maitra**: He is substantially correct.

**Mr. Naziruddin Ahmad**: The Rau Committee reported to Government and the Governor-General referred the matter to the Federal Court. I was wrong only in a minute technical detail. I repeat: The Rau Committee referred the matter to the Federal Court through the appropriate channel—the Governor-General. Is that wrong? I was absolutely right and never wholly wrong. (*Interruption*).

**Mr. Speaker**: The honourable Member may proceed.

**Mr. Naziruddin Ahmad**: The point was thus referred by the Rau Committee to the Federal Court and they gave the ruling that the Legislature acted *ultra vires* so far as agricultural land was concerned. That was a capital blunder which was revealed at the time. As soon as the ruling of the Federal Court was known I came upon the scene. My connection with the Hindu Code is not casual or recent. I am in a position to show to the House that I took legal steps in connection with this legislation as far back as 1941. I was then a Member of the Bengal Legislature and I submitted a Bill even before the first report of the Rau Committee was out. As soon as the judgment of the Federal Court was known I introduced a Bill in the Bengal Legislature to apply the Act to Bengal so far as agricultural land was concerned. That was the first attempted legislation of the time in this connection in India.

**Mr. Tajamul Husain** (Bihar: Muslim): May I know from my honourable friend if at that time he was in favour of the Hindu Code Bill from what time did he change his mind?

**Mr. Naziruddin Ahmad**: The Hindu Code Bill was not even born at the time. At that time, like many others—many more famous men as far even as the topic was concerned, it turned out later that I had taken a wrong step. In fact I wanted to extend the Act to agricultural land in Bengal. That was the object of the Bill which I submitted to the Bengal Legislature. It was circulated for opinion throughout Bengal and a large body of public opinion was in favour of the Bill. Everybody at the time like me thought that that Bill was right.

**Mr. Tajamul Husain**: Sir, the honourable Member has not given his reasons why he changed his mind.

**Mr. Speaker**: That is not relevant at all. He may change his mind any number of times.

**Mr. Naziruddin Ahmad**: The Honourable Member should try to wait. The House will be pleased to note that the Bill was submitted by me in 1941, 14th July, and that a very large section of Hindu public opinion in Bengal was then in favour of it. Then the Bill was placed on the agenda for a Select Committee. I have got a copy of the agenda paper with me, dated 25th September 1942. I was then in a position to get it passed by the Bengal Legislature where the Hindu-Muslim Coalition party had a large majority. The Party by a majority

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had decided in favour of the Bill and it was going to be sent to a Select Committee. By that time, however, Hindu opinion had been efficiently crystallised against the Bill. I was told that serious difficulties would arise if the Bill was passed. Many people, including myself, then realised that if the Bill was passed, the position of daughters and others would lead to chaos. In the meantime the Rau Committee report had been published and the Bill drafted by them was before the country. A large number of meetings were held in connection with it in 1941 and 1942. There was a meeting held in my native place of Burdwan and many similar meetings were held throughout Bengal condemning the main Bill. Though I had the requisite majority in favour of my Bill, I did not proceed with it as it was a Matter affecting the Hindu community alone and it was opposed by them. I felt that it was no good passing a measure by sheer majority of persons who were not affected by it. I was never in favour of the Hindu Code Bill, though I was for a time in favour of my own Bill. This will I hope satisfy my Honourable friend Mr. Tajamul Husain. I asked the Hindu members to let me know what to do and they were against my Bill and so the Bill was dropped. I am not afraid in the least to make this admission that everybody thought and even the Rau Committee thought that a Bill foreshadowed by my Bill should be introduced to extend the Act of 1937 in every local legislature to Agricultural land. I also fell in line, but then I found this volume of Hindu opinion against my Bill. No Province has ever applied the Act of 1937 to agricultural land. Thenceforward, Sir, a large number of meetings have been held in Bengal and the Rau Committee Bill has been uniformly condemned.

Now with regard to this Rau Committee's report, they prepared a Bill, that is the "Hindu Code Bill—Part I intestate Succession" and that was introduced in the Central Legislative Assembly and that was sent to a very strong joint Select Committee of both Chambers of the Central Legislature. I have got a report of the Select Committee with me. It was very strongly supported on one side, but equally strongly opposed on the other, and this Bill as reported by the Select Committee came to the Legislature once again. The Rau Committee had in 1941 reported that the Hindu Code Bill should be taken up by compartments. It is a very important point and I wish to draw special attention to the fact that the Rau Committee actually reported that the Hindu law should be taken up by compartments, succession, marriage, guardianship and others. They said at page 23 of their report of 1941:

"The recommendation which we should like to stress most strongly is that relating to the preparation, in gradual stages, of a complete code of Hindu law beginning, as we have said, with the law of succession, to be followed by the law of marriage and in due course by the other topics of Hindu law. It is true that even these large groups are to some extent inter-connected; but it will be easier for the draftsman to see what he is doing if he deals, for example, with the whole law of succession than with isolated rules relating to the property rights of widows. This plan would also offer a better chance of agreed solutions on disputed points, for the larger the field, the more room there is for compromise. The aim should be, as far as possible, to arrive at agreed solutions and to avoid anything likely to arouse acrimonious controversy. This need not mean any real slowing down of the pace of reform; for true reform proceeds by persuasion rather than coercion."

At page 11, they say:

"We do not suggest that all parts of the law should be taken in hand at once. The... law of succession... may be taken up first, then the law of marriage; and so on. After the law relating to each part has thus been reduced to statutory form the various Acts may be consolidated into a single Code."

That was the report and in pursuance of their report they submitted their Bill relating to the Hindu Code Part I, intestate succession. Before the Bill relating to succession as settled by the Joint Select Committee came up before the Assembly, the Joint Select Committee had itself recommended that it is no good passing this part alone, but that they should have a true picture of the entire Hindu Code as it will stand, as the different parts are inter-dependent and in this way, they recommended that this Bill should not be passed and a

truer and a more comprehensive view of the Hindu law should be taken. In their report the Select Committee say:

"We think that steps should be taken to resuscitate the Hindu Law Committee and to encourage the formulation and enactment of the remaining parts of the proposed Code in the interval which is to lapse between the present Bill when passed comes into force. It may well be found that the present Bill will require before it is allowed to come into operation, readjustment and amendment in the light of the decisions taken in connection with the other branches of the Hindu Law."

So they recommended that the House and the country should have a fuller picture. The Hindu Law Committee which had been dissolved was thus revived and they were asked to give us a picture of the other branches of the Hindu Law. The first thing which they did was to produce another Bill, the "Hindu Code Part II—Marriage." The second Bill was produced by them and later on they produced the other parts. The point which I am trying to emphasise is that these were separate self-contained Bills. The law of Inheritance was absolutely self-contained and separate and was capable of being enacted separately. The law of Marriage also could be enacted separately. There are three other parts which were in separate parts though printed in one volume was circulated. Then after obtaining opinion, they introduced some changes also by way of supplement. The House will, therefore be pleased to note the real meaning and purpose of completely separate Bills printed in the same book as separate self-contained subjects with separate numbering. The Law Ministry, however, it seems mistook the purpose of the separate parts with separate numbering. In fact in the report of the Select Committee on the present Bill, the members of the majority say that separate numbering and separate parts was a thing unknown and purposeless, and therefore they wanted to blend the different parts into one complete whole with consecutive numbering. That is clearly mentioned in the report. That is the reason why they produced a Hindu Code which they thought was self-contained and more logically arranged. The purpose of the Rau Committee of separate enactments and their subsequent consolidation was entirely missed.

The first point, which I should like to take in this connection is that the changes made by the Departmental Committee set up by the Ministry of Law went beyond the purpose of the original Bill, or rather the different Bills. In fact the blending of the different parts of the original Bill into one is the thing which has created a lot of difficulties and has made confusion worse confounded. As was suggested by the Rau Committee, the better thing would have been to pass separate parts separately, so that there will be the least objection and the attention of the House as well as of the country could be focussed upon individual subjects, though they may have a comprehensive view of the entire Hindu Law. Now the blending of the different parts or Bills into one whole with running numbers has placed us in this difficulty that we find in the House that there is hardly any Member who has spoken; who is completely in favour of the consolidated Bill as it has emerged from the Select Committee. Some are in favour of the marriage provisions; others are in favour of the inheritance; with regard to guardianship and other things, there is the least objection. Separate Bills as in the original scheme would have simplified matters and reduced our troubles.

**Pandit Lakshmi Kanta Maitra:** Maintenance portion is the best; all the rest is rubbish.

**Mr. Nasiruddin Ahmad:** Maintenance portion, as Pandit Maitra reminds us, is the least objected to. So if the parts were kept separate, then the House would have been in a position to deal more easily with individual subjects. The subject of maintenance is not controversial. It does not affect the religious structure of the society. It does not wound the religious feelings and age-long beliefs of the Hindus and it could have been passed at once. That was the reason for the separate treatment. But the Departmental Committee

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rather, missed the purpose of the separate treatment and blended the whole thing into one.

Sir, I would point out that in the second Rau Committee report also, the Bill was prepared in different compartments, they repeated their advice that it should be taken up separately. The Bill was intended to be taken up in parts separately, and should be dealt with individually.

**Mr. Tajamul Husain:** Why don't you bring amendments to this effect?

**Mr. Naziruddin Ahmad:** My honourable friend by the interruption means to say "I shall mix up things in any way I like, and it is for you to bring suitable amendments to separate them." It is impossible. If you cook meat, fish and vegetables together and ask a vegetarian to separate them by means of an amendment and then take the vegetables alone, that would be to putting the cart before the horse. The Bill has mixed up distinct and separate categories of law into one complete whole.

**Shri L. Krishnaswami Bharathi:** No, no. There are separate chapters.

**Mr. Speaker:** The honourable Member is expressing his own view and other honourable Members will have an opportunity of expressing their own views. What is the good of interrupting? It will only prolong his speech.

