

Saturday
9th April, 1949

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND
ANSWERS)

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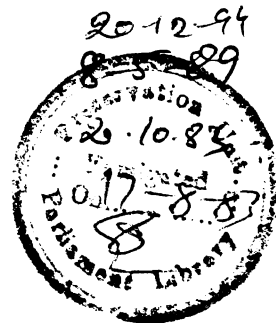
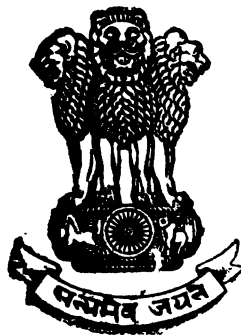
(6th April, 1949 to 9th April, 1949)

Fourth Session

OF THE

CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949



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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 9th 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

(No Questions: Part I not published).

ELECTIONS TO STANDING COMMITTEES FOR MINISTRIES OF
INDUSTRY AND SUPPLY AND OF LABOUR

Mr. Speaker: I have to inform the Assembly that upto the time fixed for receiving nominations for election of one Member to each of the two Standing Committees for the Ministries of Industry and Supply and Labour, one nomination in the case of each of these Committees was received. As the number of candidates is equal to the number of vacancies in each of these committees, I declare the following Members to be duly elected:

I. *Standing Committee for the Ministry of Industry and Supply.*—Srijut Rohini Kumar Chaudhuri.

II. *Standing Committee for the Ministry of Labour.*—Shrimati Renuka Ray.

CINEMATOGRAPH (AMENDMENT) BILL.—*Contd.*

Mr. Speaker: The House will now proceed with the Legislative Business. The following motion was under discussion:

“That the Bill further to amend the Cinematograph Act, 1918, as amended, be passed.”

Shri H. V. Kamath (C.P. and Berar: General): Mr. Speaker, I am sure the House would have very much wished that the honourable the Minister of State for Information and Broadcasting might have selected some other Bill for his maiden performance in this House. This is the first Bill he is piloting through this House and it is a matter of the deepest regret and not a little pain that it should have evoked so much, I would not say opposition, but so much criticism. The criticism is not entirely unfounded, nor is it unjustified. To my mind, the Bill, especially as amended yesterday afternoon, is a classic instance of how not to legislate, what legislation should not be like, and if that be the case with the first Bill that my esteemed friend is piloting through this House, I am really sorry.

The Bill as it was, before the amendment, was not satisfactory enough, as has been pointed out by my honourable friends Mr. Mahavir Tyagi, Dr. Punjabrao and Mr. Satyanarayana. After the amendment, it has made confusion worse confounded, at any rate so far as domestic and social life is concerned. The Minister of State stated yesterday that there was a very comprehensive measure which was under his active consideration. I would have certainly desired that he might have waited for a more auspicious day when he could have brought forward that more comprehensive and more positive measure. Where was the hurry, why this haste, in seeing this measure through? As a matter of fact, we know that this Bill was introduced in this House last August, but for various reasons the House could not proceed with it and we are taking it up today, April, about nine months later. Surely, the Minister could have waited

[Shri H. V. Kamath]

for another nine months or even a year when that more comprehensive measure would have been ready, which would have perhaps embraced all the various facts of the Cinematograph industry and cognate matters. That would have been far more welcome. There were repeated and insistent requests yesterday to the Minister to withdraw this Bill, but unfortunately the Minister was not in a mood to do anything of the kind and he proceeded further. It is my view that the acceptance of the amendment would make the Bill a butt of ridicule and the laughing stock of most sensible persons.

The Bill as it was presented originally contained the following in the Statement of Objects and Reasons:

"In order to prohibit the unrestricted exhibition of unsuitable films to young persons at an impressionable age and to ensure maximum circulation of all films, it is necessary to distinguish between adult audiences on the one hand and children and adolescents on the other."

That means to say, that the original Bill contemplated two categories: one of persons above 18—because adult is defined as "a person who has completed his 18th year"—and another of persons below 18. The Bill as amended visualises two categories: one of persons above 18 up to whatever age man may live up to plus persons below three, and another of persons between 3 and 18. Section 4 would read, after the acceptance of the amendment, that any film suitable for public exhibition restricted to adults would be also good enough for children in arms under the age of 3. I fail to see why this amendment regarding babies in arms under the age of 3 commended itself to the Minister. If it was intended that babies in arms under the age of 3 are fond of seeing films, I suppose it won't be considered as tenable by anybody. If the argument is that mothers cannot leave their little babies at home whenever they go to pictures, then as I said yesterday, the difficulty would arise that the mother who is under 13 cannot herself go to a picture which is restricted to adults, because even according to Pandit Thakur Das Bhargava's latest Act, the marriageable age has been raised only to 15, not 18. My friend the honourable Minister stated yesterday that if the age of 18 is regarded as suitable for exercising franchise, then why should not the same thing be applied here?

I think comparison is not always proper and it is sometimes odious. We passed a Bill only the other day fixing one age for boys and another for girls, so far as marriage is concerned. In case a mother of sixteen or eighteen has a baby under three; which is natural and quite probable, the father might like to go to a picture, the baby can go if it is under three, but the mother cannot. It will lead to domestic disputes if the father alone goes to a picture, perhaps with his little child but without the mother because she is under eighteen. This will create unnecessary difficulties so far as domestic life is concerned. I do not think that domestic life in this country is very happy as it is, and we should not introduce more complications by way of this very harmless entertainment of cinemas.

Srijut Rohini Kumar Chaudhuri (Assam: General): What authority has the honourable Member got to speak of babies and mothers?

Shri H. V. Kamath: I can understand the argument, "Close down all cinemas". There is a story told about an eminent Bengali professor. He was opposed to all cinemas and theatres, and he was very truthful, devoted to truth. He would never allow anybody to go to pictures. One fine evening he was walking along the streets of Calcutta when a boy from some high school or college ran after him and asked him, "Could you tell me where the picture house is?" The professor was very wild. He said, "I do not know, go away", though probably he knew where it was. But hardly had he gone a few paces when he

realised that he had told a lie. He called the boy back and told him, "Jani, kintu bolibona". It means, "I know but I will not tell you". That kind of attitude I can understand. I understand that Bernard Shaw also is of the same opinion, that theatres and cinema houses are stuffy places where you lose your health and suffer in consequence. He prefers open air entertainment. (*Interruption*).

Mr. Speaker: Let there be no interruption; but the honourable Member must remember that this is the third reading of the Bill. He should not try to extend his arguments by giving stones. He seems to go in the strain as if this is the first reading of the Bill.

Shri H. V. Kamath: I bow to your ruling. As this amendment was not before the House during the first reading, I only wanted to speak on this particular amendment which has to my mind, made the Bill more or less an object of ridicule. It shows a false reading of psychology to say that children under three can be shown these films which are—to use the Minister's words—horrific, sexy and crime, while children above three could not be shown these films. The reading of psychology is that films which are sexy or about crime have a far greater effect on persons between the ages of 18 and 25 than on little children of six, eight or twelve. I can understand a classification of people, say, between fifteen and twenty-five, because it is they who are liable to be affected by the sort of films described as horrific, sexy or crime.

The other point that I want to make is that the Minister said some days ago that Government was going to constitute a Central Censorship Board. At present there are Provincial Censorship Boards. These Provincial Censorship Boards certify that a particular film is suitable or not suitable for universal exhibition. Until there is a Central Censorship Board, there is no use bringing in these legislations piecemeal, authorising the Provincial Censorship Boards to deal with films as they like, because a film banned in one province, may be passed for exhibition in another province and people can always cross the border to see a picture where it is being shown, the forbidden fruit being somewhat tempting.

The last point, Sir, that I want to make is that it is necessary to see that censorship as such has got to be avoided as far as we can. At best it is a necessary evil. Let me give my experience to show that censorship as it is done today defeats the very purpose for which it is intended. There was the instance of one of the books of Rabindranath Tagore which was banned, called "Red O banders". Because the word "red" there, they thought that it had something to do with communism. If you will permit a personal reminiscence, when in 1935 I returned after a short visit to the U.S.S.R., the police at Bombay seized many of my books. Among the books confiscated was Plato's "Republic" because the word "Republic" was there. There was a catalogue of vegetarian restaurants in Europe, printed in German. They could not understand what it was about. So they seized that also. Then there was another book called "Socialism in Great Britain" written by Hugh Dalton, lately Labour Minister. Because the word "socialism" was there, that book also was seized. More than a dozen books were seized and ultimately when the matter went up to the Police Commissioner, he returned most of the books and confiscated only one, it was "A handbook of Marxism" by Emile Burns. It was sold openly in London, but in India it was taboo, and so that book was confiscated. I am not wholly against censorship, but as I said, where it is not intelligent censorship, it fails in its very purpose and so far as films are concerned, I fail to see how a particular film could be definitely described as a crime or horror or sex picture. Recently I saw in the papers that the Bombay Government had decided to cut out film bits showing drink scenes. There are certain films which show the evil effects of drink, and ultimately the effect of the drink on the man or the family and the moral about it is good; but a not