**Mr. Naziruddin Ahmad:** The sections of one part have been lifted from that and placed in another part.

**Shri L. Krishnaswami Bharathi:** On a point of order, Sir. Am I not entitled to correct, when his statement that it has mixed up different chapters is open to correction?

**Mr. Speaker:** That way he will be entitled to correct again. There should be no interruptions. I think we are unnecessarily impatient. Whatever our views in respect of the Bill, for or against, we must give a patient hearing to the opponent and try to meet his points. I am going to give the fullest opportunity to every one. So let there be no interruptions.

**Mr. Naziruddin Ahmad:** I am very grateful for this direction. The point is that the definitions and other clauses in each part were absolutely separate. It is easy for any one who has the patience to compare the original Bill presented by Mr. Jogendranath Mandal to the House with the revised Bill to see the difference.

**An Honourable Member:** Who was Jogendranath Mandal?

**Mr. Naziruddin Ahmad:** He was the previous Law Member. If any one compares the old Bill presented by him and the present Bill, it would be easy to see that portions from different parts have been transplanted to other parts. The act seems to be absolutely *hopa fide*, but it was not based upon a full appreciation of the purpose of the separate treatment of the subjects. In fact, the Select Committee was presented with a re-drafted Bill by the Ministry of Law. That I submit would be likely absolutely to mislead the Select Committee. It is this document which was printed on the 17th July 1948. It was prepared ready-made for the handy use of the Select Committee before it ever met and the Select Committee was presented with this Departmental Bill. I have already dealt with one point, that in this intermediate Departmental Bill a serious departure has been made, namely, different parts have been mixed up into one whole so to make it impossible to put separate parts back to their original shape. It can be done by a research student, not by Members of the House without any such tendencies or inclinations. I submit therefore that the first mistake was committed by the Departmental Committee in mixing up entirely separate subjects. This introduces a serious and unprecedented constitutional innovation.

Then, Sir, the Departmental Committee has introduced very serious changes in their Departmental Bill. It will be extremely important when we consider the bearing and the effect of this Departmental Bill on the proceedings of the Select Committee. The Departmental Bill, as I shall attempt to show introduced many very important changes, though I must point out that neither the honourable Minister for Law nor the Members of the Select Committee nor the Members of the House seem to be aware of the seriousness of the changes effected. In fact, the Minister for Law on the last occasion when he spoke in the present session in support of the motion for consideration pointed out the substantial changes made in the Bill. But he was careful to insist that all the changes had been made by the Select Committee. I took careful notes of his speech and this can be verified from the official reports. He pointed out with commendable thoroughness the departures made in the final Bill from the original Jogendra Nath Mandal's Bill. That shows that the honourable Minister was totally unaware of the serious changes made by his Department in the so called Bill submitted to the Select Committee. In fact, I asked a Short Notice Question of the honourable Minister as to whether the Departmental Committee had been authorised to make any substantial changes in the original Bill. The answer was that they had no such authority. On the other hand, the Minister for Law took the entire responsibility for the changes if any on himself. To a supplementary question of Mr. Ramnarain Singh the Minister for Law stated "I introduced no changes". In fact, the point was whether the Departmental Bill had made any substantial changes, and he made it absolutely clear that he had made no such changes and that the Select Committee alone had made the changes. The entire House seems to be of the opinion that the Select Committee made the changes and that no substantial changes were made by the Departmental Committee. On the last occasion when I was on my legs, I was repeatedly asked to point wherein the Departmental Committee had made substantial changes. It is important that I should refer to this, because it shows that the Members of the Select Committee or the House or even the Minister for Law was not aware of any substantial changes really made, and I submit therefore that if I can show that substantial changes were really made by the Departmental Committee and very rarely by the Select Committee. It would open up before the House important considerations. The Select Committee were given a ready-made new Bill and the assurance in the report of the Select Committee is that it contained no substantial changes and that the changes were re-arranging the clauses, their re-numbering and such formal changes as are purely of a drafting nature. This is the assurance we get in the report of the Select Committee. I would therefore like to point that those substantial changes were made by the Departmental Committee. It is not easy to trace the changes and I cannot blame any honourable Member for failing to notice them. I had to prepare a comparative chart, not of the numbers alone, but of the clauses and sub-clauses of the three Bills side by side. I asked for a copy of the Departmental Bill, but it was not supplied. I submit, Sir, that the Departmental Bill is a very important document and should be supplied to the Members. We have been supplied with a report of the evidence of witnesses before the Select Committee, but the most important document which played such a large part in the framing of the final Bill, has not been supplied. It was with the greatest difficulty that I have procured a copy, not from the Department, but through the courtesy of an honourable Member. Then, Sir, I prepared a comparative statement in parallel columns of the appropriate provisions of the original Bill and the corresponding provisions of the Departmental Bill and the final Bill, and I find it extremely difficult to explain the real significance of the changes except by reference to the comparative chart.

I am trying to get the Bills in parallel columns printed. I am sorry it could not be completed and it could not be placed in the hands of the Members for



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their convenience. But I shall refer to the substantial changes made one by one. In doing so, I shall refer to the very important changes made by the Departmental Committee. It is on a consideration of the changes by the Departmental Committee that this point will be decided. I shall refer to the changes made by the Departmental Committee which has been officially denied by the Department and also unknown to the Members in the House. The House will be pleased to consider certain clauses of the original Bill.

It is in part I, clause 2, sub-clause (3) (a). The clause corresponding to this is clause 2 of the departmental Bill, sub-clause (2). The original Bill says:

"It shall be presumed until the contrary is proved that the whole of this Code applies to every person who is not a Muslim, Christian, Parsi or Jew by religion."

The original Bill was thus a mere rule of presumption. But in the departmental Bill it is no longer a rule of presumption but a positive rule of law. In the original Bill it was to be presumed that if a man was not a Muslim, Christian, Parsi or Jew he would be "presumed" to be a Hindu. That would not be a rule of law but a rule of presumption. In the Departmental Bill this is changed to stand like this:

"This Code also applies to any other person who is not a Muslim, Christian, Parsi or Jew by religion."

The difference between the two is that under the original Bill any man who is not a Muslim, Christian, Parsi or Jew, would merely be presumed to be a Hindu and would be presumed to be governed by this Act. In the Departmental Bill, it is said that

"the Code applies also to any one who is not a Muslim, Christian, Parsi or Jew."

I submit, Sir, this is introducing a substantial change. While it was a rule of presumption in the original Bill, it is now a positive rule and not one of presumption, that the Hindu law applies to any one not being Muslims, Christians, Parsis and Jews.

In the proviso it is said:

If it is proved that the Hindu law does not apply to anyone, the Hindu law will not apply.

I think it is most unsatisfactory way of stating things. The final Bill applies it to them and this with the proviso, has changed the law.

Sir, I submit that this has introduced a serious change. I am not concerned with the policy of the law. But I am concerned with the changes in the Departmental Bill of which the Select Committee seem to be unaware.

Then, Sir, coming to another part of the Bill. In the Departmental Bill.....

**Mr. Tajamul Husain:** May I have your permission to raise a point of order?

**Mr. Speaker:** Yes.

**Mr. Tajamul Husain:** My learned friend, Mr. Naziruddin Ahmad has been trying to show before the House that the Departmental Bill was considered by the Select Committee and not the original Bill and he does this after your finding of fact and ruling that the original Bill was considered by the Select Committee. I want to know your ruling now.

**Mr. Speaker:** I have been hearing his argument and I feel he is speaking in support of his amendment that the Bill be circulated for purposes of opinion and the other amendment is for recommitment to the same Select

Committee. Therefore, though my ruling stands, I think he is trying to make out a case that there has been such a substantial departure from the original Bill as introduced by Sjt. Jogendra Nath Mandal, both in the scheme as well as in the content, that it is necessary now to recirculate or recommit it to the same Select Committee. His point, as I have understood till now, is that the original scheme of the Rau Committee in the first Bill was that the various parts of law should be taken in different compartments. It was possible to separate one from the other, but in the present scheme, the whole having been made as an organic whole, it is difficult now to take certain parts that the people agree to and drop out other parts, with which the people do not agree. How far he is right is another matter. Therefore he says that it is necessary to recirculate the Bill for opinion. That is how I have understood the point till now. I do not think he is contradicting my ruling.

**Mr. Naziruddin Ahmad:** Not in the least. Sir, it will be too late in this day even to suspect that I have questioned your ruling. The ruling was on a point of law. It was very technical in nature. My point of order was based upon some assumptions which could not clearly be proved.

**Mr. Speaker:** The honourable Member may proceed with his argument.

**Mr. Naziruddin Ahmad:** I substantially agree that my point of view is that. But it is something more too. In fact, it is my purpose to show that if the honourable the Minister of Law, who is responsible for the Departmental Bill, and the Members of the Select Committee were not precisely aware of the substantial changes made in the Departmental Bill, can it be said that legally and also in fact they have substantially considered both? They technically considered both, but did they as a matter of fact adequately consider them? The question no longer arises as a matter of law on account of your ruling, the justice of which I respectfully accept. But the point I am stressing is that though they considered both, they were faced with the obvious difficulty that there was a Bill presented to them which was said to be a mere re-draft of the original Bill and a re-arrangement of things of the clauses, with the express guarantee that no substantial changes had been made and yet in fact substantial changes had been made. My point is that though technically the Select Committee consider both the original Bill and the Departmental Bill they did not and could not, as a matter of fact, give sufficient or adequate consideration to these undisclosed changes. My purpose is to make out a case for recommitment of the Bill to Select Committee or for circulation.

The next change made by the Departmental Committee of a substantial nature is in clause 2, sub-clause (4). The change introduced here was made by the Departmental Committee. The change is absolutely new and it was not in the original Bill and is a substantial change. This was introduced by the Departmental Committee in the Bill and not by the Select Committee. That is the most important point. The Departmental Bill provides:

"(4). Notwithstanding anything contained in the Special Marriage Act of 1872 (III of 1872) this Code shall apply to all Hindus whose marriages have been solemnised, under the provisions of that Act prior to the commencement of this Code."