[Shri H. V. Kamath]

very intelligent censor might cut this out. "*Ekach Pyala*"—a play in Marathi which shows the evil effects of drink, if that is put on the screen the censorship authority may say that it should be excised. A very good picture like *Chitraleka*, that showed the life of a *yogi* and the life of a *bhogi* and ultimately the *bhogi's* life was shown as tending towards the same goal as the life of the *yogi* and in different ways they approached the same ultimate goal, but if a censor is going to apply his scissors to it before he applies his mind, if he thinks "Here is a man drinking a goblet of wine", then he will cut it out of the picture.

Then, Sir, unless and until we have the Central authority it would not be wise to move in haste; I find that there are two authorities in the Bill, the original and the appellate authority in every province, but all this would have been avoided if Government had decided to bring a comprehensive measure for constituting a Central Censorship Board to decide which films are to be exhibited. I personally would have desired this end—Universal exhibition or no exhibition. We can certainly produce films which can be seen by adults, by children, youngsters, adolescents and by women alike, but from political point of view or any other to restrict the exhibition of films like these will defeat the very purpose. It will introduce complications and difficulties from the domestic point of view, from the social point of view and it won't have the desired psychological effect and I think it will be impracticable. Every time that a complaint is made that so and so is showing a film to adolescents and children above three and not under three, somebody will have to lodge the complaint in court and the manager or the proprietor will be dragged into the court and the audience too will be brought into it, along with doctors to certify the age.

Mr. Speaker: I think the honourable Member is going into unnecessary details. I asked him to be relevant to the point and to be short. He has taken about 25 minutes by now.

Shri H. V. Kamath: I will require one minute to conclude.

Mr. Speaker: He will finish then in one minute.

Shri Mahavir Tyagi (U.P.: General): May I know whether it will be in order to impress now at this stage for the postponement of the passing of the Bill?

Mr. Speaker: It will not be now in order. The motion is there.

Shri H. V. Kamath: So, Sir, I would in the end appeal to the honourable Minister once again to stay his hand, if that be possible at this stage, and we should all await that more auspicious day when he will after great meditation and contemplation bring forward a more comprehensive measure before this House, and also constitute a Central authority for censorship of films—a very intelligent authority composed of wise and eminent persons in the field of education, arts and letters who will properly deal with every film that comes before them. I do hope the Minister will reconsider the whole issue and try to postpone or to stay his hand or to withdraw this Bill, if it be not too late.

The Honourable Shri R. R. Diwakar (Minister of State for Information and Broadcasting): Mr. Speaker, Sir, I have nothing much to say in reply to what has been said about the Bill in the third reading. In fact, I have replied to most of the arguments in my earlier speeches, and therefore, what I now want to point out is only one important thing, and that is, this is not a Bill which has been sprung as a surprise, but the Standing Advisory Committee has given its full consent to it. All the Provincial Governments who have to deal

with these matters at first hand have shown their anxiety that there should be some such provision. Then the industry itself has come forward with suggestions that there should be some such distinction and discrimination between films which can be shown to the whole of the population or films which can be restricted only for the adult population. Then there are progressive countries which have deeply thought over the matter and have better experience so far as this matter is concerned, and have legislation to this effect. In addition to all these things, many eminent thinkers in our own country have approved of this kind of distinction not only in this matter, but also in matters of education, in matters of literature and so on. That being the case, when I am here with this Bill before the House, I think I am in good company. If at all the whole lot looks ridiculous in the eyes of some of the honourable Members, well, I have cast my lot with them. So with these few words and with only one reference as regards the child in arms, I would finish. That particular amendment is really a thing which is permissive. There is no obligation that a child of three in arms should go to the cinema, because, constituted as our society is, it is very difficult for parents to leave the children at home. They have no governesses or nurses or any such arrangement by which they can leave their children at home. So when that is the case, when these children are allowed along with their parents, I do not think that it is going absolutely out of the way. On the other hand, in some other countries, so far as this particular matter is concerned, even if children and adolescents go along with their parents, well, they are exempted from this particular provision in those countries. I have not gone so far and I have said that only where it might be a kind of difficulty or hardship for the parents to leave their children behind, while they themselves want to go, that permission has been given and it is only the acceptance of that arrangement and nothing more than that. With these few words, I commend that this Bill be passed.