The original Bill did not contain anything like this and the original Bill left those who were married under the Special Marriage Act of 1872 to be governed by that Act. That is divorce, maintenance and other provisions applying to those who were married under that Act would be governed by the provisions of the Special Marriage Act, 1872, which are entirely different. How different from the present code is not very material. The present sub-clause however wants to make out that those marriages under the Special Marriage Act of 1872, which took place before the Code comes into force, would be governed not by the Special Marriage Act but by this Code. I submit that

[Mr. Naziruddin Ahmad]

this is a substantial departure or change introduced in the Departmental Bill and it was introduced by the Departmental Committee and was merely accepted by the Select Committee as a matter of course. This is a substantial change: whether it is good or bad, whether it is *bona fide* or not is not the point but a substantial change has been effected by the Departmental Committee and the Select Committee was not specifically informed of the change made. Though there are references to clauses of the original Bill, etc. given in the margin, still this sub-clause is absolutely new without any indication whatsoever that this was a change. Changes in sub-clauses have not been indicated. In fact in ordinary Bills coming out from a Select Committee all changes made by the Select Committee are either underlined or sidelined. The Select Committee has stated that this practice is unnecessary, because marginal references have been given. I submit that marginal reference is only to the clauses but this sub-clause (4) is absolutely new. The reference to this sub-clause is Part I, Section 6, page 2 and Schedule I, page 30. The change effected is neither indicated here either by reference or by suitable marking arrangement. At least it is a change of a substantial nature and the attention of the Select Committee was not in any manner specifically drawn to it, nor the nature of the change is indicated. That is change No. 2. I am dealing only with the more substantial and important changes. There are many. I hope at a future time to make available to Members as well as the public a publication which will clearly show the real changes introduced by the Department and the changes really introduced by the Select Committee. I again insist that the Select Committee made very few changes and most of the substantial changes introduced were made by the Drafting Committee.

I come to another part of the Bill. In the original Bill, Part I, clause 3, which deals with the operation of the Code in relation to previous customs and usage, it is provided:

"In regard to any matters dealt with in this Code its provisions shall supersede any custom or usage not hereby expressly saved."

The original Bill would supersede only "customs or usages" not thereby expressly saved—all customs not specifically recognised by the original Bill would be superseded. Let us look at the corresponding provisions in the Departmental Bill which also was accepted without question by the Select Committee. I may point out that the change was effected by the Departmental Committee and not by the Select Committee. In the Departmental Bill it is clause 4 which corresponds to clause 4 in the Final Bill. The marginal note is "over-riding effect of the code" which is much different but I lay no emphasis on this note as it is not part of the Bill. The Departmental Bill says:

"Save as otherwise expressly provided in this Code any text or rule or interpretation of the Hindu Law or custom or usage or any other law in force immediately prior to the commencement of this Act shall cease to have effect as respects any of the matters dealt with by this Code."

The verbal changes are not important but you will please consider that several important new matters have been introduced by the Departmental Committee. "Any text, rule or interpretation of Hindu law" and later on "any other law in force immediately prior to the commencement of this Code" are absolutely new. Let the House pause for a minute and consider the seriousness of the change. All custom and usage not specifically recognised by the original Bill would be absolutely gone. But the Departmental Bill would include also within its mischief any text, rule or interpretation of Hindu law. This is something which is entirely different from usage and custom. In fact any text of the sacred books, the *Vedas* and *Smritis* any rule or interpretation of the Hindu law, that is to say, all ruling of the High Court, the Federal

Court and the Privy Council, all authoritative expositions of the original Sanskrit texts or the interpretations by the highest judicial authorities must perish as also any other law in force immediately prior to the commencement of this Code. The sacred texts and the rich case law for over a century and a half would be abolished altogether by a stroke of the pen. "Any text, rule or interpretation of Hindu law" probably includes all things. "Any other law in force immediately prior to the commencement of this Code" would probably be included within the passage, but I submit that the Departmental Bill would try to illegalise, if I may be permitted to use the expression, all texts, interpretation of Hindu law or rule not specifically recognised by the Bill, and they will all be gone. I submit this is a substantial change.

**Shrimati G. Durgabai** (Madras: General): On a point of order, is the honourable Member within his rights to question the competency of your ruling? When he calls this Bill as the 'Departmental Bill' he is making very great insinuations against the Members of the Select Committee. The Members of the Select Committee have gone fully into the Bill and they have noted all the changes. He can no longer argue on the point by referring to it as the Departmental Bill. We want your ruling as to whether he is in order.

**Mr. Speaker:** I am afraid it is hardly a point for ruling. These are observations which I appreciate, irritate some Members; but I do not think the honourable Member, when he uses the expression 'Departmental Bill' suggests thereby that the Members of the Select Committee did not consider the points. He is, as I have been noticing, using the expression 'Departmental Bill' for the sake of brevity instead of saying each time 'the Bill which was drafted by the Department for the benefit of the Select Committee Members.' I do not think it goes anything further than that and we should not read any meaning into it. 'Departmental Bill' is only a short phrase for that. As I once pointed out—I do not know whether the honourable Member was present—when another honourable Member of the House raised this point, the point that he is making out is that the changes made by the Select Committee are substantial. And if the changes are substantial then he is certainly within his right to say that the Bill should be re-committed or re-circulated. That seems to be the point though he is going his own way, doing so in a very elaborate way which he could do in a shorter time.

**Shrimati G. Durgabai:** My point is he is imputing ignorance to the Select Committee Members.

**Mr. Naziruddin Ahmad:** Not in the least. I am imputing, not ignorance, but carelessness naturally following from the Departmental Bill which gave them no clues to the changes. (*Interruptions*).

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

**Mr. Naziruddin Ahmad:** I withdraw the expression "ignorance". But they were affected by a mistaken faith in the Departmental Bill. (*Interruption*). Even if this is not yet apparent to him I am sorry for the honourable Member that he is still suffering from the obsession.

**Mr. Speaker:** Let the honourable Member proceed on a different line; let him say that they should have given more attention to this subject.

**Mr. Naziruddin Ahmad:** That is what I mean. In fact for my argument I do not require any hard expression—I rely more upon reason than upon an expression. If I have used any expression which is hard, even if not unparliamentary, I withdraw it. The point is we shall again begin with . . . .

**Mr. Speaker:** He need not repeat it; he may proceed further.

**Mr. Naziruddin Ahmad:** The other point is that not merely have substantial changes been made without sufficient or any clear notice to the Select Committee. . . .

**Shri L. Krishnaswami Bharathi:** That is what we want to object to. He cannot say so. We knew it fully well.

**Mr. Naziruddin Ahmad:** If the honourable Minister for Law is unaware of the change and if honourable Members are repeatedly asking me to point out the substantial changes it shows that they are unaware of them and accepted the changes *bona fide* without knowing them. I think the changes were introduced by some over-zealous draftsman who thought of improving the Bill and he introduced some *bona fide* changes without realising that he was thereby making a new Bill altogether, and nobody saw through it.

**The Honourable Dr. B. R. Ambedkar:** I must really protest against this. It is a grave reflection on the Draftsman. My friend is almost suggesting that after the Select Committee had considered everything the Draftsman took it into his head to make changes in the Bill. I very strongly protest against it.

**Shri L. Krishnaswami Bharathi:** And we protest against the way in which he is insinuating against the Select Committee Members.

**Mr. Speaker:** Changes made after the Select Committee report?

**The Honourable Dr. B. R. Ambedkar:** That is what he is suggesting.

**Mr. Speaker:** He means "before."

**Mr. Naziruddin Ahmad:** Yes, Sir, I am absolutely certain that I said that the changes had been made before the Select Committee met.

**Mr. Speaker:** There appears to be some misapprehension.

**The Honourable Dr. B. R. Ambedkar:** I have no idea. If I understand my friend's speech it simply means that the Select Committee blind-foldedly signed the Report without going into anything, or it means that after the Select Committee had done its work the Draftsman took it into his head to introduce some changes. It cannot have any other meaning.

**Mr. Naziruddin Ahmad:** As to whether the changes were made *bona fide* or in a careless or *mala fide* manner it is not material for us to go into.

**Mr. Speaker:** The honourable Member's point is that changes which he believes to be substantial are made.

**The Honourable Dr. B. R. Ambedkar:** I am quite prepared to hear my friend setting out *seriatim* the changes which he thinks the Select Committee has made. Assuming that certain changes were made by the Select Committee I would like to know whether that in itself would be a sufficient ground for re-circulation.

**Mr. Naziruddin Ahmad:** Not at all: I never said that they were made by the Select Committee.

**Mr. Speaker:** What I was suggesting to the honourable Member was that assuming that certain changes which are of a substantial nature in his opinion have been made, his case is strong enough for pleading and he need not say whether the changes were made out of ignorance or *mala fides*. The Select Committee with an open mind and considering the whole thing could have made the changes. Still he thinks that they are of a substantial nature and, therefore, the Bill should be re-circulated. All people need not agree that these changes which he believes to be substantial are necessarily substantial. Opinions may differ.

**Mr. Naziruddin Ahmad:** The honourable Minister for Law said that it is for me to show what changes were made by the Select Committee. I have

been at pains to show that I am not drawing the attention of the House to changes made by the Select Committee at all. That is I believe the mistake which is haunting the mind of the honourable the Law Minister.

**The Honourable Dr.\* B. R. Ambedkar:** Nothing of the kind.

**Mr. Naziruddin Ahmad:** In fact he has been insisting that the changes were made by the Select Committee. The changes I have been mentioning so far are changes made not by the Select Committee but made by the Departmental Committee.

**Mr. Speaker:** Order, order, there the rub comes in. Whosoever made the changes so long as the Select Committee has accepted them they are changes by the Select Committee and not changes made by somebody else without the knowledge of the Select Committee. He need not make that kind of insinuation or assertion. By whomsoever they were made—even at the instance of a single Member or the Law Minister or the Drafting Committee or anybody else—he should proceed on the assumption that these changes are changes made by the Select Committee and he should proceed to show that they are substantial.