Shri H. V. Kamath: On a point of information, may I ask whether there is any country in the world where there is such a piece of legislation linking adults and children under three in one category?

Mr. Speaker: I think under the guise of information, further arguments are being carried on. The honourable Member may search for the information elsewhere.

Shri Moturi Satyanarayana (Madras: General): What will happen to those films which have already been censored and will they be re-classified?

The Honourable Shri R. R. Diwakar: Yes. They can be reclassified.

Mr. Speaker: The question is:

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

The motion was adopted.

RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): I beg to move:

"That the Bill to amend the Rubber (Production and Marketing) Act, 1947, be taken into consideration."

The object of this Bill is to amend the Indian Rubber Act, 1947 so as to secure representation of labour. At present this Board consists of 23 representatives, 10 represent rubber growers, 8 rubber manufacturers, one rubber dealer and the rest are nominated by the Central Government and the Governments of Madras, Travancore and Cochin. It was pointed out to us that it would be desirable to have some representatives of labour on this Board. The reasons why this was urged are obvious and I need not dilate upon them. We

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consulted the Labour Ministry as also the Rubber Board and there was an agreement that this would be a desirable step to take. At first we thought that we would have only one representative of labour; but then it was pointed out to us that both for the purpose of representing the different classes of labour working in this industry, as also for the purpose of representing the different organisations, it would be desirable to have three representatives on the Board to represent labour. The object is to enable Government to nominate these three representatives. We will consult the Ministry of Labour as also the Governments of Madras, Travancore and Cochin.

This is a non-controversial measure. It is nothing exciting like the film industry and I hope it will receive the unanimous and immediate support of the House.

Mr. Speaker. Motion moved:

"That the Bill to amend the Rubber (Production and Marketing) Act, 1947, be taken into consideration."

Srijut Kuladhar Chaliha (Assam: General): Sir, I think the Bill is a very harmless one, but it has within itself the possibilities of improving the rubber industry. In Assam there was an experimental station where rubber trade was going on very successfully for a very long time with Bhutan hills. If it is possible to explore the possibilities of expanding rubber cultivation in those areas it would be very helpful. I would suggest therefore that if possible a representative from Assam should be nominated to this Board. If the amendment given notice of by Srijut Berman is accepted it will be possible to include one representative from Assam, a person who has personal knowledge of the possibilities of rubber production there. Formerly there was a lot of rubber coming from the Bhutan hills and it has been lost to us. I do not know how and why this trade which was there till 1920 was lost to us. If a nominee from Assam is taken in, probably this market can be explored and rubber from Bhutan and from the Arakan hills can be obtained. With these few words I support the motion.

Prof. N. G. Ranga (Madras: General): I am very glad that this principle of providing representation for labour has at last come to be accepted so far as this particular marketing board is concerned. I trust that the Labour Minister will take steps to see that with regard to tea and coffee marketing boards also similar principles are adopted and adequate representation given to labour.

My honourable friend the Minister in charge said that he increased the representation for labour in view of the rival or competing labour unions functioning amongst the workers. I wish to suggest that it is a very dangerous precedent to adopt. It does not matter how many labour unions are there. So long as there are workers employed in the rubber industry they should be provided a certain quota of representation and within that quota it should be possible for all the workers employed therein to develop their own organisation the most representative one, and thus qualify themselves for that representation. If it is not possible for the Government to make up their minds as to which one of them is the most representative labour organisation, then they ought to be prepared to hold regular election among the workers who are on the registers and give them an opportunity to elect their representatives. I hope the honourable Minister will keep this point in mind and see to it that every mushroom labour union is not given representation, but on the other hand effective representation is duly provided to workers in the only democratic process that is possible in the present circumstances.

Babu Ramnarayan Singh (Bihar: General): I support the measure and the viewpoint of Professor Ranga that the labour representatives must be regularly elected.