**Mr. Naziruddin Ahmad:** My difficulty is I cannot stop at that. The honourable the Law Minister insists that the changes were introduced by the Select Committee and not by the Drafting Committee. That would make it absolutely clear that the Select Committee faithfully and *bona fide* accepted the changes introduced by the Drafting Committee. If that is so the Select Committee did not apply its mind to it when accepting it, knowing it to be a change. If the Select Committee did not know, as the honourable the Law Minister does not know, that these changes were introduced by the Departmental Committee, they accepted technically, but not with full appreciation, all the changes made. That is the point which makes my case stronger. It is not merely the changes made by the Select Committee willingly but the changes made by them of a substantial nature without realising that they were accepting any changes which makes the case stronger. In fact, they obviously assumed that the Departmental Bill was a mere re-draft without any substantial change. This is corroborated by the fact that even the Law Minister supposes that I am pointing out changes made by the Select Committee. That is why I am constrained to argue that the Select Committee's attention was not specifically drawn to the changes. On the other hand they took the Departmental Bill as a substantial reproduction of the original Bill without any substantial change. I can say that without casting any reflection; we can always argue mistakes or oversights or *bona fide* errors. I need not put the point better than that.

Sir, I submit that the Members of the Select Committee or the Minister for Law need not be very sensitive about this. It is a matter of record. In fact, even the honourable the Law Minister admitted that he introduced no change and he assumes that I am pointing out changes made by the Select Committee. They have been adopted: as your ruling must be accepted, they must have accepted these changes. But the question I am pointing out is that the consciousness or the legal mind was not directed towards these because they were not aware of it. The honourable Minister insisted the other day on a question that the Departmental Committee introduced no substantial changes. The substantial changes are there and they were not indicated in the Departmental Bill. Therefore, there is no question of insinuation.

**Mr. Speaker:** Let us not go into that question again.

**Mr. Naziruddin Ahmad:** This is one substantial change. Sir, I thought I was treading on a very solid ground. If any offence is meant to the Members of the Select Committee by pointing out obvious matters, I am very sorry.

**Shri L. Krishnaswami Bharathi:** You cannot insinuate against Members.

**Mr. Naziruddin Ahmad:** What insinuation? That they made mistakes? To err is human. I was only suggesting that the Members of the Select Committee were human beings.

**Shri B. Das:** On a point of order, Sir. Can the honourable Member go on pointing out the defects of the Select Committee for three months continuously. The point was raised and settled. Whether I accept his words or not is a different question, but the honourable Member cannot go on talking in the filibustering attitude which my friend Mr. Baijnath Bajoria took some years ago on my Bill to amend the Child Marriage Act. He quoted *skandras* and read from the *Mahabharata* and other books. Here the poor Select Committee is being hammered by my friend Mr. Naziruddin Ahmad for the last three months. This is not a law court. Sir, you ought to ask him to produce his views that the Hindu Code Bill should not be passed. Why should we go on interminably talking against the Select Committee? As the oldest Member of this House, I cannot understand it.

**Mr. Speaker:** The honourable Member may indicate only the substantial changes.

**Mr. Naziruddin Ahmad:** Yes, Sir.

Sir, I object to my speech being called a filibustering speech. I think the honourable Member goes a bit too far. It seems that he has locked up his mind absolutely and he is not in a mood to hear.

Sir, may I ask you to consider this and see if I am in the least irrelevant or wrong? Unless the change is substantial, palpably, obviously it rules out texts of the Hindu Law and rule of interpretation by the highest Courts. The original Bill did not contain anything of the sort and the change was introduced by the Departmental Committee. Is it not, in all fairness a substantial change? Mr. Das cannot listen to legal matters. He is good in financial matters, but in legal matters he is rapidly approaching his second childhood.

**Shri B. Das:** We are here to legislate. We are not here to understand the interpretation of lawyers or High Court Judges. (*Interruption*).

**Mr. Naziruddin Ahmad:** Sir, much depends on the substantial changes. Have not these been introduced by the Departmental Committee? On that issue the whole case depends. If it was introduced by the Departmental Committee and if it is a substantial change, then the Select Committee was not informed of it. It has been repeatedly made clear that the Select Committee considered the Departmental Bill and not the original Bill. If this is insinuation, I am sorry I shall have to discharge my duty faithfully but absolutely fearlessly though very respectfully. I submit the Select Committee was absolutely cajoled into believing that the Departmental Bill was a substantial reproduction of the original Bill, and even the honourable the Law Minister is persuaded to believe that there was no change. It is not insinuation, it is a fact. Who has made the changes? If it were the Law Minister, then he would have been aware of it. Is it somebody else? Then is it improper for me to point out that somebody else has made the changes? I say he has done it by mistake or *bona fide*. Would it be proper for me to suggest that

these changes were made fraudulently? I do not suggest anything of the sort. The only thing I could do is to assume that these things were done *bona-fide*—just a little flourish of the pen to improve upon it. “Why merely rule out customary law? Let us abolish all the rulings of the Privy Council.”

Sir, criticism is proper. If any language I have used is improper, I withdraw it. But what about the criticism?

**Shri L. Krishnaswami Bharath:** Let us hear the other points.

**Mr. Naziruddin Ahmad:** Why be anxious? Why not listen to this?

**Mr. Speaker:** Order, order. We cannot carry on the discussion of the Bill in this manner. There are Members who want to support the Bill and others who want to oppose it. Let everyone have his say in any manner he likes, without being offensive or speaking unparliamentary language. That is the only objection. Otherwise, at every stage there will be interruption and those who want to support the Bill will be the sufferers in the long run, because time will be spent in unnecessarily carrying on this kind of discussion. The honourable Member will have his say and if he says that the Select Committee did not give attention to this or that or that these points were not examined by the Select Committee, where is the ground for taking insult in that? He is perfectly entitled to say so. But he should not insinuate something else; that is what I have to guard against. But I believe he is entitled to express his views.

There is another point also to which I was going to invite the attention of the honourable Member. He says that because the Law Minister is unaware of a substantial change, therefore somebody else introduced the change. There is another aspect to it. If the point which he considers substantial is not considered by the Law Minister as substantial, then the honourable Law Minister is perfectly entitled to say that he is not aware of any substantial change. Therefore, it does not necessarily mean that some other party in ignorance or behind the back of the Minister, introduced it in the Select Committee. Let the points be substantial and let the controversy be limited to the question as to whether the points are substantial or not. That I believe is the chief point in dispute.

**Mr. Naziruddin Ahmad:** I stand subject to correction. It may have been done by the Law Minister without realising or without believing this to be a substantial change. But the matter is exactly where it was. These are substantial matters, whether introduced by the Law Minister consciously or by anyone else unconsciously, in any manner. It is not proper for us to argue on that. But by one stroke of the pen all texts, rules and interpretations of the Hindu Law have been abolished. The effect of this will be that all learned rulings of the Privy Council, the Federal Court and the High Courts are all gone, by one stroke of the pen. In fact, if this is not seriously interfering the original Bill, I do not know what is. There may be difference of opinions. But to one approaching the question absolutely impartially, and with a free mind, there would be no difficulty in agreeing with me that this is very serious interference with the Original Bill.

**Shrimati G. Durgabai:** Please speak of other substantial changes.

**Mr. Naziruddin Ahmad:** This is dealing very lightly with a very serious matter. But I say these are very serious changes which verge on interpolation, *bona fide* or *mala fide*, it does not matter.



[Mr. Naziruddin Ahmad]

Then, Sir, the next change made by the Departmental Committee is to remove the definition of 'caste' in Part I, clause 5, sub-clause (b) which contained a definition of caste. This has been entirely omitted.

**Mr. Speaker:** What clause does the honourable Member refer to?

**Mr. Naziruddin Ahmad:** I am referring to Part I, clause 5, sub-clause (b) which has the definition of 'caste'.

**Mr. Speaker:** Is he referring to the original Bill?

**Mr. Naziruddin Ahmad:** Yes. And that definition has been entirely omitted in the Departmental Bill without any indication being given anywhere about this omission. There is a mere reference in the margin to the original clause. This sub-clause has been omitted, and there is no indication to be found of it. I submit, Sir, that the Select Committee's attention was not specifically drawn to this omission, and whether these are substantial matters or not, there cannot be much difference of opinion. At any rate the Select Committee was entitled to be told that these changes were made; whether these are substantial changes or not may vary from individual to individual. But the Select Committee was entitled to know that these changes were made. But they were not told.

And then we come to sub-clause (f) of the same clause and here we find that the definitions of *Gotra* and *Pravara* have been omitted. And then in sub-clause (j) the definition of *Stridhan* has also been omitted. Therefore the definition of Caste, the definition of *Gotra*, the definition of *Pravara*, and the definition of *Stridhan* are entirely omitted. What effect this would produce on the Bill, cannot be explained shortly on the floor of the House.

**Shri A. Thanu Pillai** (Travancore State): May I know from the honourable Member whether even if the definition is not of a term required in the law, it should be defined?

**Mr. Naziruddin Ahmad:** I think the honourable Member is not proceeding as cautiously as he should. In fact, whether a definition is wanted or not wanted is not the question. A definition was in the Bill and that was removed by somebody, without any authority. The Departmental Committee removed it, and the attention of the Select Committee, who was alone competent to remove it, was not drawn to this fact.

**Shrinati G. Durgabai:** The Select Committee takes full responsibility for it.

**Mr. Naziruddin Ahmad:** This was not considered by the Select Committee.

**Shri M. Tirumala Rao** (Madras: General): Are you sure that the compositor did not omit it?

**Mr. Speaker:** Those who interrupt can also be called obstructionists. If interrupted he will take longer time over it.

**Shri L. Krishnaswami Bharathi:** I may cut short further arguments by saying that the Select Committee's attention was actually drawn to all these things. The honourable Member is unnecessarily harping on this point, that the attention of the Select Committee was not drawn. But as a Member of the Select Committee I may say that all these points were fully considered, all aspects of the matter were considered by the Select Committee. Therefore the honourable Member need not go over this matter over and over again.

**Mr. Speaker:** I will say that even if the question has been fully considered, the honourable Member is perfectly within his right in giving his views. Honourable Members will see that he is making a case for re-commitment of

the Bill to the Select Committee, and for this he has been putting forth his arguments. The Select Committee might have given full, adequate, proper, reasonable attention, but in his opinion, it has been inadequate. Therefore he is insisting that the attention given has been inadequate and the Bill should be re-committed to the Select Committee. That is the line of argument he is following; and if he is following that particular line of argument, he must maintain that stand. As regards the fact of adequacy just as the Select Committee Members cannot be absolute judges of the fact, as to whether the Bill was given proper or adequate attention, similarly, his judgment also is not final. But he is placing his opinion. Let us proceed on that basis. Otherwise there will be no end to this discussion.

**Shri L. Krishnaswami Bharathi:** I was only referring to the question of fact.

**Mr. Speaker:** It is a question of opinion. What the honourable Member supposes to be a question of fact, is actually a question of opinion. Adequacy of attention or not is a question of opinion and not merely a question of fact.

**Mr. Naziruddin Ahmad:** The question is the adequacy of consideration.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar)]

**Mr. Naziruddin Ahmad:** Sir, I have been interrupted almost continuously the other day, and again a series of interruptions are made to-day.

**Pandit Lakshmi Kanta Maitra:** I am supporting you all along.

**Mr. Naziruddin Ahmad:** There is my friend Mr. Bharathi. Is he right in telling the House what took place in the Select Committee? If so, I have equally strong authority, also from the Members of the Select Committee themselves to the contrary. It would be very wrong to compare one Member's statement with that of another and I would rather draw a veil on what happened in the Select Committee. The honourable Member need not assure us that the Select Committee has considered everything. If he is so sure, I am equally sure that for many reasons, adequate consideration could not be given.

**Shri L. Krishnaswami Bharathi:** I was talking only about myself.

**Pandit Lakshmi Kanta Maitra:** You could not understand things.

**Mr. Naziruddin Ahmad:** In fact, it is not the case of one man. It is the whole Select Committee and not a one-man affair. If one man has followed, it does not mean that others also have followed it.

**Pandit Lakshmi Kanta Maitra:** Yes, one swallow does not make a summer.

**Mr. Naziruddin Ahmad:** Exactly, "One swallow does not make a summer". If there is one man of the Select Committee who believed that no change was made, that would be enough to make out a case for recommitment of the Bill to the Select Committee. And I again submit that these are very serious changes. And then how many of them? My friends wonder how many changes there are. I can show them many, many such changes. Take the...

**Shrimati G. Durgabai:** In the meantime, on a point of information, may I ask whether the changes made by the Select Committee are absolutely binding on this House. Cannot the House accept the changes or reject them?

**Mr. Naziruddin Ahmad:** I submit with all respect that it is irrelevant to ask if the Select Committee's changes should be accepted or rejected by the House. The Select Committee can make any change and the House can

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make further changes too. The House can make changes. There is no doubt about it. But the point is that the Select Committee for some reason did not or could not or failed or omitted to discharge its duties fully. If that is so, the right to go fully into the question rests with the House and it is for this reason that I appeal from the Select Committee to the larger House. There is of course the still larger house, the entire electorate of India. I now come to clause 7 of the original Bill. (*Interruption*). I think some Members have lost their heads.

**Mr. Tajamul Husain:** I must strongly protest against the statement that the Members have lost their heads. I raise this point of order seriously. He must withdraw it unconditionally.

**Mr. Deputy Speaker:** I think it was not necessary for the honourable Member to say all that.

**Mr. Tajamul Husain:** Let him withdraw it. Was he in order in making that statement? He has all along been making violent gestures against honourable Members.

**Mr. Deputy Speaker:** I do not think it is proper for the honourable Member to say that the Members have lost their heads. It detracts from the dignity of the House. At the time I must say this: I have been noticing one Member or other using language which may not be liked by the person addressed. There must be some amount of patience shown. There should not be interruptions either by the spoken word or by signs. Therefore when the honourable Member is turning over the pages of some of his papers, if they interrupt him he will miss it and their interruptions are likely to ginger him up.

**Mr. Naziruddin Ahmad:** Sir, I was told across the table that I had lost my head.

**Mr. Deputy Speaker:** The honourable Member has lost his thread--the thread of his argument.

**Mr. Tajamul Husain:** May I know whether he has lost his sacred thread?

**Mr. Naziruddin Ahmad:** I will proceed with my arguments, Sir.

Clause 2 of the original Bill gives the definition of 'son' thus 'Son' includes a *dattaka*, *Kritrima* or *godha* son, etc. but not a *dasiputra* and others. This has been entirely omitted in the Departmental Bill.

**Shri L. Krishnaswami Bharathi:** When an honourable Member reads out something, should he not do so correctly?

**Mr. Naziruddin Ahmad:** I find that this has been omitted. If it is anywhere in the definition or in any other part of the Bill, my attention may kindly be drawn to it.

**Mr. Deputy Speaker:** The honourable Member who just now interrupted the speaker has been again and again giving advice. Mr. Naziruddin Ahmad may be a bit slow in making the references he desires to make. He need not be interrupted.

**Mr. Naziruddin Ahmad:** I submit that the definition of 'son' has been omitted. If I am wrong, the mistake may be pointed out to me.

**Dr. P. S. Deshmukh (C.P. and Berar: General):** I think the honourable Member is wrong.

**Mr. Deputy Speaker:** If honourable Members go on interrupting in this way it will be impossible to conduct the business of the House in an orderly manner. Mr. Naziruddin Ahmad may go on without putting questions to other honourable Members.

**Mr. Naziruddin Ahmad:** As I said the definition of 'son' has been omitted as also the illustrations found in Part II, sub-clause (8) of clause 2 in regard to intestate succession. Four illustrations have been omitted. These are substantial changes. I am only trying to draw attention to the nature of the changes made. According to me these are omissions of a very serious nature. They are not omissions of a drafting nature. I am not questioning the right of the Select Committee to improve the Bill, or to make these omissions. These changes, however, were made not by the Select Committee but by the Drafting Committee and the attention of the Select Committee was not particularly drawn to these omissions.

Then I come to another important part of the Bill to show the very serious changes introduced by the Drafting Committee. In Part II, clause 4 of the original Bill, the list of heirs has been given. It says that the inheritable property of a male intestate shall devolve according to the rules laid down in this part: (a) upon the enumerated heirs referred to in section 5, if any; (b) if there is no enumerated heir, upon his agnates, if any; (c) if there is no agnate, upon his cognates, if any; and (d) if there is no cognate, upon the heirs referred to in section 10, if any.

**Mr. Deputy Speaker:** I do not know if the honourable Member has got a copy of the Hindu Code Comparative Tables, which was circulated to all honourable Members. The original Hindu Code as drafted by the Rau Committee has been revised in the Ministry of Law and the changes made have been indicated there. I would therefore suggest that the honourable Member need not

labour this point. I think he has spent sufficient time over the first point. I personally think that the point is sufficiently clear and of course illustrations can always be multiplied. If it is a point here and there, the House will take it into consideration. There are certain points which when made are sufficient in number. I agree they can be made clearer, but the changes made in the tables, are sufficient.

**Mr. Naziruddin Ahmad:** Sir, the list is neither complete nor accurate and does not indicate the changes made. In fact the remarks against the original clauses of the original Bill and as to the changes are extremely meagre. I have now come to a very important change, namely the inheritance. It has been so changed as to make it impossible to recognise with the new Bill or the departmental draft nor is it a substitute for the original Bill at all. I submit that with regard to the inheritance a larger number of changes had been made.

I shall show first of all that in clause 4 of the Bill in Part II (a) regarding the enumerated heirs; I am in a position to show that serious changes have been made in the enumerated list. In the original Bill was one and in the revised draft by the Departmental Committee they are completely different. The original arrangement has been made entirely topsy-turvy and then it is said that if there are no enumerated heirs the property devolves upon agnates. The definition of agnates is well-known. That was in the original Bill, but in the Bill as revised by the Departmental Committee the word 'agnate' is now very much restricted. So in case of the enumerated heirs failing the agnates, even the distant agnates would be entitled to be heirs according to the Hindu law, according to the Muslim law and every other law and that was according to the original Bill. But in the revised draft by the Departmental Committee the word 'agnate' has been seriously modified to be within certain degrees. So agnates which are beyond those degrees would have been entitled to inheritance under the old Bill, but under the Departmental Bill, they would be shut out. Similarly, cognates are also restricted in the Departmental Bill and this

[Mr. Naziruddin Ahmad]

is a substantial change as it eliminates the distant Agnates and distant cognates. Then, Sir, in clause (d) of 4, the words preceptor and others are entirely eliminated. The scheme of inheritance in clause 4 of Part II of the original Bill is changed at every step and very serious changes have been made and the enumerated heirs have been changed. The agnates have been restricted; the cognates have been restricted and the other clauses have been entirely eliminated. I can quite understand that these changes may be legitimately made on a full consideration by the Select Committee, but these were changes not by the Select Committee, but by the Departmental Committee and Members asked me "Tell us what are the changes made?"

**Mr. Deputy Speaker:** Am I to understand from the honourable Member that if the Select Committee Members all got up and they address themselves to that, will the honourable Member be thoroughly satisfied with what has been done by the Select Committee.

**Mr. Naziruddin Ahmad:** The point is that the Select Committee Members were not made aware of the changes.

**Mr. Deputy Speaker.** It serves no useful purpose. It is not a question of law whether this House has got jurisdiction over the Select Committee's piece of handiwork. It has been decided and sufficiently discussed to show that the Select Committee has looked into every one of the clauses to come to a conclusion. But on matters of substance, the old law has been widely changed. There is some substance in that. Those are the matters on which the honourable Member should address the House I do not say that all that has been said is out of place, but sufficient has been said.