The Honourable Dr. Syama Prasad Mookerjee: Two points have been urged before the House. Mr. Chaliha asked for representation from Assam. So far as the provinces are concerned, as I said just now, we have representatives from Madras, Travancore and Cochin. These are the three main producing areas at present in India. I quite sympathise with the honourable Member's view point that every possible step should be taken to ensure that rubber may be grown in other areas also in the Indian Union. That is a matter which is also being investigated by the Council of Agricultural Research, a representative of which body is a member of this Board. It is not necessary to elect a Member of the Legislature from Assam on the Rubber Board in order to ensure greater rubber production in Assam. This will have to be taken up separately and considered. If any representation is received from the Assam Government in regard to this I shall certainly have the matter enquired into and I shall ask the special officer to contact the Assam Government to find out what possibilities there are for growing rubber in that area.

Srijut Kuladhar Chaliha: There was a big market formerly in Assam doing a lot of business. The possibilities of reviving that trade should be explored.

The Honourable Dr. Syama Prasad Mookerjee: These are matters which will be examined. If it is a question of marketing, that will depend upon other considerations and for which special representation is not necessary.

With regard to labour, I quite agree that we will have to avoid the possibility of rival organisations within one area competing for representation on this Board. We were persuaded to accept three nominees because we were told that at the initial stage it would be desirable to have different areas and interests represented. But I am prepared to examine that matter in due course and see that it does not lead to the strengthening of any unhealthy rivalry among competing labour organisations.

Mr. Speaker: The question is:

"That the Bill to amend the Rubber (Production and Marketing) Act, 1947, be taken into consideration."

The motion was adopted. ...

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

COFFEE MARKET EXPANSION (AMENDMENT) BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister of Industry and Supply): Sir, I move:

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration."

The object of the amendment proposed is to implement a Resolution from the Coffee Board asking for Government sanction to contribute a donation of

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Rs. 95,000 to the Gandhi Memorial Fund. It was pointed out by the Law Ministry that the Resolution could not be implemented unless the Act was suitably amended. I may assure the House that no pressure at all was put upon the Board and this was a spontaneous recommendation which the Board made. And having received the recommendation we thought it was the duty of Government to make suitable legislative change so that the voluntary contribution which the Board desire to make may become effective. It is not necessary to make any speech in support of this; I hope it will be accepted by the House.

Mr. Speaker: The question is:

"That the Bill further to amend the Coffee Market Expansion Act, 1942, be taken into consideration."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Syama Prasad Mookerjee: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

REPEALING AND AMENDING BILL

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

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

In this Bill there are two Schedules. In the first Schedule there are embodied those enactments which are now obsolete, and under the provisions of Section 6A of the General Clauses Act they have been included. In the Second Schedule there are certain enactments in which certain amendments have become necessary on account of certain changes that have come into existence. For example, the Chief Court in Oudh is no longer in existence. These amendments are merely of a formal character and nothing substantial is being done. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

Shri R. K. Sidhva (C.P. and Berar: General): Sir, I should like to have information in regard to the Second Schedule, whether these amendments proposed are in accordance with amendments made in this House. For instance, there is an amendment of the Employment of Children Act, 1938 where a change is sought to be made in section 3C. I find similar changes proposed in other enactments which are very recent. I hope the honourable Minister will give us clearly the reason for these changes.

Mr. Speaker: That will be found in the Notes on Clauses.

The Honourable Shri N. V. Gadgil: That is just what I was going to say. With regard to section 3C of the Employment of Children Act it has been made

clear in the Notes on Clauses that this has become necessary because of certain amendments in the Indian Factories Act. The same is true of other amendments. These are of a purely formal character.

Mr. Speaker: The honourable Member will notice that in each case of amendment which requires explanation, some explanation is given in the Notes on Clauses. He will find it on page 5. Of course it is not required in respect of each and every amendment but amendments which require some explanation are stated there.

The question is.