**Mr. Naziruddin Ahmad:** To many Honourable Members sufficient has not been said. It is said that these are not substantial changes and I shall take care to point them out. The difficulty is that the changes are too numerous to ensure the attention of the House. In fact the changes are very serious and very various and very substantial and my point is that they were introduced, not by the Select Committee and whether they accepted them or not is a different matter. My thesis is that they were presented with a ready-made Bill with the assurance that no substantial changes had been made and so the attention of the Select Committee was not sufficiently drawn to that matter. Now, let us consider the actual changes in the list of inheritance. In fact in the original Bill the list of inheritance is to be found on pages 4, 5 and 6 in the body of the Bill. This has been bodily lifted from this place in the Departmental Bill and transported to the Seventh Schedule. While the other parts remain in the body of the text, the list of inheritance, strangely and for unaccountable reasons, removed. It is not very easy to compare the original list with the new list as it appears in the Seventh Schedule; there have been serious and substantial changes. The honourable Minister wanted to know what are the changes made.

**The Honourable Dr. B. R. Ambedkar:** I am quite aware of them. So far as I am concerned, you need not spend your labour in enlightening me at all.

**Mr. Naziruddin Ahmad:** If these are intentional changes, then what is the point in saying that no changes were made by the Drafting Committee, and that all the changes were made by the Select Committee, and for the Select Committee say: "We confined our attention to the Departmental Bill". Therefore, it follows that their attention was not drawn to this. It is a very simple conclusion.

**The Honourable Dr. B. R. Ambedkar:** Give it in your own way.

**Mr. Naziruddin Ahmad:** It seems to me that the honourable the Law Minister found himself in an inconvenient position and somehow or other, though the mistake is admitted, it is not done pointedly. In fact changes of a substantial nature were made. I was asked on the last day by the honourable Law Minister himself: "Let us know what are the changes made by the Drafting Committee", and now he says: "I know everything". Of course he must have studied them later on, but these changes are of a serious nature. They were introduced not by the Select Committee, but by the Departmental Committee and the question is how far the Select Committee did actually notice them. At least in the note of dissent Dr. Bakhshi Tek Chand says: "We confined our attention to the Departmental Committee Bill and not to the original Bill" because they were assured that in the Departmental Bill they did not introduce any substantial changes at all. So taking this into account, I do not know where to go. In fact, if that is not a serious irregularity and a matter requiring attention of the House, I do not know, what is. When the Department has committed an error of judgment, I think it is better and proper to admit it than to say: "I know all this but no changes were made; every change was made by the Select Committee" and when I say that the Select Committee did not make the changes and they were made by the Departmental Committee then it is said: "I know it". Then we ought to know where does the Department stand? If the Department makes a change.....

**Shri B. Das:** This is not a law court for us to hear point by point. The honourable Member should make a speech and sit down.

**Mr. Deputy Speaker:** The honourable member, Mr. Das made this statement when the Speaker was in the Chair. It is a law court in some sense and not a law court when he wants to impress upon honourable Members as if he is arguing a case in a court of law. In any case we ought not to interrupt him. That kind of talk ought to be avoided as far as possible.

**Shri B. Das:** We are talking among ourselves.

**Mr. Deputy Speaker:** The honourable Member has no right to talk when another honourable Member is on his legs and he ought not to disturb.

**Shri B. Das:** He is talking at us.

**Mr. Deputy Speaker:** You ought not to talk. No honourable Member has the right to talk while another honourable Member is speaking. He ought to listen and not cause noise in the House.

**Shri B. Das:** You understand the exasperation. I am ready to get out, but the honourable Member's speech should not exasperate Members of this House.

**Mr. Deputy Speaker:** This is wrong. No honourable Member's speech ought to be called exasperating, unless he uses bad language or unparliamentary language. We may or may not agree, but the honourable Member is putting his case before the House. Nobody has a right to dub an honourable Member's speech as exasperating.

**Shri B. Das:** I accept your verdict. But he used terms such as "fraudulent" about the Law Minister.

**Mr. Deputy Speaker:** The honourable Law Minister is sufficiently strong to take care of himself.

**Mr. Naziruddin Ahmad:** I beg to submit that the honourable Members should compare the original clause .

**Mr. Deputy Speaker:** Are there any matters of substance by which the honourable Member can induce the House to change its mind?

**Mr. Nastruddin Ahmad:** There are substantial changes. I shall have to point out these things. In fact, I shall have to go on enumerating a large number. The best thing is to admit the mistakes or listen patiently. I must enumerate all the points and if I repeat my argument or be irrelevant, I can be called to order. In Part II, clause 5, there is Class I. Sons, widows, daughters and so forth. A change has been effected in this by the Departmental Committee. Son of a predeceased son of predeceased son has been newly introduced in the corresponding part of Class I in the 7th Schedule in the Departmental Bill. In fact, the Schedule has been so far removed from its place in the original Bill that it is not easy to notice it unless the two Classes are placed side by side, to find out the change. In fact, the son of a predeceased son of a predeceased son did not find a place in the original, but it has been introduced in the Seventh Schedule of the revised Bill by the Departmental Committee.

Then we come to the other lists. The first in the list in the original Bill after the enumerated heirs in item No. 2 is daughter's son. In the Departmental Bill, the daughter's son has been brought further down. Then comes the father and the mother. According to the original Bill, the mother would have been entitled to inherit in preference to the father. Here the father and the mother have been placed together in the Departmental Bill and their order has been changed and whereas under the Departmental Bill they inherit together under the original Bill the mother would have inherited first to the exclusion of the father, and in the absence of the mother the father would have inherited. The daughter's son as has already been pointed out, has been brought down further in the Departmental list. It should be obvious to any one who cares to consider this matter that these are substantial changes.

Then we come to Class III of the original Bill. The brother's son's son who was first in the list of Class III in the original Bill has been entirely lost sight of in the Departmental Bill. If this was deliberate and intentional, then we would have got some indication of it in the report of the Select Committee or in the speeches. I want to know if this is a substantial change. It may not be substantial to a man who is not the brother's son's son, but to the brother's son's son, it is a substantial change, because in the absence of other heirs he would have been entitled to property.

Next in the list comes the sister. We have now the brother and the sister inheriting together in the Departmental Bill. The brother who was very high up in the list in the original Bill has now been transferred and brought down to Class III and is inheriting with the sister. (*Interruptions*)

Am I to stop my argument?

**Mr. Tajamul Husain:** The honourable Member has no right to speak to another honourable Member. I object to it very strongly, Sir.

**Shri Laxminarayana Sahu (Orissa: General):** There is no quorum it seems.

**Mr. Deputy Speaker:** There is quorum.

**Mr. Naziruddin Ahmad:** Supposing a man dies leaving a brother and a sister. Under the original Bill the brother would have inherited, the sister would have been postponed; but under the Departmental Bill the brother and the sister inherit equally. The brother is now brought down on a line with the sister having been superseded by 11 others in the list. I submit this is introducing very substantial changes.

Then we come to brother's son. He was very high up, in Class I. He is by the Department brought down to Class III along with sister's son. If a man died leaving a brother's son and a sister's son, under the original Bill, the brother's son would have inherited, but under the Departmental Bill the brother's son and the sister's son inherit together. I submit these are very substantial changes.

Then I come to Class IV of the original Bill. In Class IV of the original Bill, a man dying leaving a father's mother and a father's father have been treated differently in the original Bill and the Departmental Bill. Between the father's mother and the father's father being the heirs under the original Bill, the father's mother would have been preferred; the father's father would have been postponed. But under the Departmental Bill both have been put together and they inherit together. I ask whether this is not a substantial change.

Then, Sir, we have a certain class of heirs in Class IV, items (1A), (1B), (1C) and (1D). These were introduced by an amendment of the original report by the Rau Committee. In the original Bill, if there was a father's widow and a brother's widow, the father's widow would have been preferred to the brother's widow. In the Departmental Bill the father's widow and the brother's widow inherit together. I submit this is a very substantial change—whether good or bad, it is not the point. Then coming to two other heirs in the supplementary list introduced by way of amendment of the Rau Committee brother's son's widow and brother's son's son's widow are entirely omitted in the Departmental Bill. In the original Bill they would have inherited one after the other. In the Departmental Bill they are omitted. There is nothing corresponding to this in the Departmental Bill.

Then coming to item 2, Class IV, the father's father is very low in the original Bill but he has been brought up very much higher in the list prepared by the Departmental Committee.

Then Sir, we come to the father's brother and also to father's sister. Father's brother is No. 3 in the list. Father's sister is sixth in the list. So in the original Bill, if there was the father's father and the others, the father's father would be preferred. Then comes the father's brother, father's brother's son, father's brother's son's son and then the father's sister. In the Departmental Bill the father's father and the father's sister have been brought together, the latter being brought higher up.

Then there is a large list of heirs which has been entirely omitted. Nos (4), (5), (7), (8) and (9) are heirs in the original Bill. They are nowhere in the Departmental Bill. They are entirely eliminated.

I know, Sir, that it is a tedious business to refer to this but I am discharging a duty and I undertook to supply every Member with a copy of the comparative statement which is in course of preparation. I shall ask the Members to verify each change and I shall be most glad if I am proved to be wrong.

**The Honourable Dr. B. R. Ambedkar:** I hope it shall be supplied free of cost.

**Mr. Nasiruddin Ahmad:** If the Government thinks I am a charitable institution then I shall be glad to deserve the hope.

**Mr. Deputy Speaker:** Had it been supplied earlier all this time would have been saved!

**Mr. Nasiruddin Ahmad:** The pity is that my printing press is worse than the Government printing press.



**Mr. Deputy Speaker:** If the suggestion had been made to the honourable the Law Minister, he would have had it printed.

**The Honourable Dr. B. E. Ambedkar:** Certainly, I would have had it printed.

**Mr. Naziruddin Ahmad:** I have the manuscript ready. I shall be glad if the honourable the Law Minister would publish it.

**The Honourable Dr. B. E. Ambedkar:** Now it would be of no use because you have said the same thing on the floor of the House.

**Mr. Naziruddin Ahmad:** Now we come to Class V of the original Bill. By strange accident—I should be afraid to insinuate anything—everything in it has been omitted in the Departmental Bill. It contains nine classes of heirs and four other supplementary heirs. Thirteen heirs in Class V of the original Bill have been entirely omitted, whether by mistake...

**The Honourable Dr. B. E. Ambedkar:** Very deliberately!

**Mr. Naziruddin Ahmad:** But then why did the report of the Select Committee say that no substantial changes were made? If these were omitted deliberately, then the only point is whether these are substantial changes. The House has been assured by the honourable the Law Minister that no substantial changes were made. That these changes were made deliberately is now admitted. The question now therefore is whether these are substantial changes. But we have been assured that no substantial changes have been made.

**The Honourable Dr. B. E. Ambedkar:** That is a matter of opinion.

**Mr. Naziruddin Ahmad:** Then the question turns upon this: whether these are substantial changes. It may not be very important from the point of view of the law-giver but it may be important to the heir. If you disturb the order of heirship in the slightest degree, it is a substantial change. Up to this time we had been assured that the changes that were made were only of a drafting character. The report of the Select Committee is that the Department made no substantial changes. The report is so clear and emphatic and they emphasize the points so clearly, that they say no substantial changes have been made—only renumbering and some merely verbal changes were made and that for this reason that the usual method of indicating the changes by side-lining or under-lining the changes had not been adhered to in the Departmental or the Final Bill.

Now the question of questions at last boils down to this: Whether these are substantial changes? What is the test for this? Upsetting of heirs' lists is not a substantial change? I submit it is. If it is that I am arguing too much, arguing as if in a Law Court—if any honourable Member thinks it is so—then it seems that the seriousness of the changes has not been fully appreciated.

**Mr. Tajamul Husain:** Except by you!

**Mr. Naziruddin Ahmad:** It is very unfortunate that this should be appreciated only by one man! Of course there is a highly paid department and a highly qualified Law Minister, who is able to appreciate the slightest differences and I am sorry that I have had to undergo all the trouble and expenditure of time and money to find out and explain all this. It has not been a very easy matter and the difficulty was further enhanced by the fact that the Department which introduced all these changes could not make available to me a copy of their draft Bill. It was after a great deal of searching that I could procure a copy. So the search has been prolonged and the consideration has

been prolonged and it has been for me a very difficult matter. I do not mean to say that any other Member is not capable of appreciating it, but few have the time or the inclination to go through them. And why should they? Isn't it the duty and the obvious privilege of every Member—and I say this in defence of Members—to rely on the Ministry of Law, to rely upon the express guarantee in the Select Committee report that no substantial changes have been made? I think they would be fully justified and when an honourable Member said that none expect me knew this, I cannot blame him. The blame lies with the Department. Now, is that the end of these changes? By no means.

Come to Class V-A. It was introduced by the Rau Committee by an amendment of their earlier Bill. They have noted that this Class V-A should be introduced after Class V. Class V-A has been entirely omitted. I humbly suggest that it is an inadvertent omission, but inadvertent or intentional, it is absolutely damaging to the integrity of the Bill.

Then, Sir, we come to Class VI.

(Interruptions.)

**Mr. Deputy Speaker:** The honourable Member will go on.

**Mr. Naziruddin Ahmad:** Then we come to Class VI, items (1) and (2)—mother's mother and mother's father. The mother's mother would be preferred to mother's father under the original Bill but they have been put together in the Departmental Bill. So they now inherit equally together. In item (3) of Class VI, the mother's brother and mother's sister inherit—the latter after the former under the original Bill, but under the Departmental Bill they inherit together. Under items (4) and (5) mother's brother's son has been entirely left out in the Departmental Bill. Items (7), (8) and (9)—mother's sister's son, mother's brother's daughter, mother's sister's daughter are also entirely omitted.

Then item (3) in Class VI is also entirely omitted.

This concludes the list of inheritance in which there are no less than 20 transpositions, additions and omissions. Heirs have been entirely eliminated either intentionally or deliberately but this does not appear from the Select Committee's report. I have been repeatedly asked by honourable Members of the Select Committee in the House to point out where the differences lie. I do not want to blame any honourable Member for not noticing them. On account of the transposition or removal from their original places the changes would not be obvious. And there is the guarantee in the report of the Select Committee that there is no substantial change. These were changes through the Departmental Bill and may have escaped the attention of the Select Committee. At least their attention was not drawn to them in the Departmental Bill. There is a very respected and capable Member, Dr. Bakhshi Tek Chand who says in his minute of dissent that the Select Committee confined their attention to the Departmental Bill, because they were assured that no substantial changes had been made. I would ask Dr. Bakhshi Tek Chand whether his attention was drawn by the Department or Dr. Ambedkar to these things. These large omissions and transpositions of places would not have been noticed by any Member unless he goes through the laborious process of comparing the two like a laborious lawyer.

**Dr. Bakhshi Tek Chand (East Punjab: General):** I would like to draw the attention of my honourable friend to page 9 of the report where my note of Dissent is printed. I have given there some of the substantial changes, at any rate changes which I considered to be substantial—and because of which I had suggested that the Bill should be recirculated for eliciting public opinion or in any case recommitted to the Select Committee. At page 9 the broad

[Dr. Bakshi Tek Chand:]

points on which changes had been introduced in the redrafted Bill, have been mentioned though not in such great detail as the honourable Member is doing today in his speech. It is not correct to say that no member of the Select Committee noticed them. Of course nobody had the industry or the patience which the honourable Member has, but the matter did not escape their attention. As he has mentioned my name I feel it my duty to bring this fact to the notice of the House. In the Note of Dissent I have referred to the changes in the order of inheritance which I considered to be substantial, and in regard to which I am in entire agreement with my honourable friend.

**Mr. Nasiruddin Ahmad:** I am extremely grateful for this clarification. A respected member with the highest judicial experience thinks that these are substantial changes and he thought that they were so substantial that the Bill should be recirculated. That is the thing which I am asking for. There is at least one Member of the Select Committee who thought the changes to be substantial. He noticed them, but was his attention specifically drawn to them?

**Pandit Thakur Das Bhargava (East Punjab: General):** Mr. Balkrishna Sharma has also signed it.

**An Honourable Member:** He has had no judicial experience.

**Pandit Lakshmi Kanta Maltra:** He has had social experience.

**Mr. Nasiruddin Ahmad:** Pandit Balkrishna Sharma is also of the same opinion. It is however enough to quote the name of Dr. Tek Chand. His authority and position will not be seriously enhanced by the addition of any other names. These respected Members felt that these are substantial changes and therefore thought that the Bill required recirculation. There are changes in other parts of the Bill which would require herculean labour to find out.

In view of these changes made by the Departmental Committee and in view of the weighty remarks of Dr. Tek Chand that these were very substantial changes I think the matter should not admit of any doubt that the Bill should be sent to the Select Committee to reconsider these changes or to recirculate it.

**An Honourable Member:** The same Select Committee.

**Mr. Nasiruddin Ahmad:** I have no objection to the same Select Committee. It consisted of men absolutely good and true, men with judicial and legal experience and who are practical authorities on those branches of the law. In fact, all kinds of talents were represented in the Select Committee. I have the fullest confidence in the Select Committee and I have not lost my faith in it. My point is that these matters should be carefully scrutinised and each change carefully weighed and deliberately accepted. Substantial changes have been quietly and deliberately introduced. We are assured by the Law Minister and again by the Select Committee that no substantial changes have been made. On the one hand we have the opinion of the highest legal talent in the House saying that these are substantial changes and on the other, another legal luminary says that he has deliberately introduced these changes and at the same time, that he has introduced no substantial changes. That is the guarantee under the signature of Dr. Ambedkar himself. So the Select Committee is hopelessly divided within itself. If two such eminent authorities differ on a broad matter like this I think the matter requires reconsideration by the Committee and that is what I ask for. Though the Law Minister thinks that these were not substantial changes only an unsophisticated House would agree with him. A man's right to inherit is a substantial right. To

say that changes therein are not substantial changes would be to say something that is palpably and obviously wrong. I submit therefore that the changes being substantial and the guarantee being that no substantial changes have been made, on this ground alone the Bill should be sent back to Select Committee or for circulation with the positive direction that their attention should be directed towards these changes and they should consciously, intelligently, wilfully accept or reject them. There are other substantial changes.

**Shri B. N. Munavalli (Bombay States):** He is simply repeating the same arguments.

**Mr. Deputy Speaker:** I thought he had concluded that topic. If he has no other topic he may sit down.

**Mr. Nasiruddin Ahmad:** I have other very serious changes. The point I would like to know is for how long the honourable Law Minister would insist on saying that there are no substantial changes.

**Shri Khurshed Lal (Deputy Minister of Communications):** Till you have finished.

**Mr. Deputy Speaker:** Does the honourable Member with his experience as a lawyer ever expect the mover of a Bill to admit that what he has done is wrong?

**Mr. Nasiruddin Ahmad:** Sir, I bow down to this weighty observation of yours. But this is not a law court for us to take sides. It is a Legislative Assembly where we have no sides. We may express our opinions honestly but we do not take sides for the sake of fees: we are not committed to one side or another. I submit that in the Legislature, a Law Minister responsible to the Legislature should make it his duty to make an admission if he is wrong. I therefore have a faint hope that this accumulation of errors, of changes, would induce in a slight degree the Law Minister to admit that he had made substantial changes and thereby to make further progress of my argument absolutely unnecessary. But in view of the fact that the honourable the Law Minister stands to his gun like a good fighter—he has been a fighter all his life and he is famous for his grit and moral quality—as he stands to his gun, I have to submit to him more and more changes just with a faint hope to induce him ultimately to concede.

**Shri Khurshed Lal:** I do not wish to interrupt, but is it his intention to go on in this manner till he has made the Law Minister admit that he has made a mistake?

**Mr. Deputy Speaker:** Why the Law Minister alone? Possibly other Members also agree with him for he has carried the House with him.

**Shri B. Das:** How do you say so, Sir? We can howl him down.

**Mr. Nasiruddin Ahmad:** It is not so very easy. Sir, I have been threatened with being howled down. I am yet to see a Member who can howl me down here—I have yet to see him. I respectfully invite anyone to howl me down. He will find that I do not even require the microphone to be heard in the House in the midst of howlings.

**Mr. Deputy Speaker:** I suggest that the challenge need not be accepted on the floor of the House!

**Mr. Nasiruddin Ahmad:** He will not find it safe to challenge me outside the House.

**Mr. Tajamul Husain:** You did not like us to interrupt and therefore I want your permission first to seek a point of information. The point I want to know from my honourable friend is that today is the 1st of April. Is that the reason why he is taking up the whole day on this Bill?

**Mr. Nasiruddin Ahmad:** That question should be addressed to the Honourable Law Minister for bringing the motion on the All Fools Day!

**Mr. Deputy Speaker:** Whether it applies to anyone or not let the honourable Member proceed with his speech.

**Mr. Nasiruddin Ahmad:** Then we come to the next clause of Part II of the original Bill.

**Dr. Mono Mohan Das (West Bengal: General):** Sir, it appears the honourable Member is not prepared.

**Mr. Nasiruddin Ahmad:** I could not catch the honourable doctor.

**Mr. Deputy Speaker:** He may go on. I hope he will conclude his speech at least today.

**Mr. Nasiruddin Ahmad:** I do not know.

**Mr. Deputy Speaker:** I would only say that enough has been said so far on this point about changes of substance. After all it is not the honourable Minister in charge of the Bill who alone need be satisfied. He holds his point of view.

**The Honourable Dr. B. R. Ambedkar:** The House will decide.

**Mr. Deputy Speaker:** Yes, the House will decide it ultimately. Therefore the honourable Member need not take further time in driving it home to one individual Member however important he may be. He may try to carry the House with him. As I have already said, enough has been said in regard to the matter of substantial changes. I thought he was going to refer to other matters of substance like marriage, divorce, adoption. I do not think the honourable Minister would be dogmatic and I am sure that though in respect of this he may have strong views he would like to wait and see how far there are arguments on the other side, and he may be convinced. I thought the honourable Member would come to matters of substance. A long time has been spent on this point already.

**Mr. Nasiruddin Ahmad:** I must frankly express my gratefulness to the Law Minister for listening to me so patiently. I submit that I have other points indicating changes which I shall show briefly.

**Mr. Deputy Speaker:** Leave along the changes. There are changes. I may put it this way. I am not letting down a secret and there is no secret from the House as I conceive. When a matter comes before the House after having been referred to Select Committee, the Select Committee might commit a mistake and it is open to the Members to say that it is wrong and the wrong has to be corrected. Except one or two matters as for example what each Member said in the Select Committee which ought not to be placed before the House as things are in a fluid condition and it would result in a disturbance and anti-path, I may say this. So far as the Select Committee is concerned any draft may be considered. The draft was of the Ministry here. At the outset it is said in Para. 2 of the Select Committee's report here:

"The draft Hindu Code, as introduced in the Legislature, did not receive any Departmental scrutiny prior to its introduction, and the Ministry of Law (which certainly includes the Minister of Law at its Arsenal), which had an opportunity to examine the Bill during the period between the end of the last session of the Legislature and the beginning of the present session, have now produced a revised draft....."

The draft was placed before the Select Committee and the ruling of the Speaker is that the original Bill that was sent to the Select Committee, along with the draft—which we will assume is the complete list of all the amendments which the Law Minister wanted to introduce—was all considered by the Select Committee. It is open to the honourable Member to say that the Bill and the clauses in it are wrong, that they upset society and that sufficient attention was not paid to the changes that were effected in the Select Committee to the original Bill. I think that would help the House to come to a conclusion regarding either the whole Bill or individual clauses in it on matters of substance. We have already spent a lot of time over this matter. It is necessary that on this matter there may be clarification and I do not think anyone here wants to dogmatise upon a particular matter.

**The Honourable Dr. B. E. Ambedkar:** I might say openly that I have not an empty mind but I have an open mind.

**Mr. Deputy Speaker:** That is what we expect.

**Mr. Naziruddin Ahmad:** I am very grateful to him. Sir, I come to another branch of the Bill. I would like to draw the attention of the House to clause 102 of the Departmental Bill which corresponds to clause 101 of the final Bill. This was introduced for the first time by the Departmental Bill. The Select Committee made some changes, but the Departmental Committee had introduced a serious change. It is provided in the Departmental Bill that if there was a male and a female in the same line, the male shall take double of the female. In the final Bill their shares are made equal. As regards the justice of the final Bill, it does not matter, but I submit this new introduction is a departure.

**Mr. Deputy Speaker:** Even if there are, say, 100 departures, is it necessary to exhaust all the 100 departures? Only some ten or fifteen—even these are many—by way of illustration will be enough. He may take a few departures and say that for these reasons the matter should be sent back to the Select Committee or sent round for eliciting public opinion. I thought the honourable Member concluded that portion referring to various items where there is a departure. There are departures and the list which has been circulated contains a list of departures extending over thirteen pages, though it does not state how the departures have been made.

**Mr. Naziruddin Ahmad:** Departures have not been noted.

**Mr. Deputy Speaker:** True, they have not been noted in the manner of departures. It is admitted there are departures but only some important items may be taken for the purpose of showing that on account of these departures the Bill should be sent to the Select Committee or to another Select Committee or that it must go round the country for opinion. I think we are taking too much time on this.

**Shri B. Das:** Sir, I said that all along.

**Mr. Naziruddin Ahmad:** I can quite appreciate the exasperation of one or two Members.

**Shri B. Das:** Sir, he is using the same word!

**Mr. Naziruddin Ahmad:** Sir, I draw attention of the House to clause 103 of the Departmental Bill which corresponds to clause 102.....

**Mr. Deputy Speaker:** I have already pointed out with reference to this item.....

**Mr. Naziruddin Ahmad:** This is an important matter.

**Mr. Deputy Speaker:** I can only suggest to the honourable Member: I cannot argue for him. I can only say that instances need not be multiplied. According to him there are a sufficient number of instances, but if he thinks he has forgotten one point which is more important than others then he may point it out.

**Mr. Naziruddin Ahmad:** Clause 103 of the Departmental Bill corresponding to clause 102 of the final Bill restricts the agnates to five degrees. The change restricts the heirship to five degrees only. In case there are no enumerated heirs, then according to the Hindu Law the property will go to the agnate, but the definition of agnate has been seriously curtailed and reduced to five degrees. In the next clause, clause 104 of the Departmental Bill corresponding to clause 103 of the final Bill, cognates are also similarly restricted to five degrees. This is a serious departure from the conception of the Hindu Law and from the original Bill. Any agnate, however distantly connected, would be an heir in the absence of preferential heirs. With regard to cognates also, in the absence of agnates any cognates, however distantly connected, would be heirs. So, with regard to cognates the change is entirely new. With regard to agnates it is a serious departure from the original clauses. They merely described that in the absence of enumerated heirs they go to agnates, and in the absence of agnates they go to cognates.

**The Honourable Dr. B. R. Ambedkar:** Cognates or agnates?

**Mr. Naziruddin Ahmad:** Cognates.

I submit these are serious changes. According to Dr. Ambedkar these are not serious because he has made the changes.

**Shrimati G. Durgabai:** Serious and substantial changes!

**Mr. Naziruddin Ahmad:** Substantial if you like. I think they are not merely substantial but also serious. *Serious* goes a degree further. In fact, this restricts the right of heirship of certain people.

**Mr. Deputy Speaker:** Is the honourable Member not closing at five? Enough has been said on this topic.

**Mr. Naziruddin Ahmad:** No, Sir. Not enough to convince some of the Members. I want to absolutely convince them.

**Shri Khurshed Lal:** Then you will have to argue till doomsday.

**Mr. Deputy Speaker:** If he has not been able to convince for five hours now, he will not be able to convince him at the end of another five hours.

**Mr. Naziruddin Ahmad:** The honourable the Law Minister has, though not a vacant mind, an open mind and he will in the long run be convinced.

**An Honourable Member:** He will ponder over your speech tonight. \*

**Mr. Naziruddin Ahmad:** Clause 10 of the original Bill has been entirely omitted in the Departmental Bill—absolutely forgotten. In fact in the Hindu law, as in the Muslim law, in the absence of enumerated heirs, in the absence of agnates, cognates, other unrelated heirs succeed. They are the preceptors, *acharyas*, *shishyas* and *sahabramacharis* and pupils under the same tutor, are the heirs. According to the Departmental Bill, the respect for *acharyas*, respect for *sahabramachari* and consideration for them is entirely thrown overboard. This again is a serious change. The cumulative weight of these serious changes as well as many numerous others will I hope succeed in ultimately winning over the Minister of Law to my side.

Then we come to clause 109 of the Departmental Bill and 108 of the final Bill. This provision is absolutely new. In that clause some new heirs have been introduced which were not in the original Bill.

With regard to succession to *stridhan*, some changes have been made. And then in Part II, clause 14, where heirs stay together.....

**Mr. Deputy Speaker:** If the honourable Member is likely to conclude soon, 5 P.M. we will stay on for a few minutes more.

**Mr. Nasiruddin Ahmad:** No, Sir.

**Shrimati G. Durgabai:** We will stay on for five minutes more, if the honourable Member will conclude.

**Mr. Deputy Speaker:** I shall leave it to the speaker.

The House now stands adjourned to 10.45 A.M. to-morrow.

*The Assembly then adjourned till a Quarter to Eleven of the Clock, on Saturday the 2nd April, 1949.*