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The First and the Second Schedules were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

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

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

This is a very simple Bill and the necessity for this arose out of some proceedings taken against Government in the case of an award passed in the Calcutta High Court. Under section 82 some time is given for Government to comply with the decree. What happened was that this was an award under the Arbitration Act, and it was interpreted by the Calcutta High Court that section 82 only applied to those cases in which there was notice under section 80 of the Civil Procedure Code. Therefore any award under the Arbitration Act or any order under the Land Acquisition Act was not covered by the provisions of section 82, with the result that as soon as the award was declared the successful party could attach the furniture and some other property of Government. Now I think in ordinary experience this is too much and Government should be given an opportunity to have some time to comply with the directions in any decree passed. Therefore this Bill provides that in all cases in which an award or an order or decree has been passed against Government, the same provisions which are in section 82 should be made applicable. From that point of view sub-clauses (a) and (b) of clause 2 have been provided. This is an inoffensive Bill and I have nothing further to say. Sir, I move:

Shri S. V. Krishnamoorthy Rao (Mysore State): My amendments are only recasting amendments, provided they are acceptable to the Minister.

Mr. Speaker: Are they acceptable?

The Honourable Shri N. V. Gadgil: I do not accept them.

Shri S. V. Krishnamoorthy Rao: Therefore, I am not moving them.

Mr. Speaker: There is an amendment by Mr. Naziruddin Ahmad but it is only for a change from small to capital letters.

Mr. Naziruddin Ahmad (West Bengal: Muslim): On account of the convention I am not moving my amendment.

Mr. Speaker: I think Pandit Thakur Das Bhargava has an amendment.

Pandit Thakur Das Bhargava (East Punjab: General): I am not moving it as the honourable Minister is not prepared to accept it.

Mr. Speaker: The question is:

"That Clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

CHARTERED ACCOUNTANTS' BILL

The Honourable Shri K. C. Neogy (Minister of Commerce): Sir, I move:

"That the Bill to make provision for the regulation of the profession of accountants, as reported by the Select Committee, be taken into consideration."

The Select Committee has made certain important alterations in the provisions of the original Bill and I desire to say a few words dwelling upon some of the more important of these amendments. First and foremost, I should like to draw the attention of the House to a new clause in Clause 4, namely sub-section (3), which seeks to extend the qualification for registration to a class of persons who are not at present qualified to be registered as Accountants under the Auditor's Certificate Rules. The Committee was impressed by certain representations which had been received from an Association of Accountants who hold a Government diploma in accountancy, but are not permitted to practise as Auditors under the rules that I have referred to because of certain lack of practical experience as Articled Clerk. We have made provision that subject to these persons fulfilling certain conditions that might be prescribed by the Central Government, they would be qualified for registration under this new measure.

Likewise, another body of persons, namely those who hold degrees in Commerce from the universities of India, made representations to Government that their case might be similarly treated.

While we were considering that particular request, my honourable friend, Mr. Sidhva, gave notice of an amendment, which is numbered 6 in the consolidated list of amendments, seeking to expand this particular concession to other persons who may have passed an examination recognised as equivalent to the Government Diploma in accountancy, subject of course to their satisfying the same conditions as would apply in the case of G.D.As. I am prepared to accept this amendment so as to enable this class of persons also to

be qualified for registration, subject to fulfilment of the conditions that I have mentioned.

A third category of persons has been brought to our notice, namely Certified Auditors practising in the Acceding States. This law will be extended to the Acceding States as much as to the provinces of India. But in the Acceding States at the present moment, under their own rules, there are accountants privileged to practise as Registered Accountants these rules being analogous to the rules that now operate in the provinces. We are not quite satisfied that these persons conform to the standards which have been laid down in the British Indian provinces for Registered Accountants, but at the same time we recognise that we should not do anything that might interfere with the practice of accountancy which these persons have been following in the past under the laws of the Acceding States themselves. Therefore, we have decided to accept the two amendments that my honourable friend, Mr. T. T. Krishnamachari has given notice of and which appears in the supplementary list as Nos. 2 and 3. The effect of these two amendments is that those accountants who are at present authorised to practise as Registered Accountants under the laws of the Acceding States, will continue to exercise that right in their respective States, although they may not be fully qualified according to the standards that we are now laying down.

The second provision is that just as in the case of G.D.As. and other accountants to whom I have referred and who would be given a chance for qualifying themselves for registration, such opportunities would also be extended to this category of accountants on similar conditions.

These three provisions would have the effect of considerably expanding the scope for persons who are doing the work of accountancy or who have qualified themselves, at least on the theoretical side, only if they complied with the conditions that Government propose to prescribe in this behalf after consulting all the various interests and experts. Of course, each case will have to be perhaps dealt with on merits having regard to the nature of the theoretical training and the practical experience which may have been gained by each candidate for such special treatment.

There is one other amendment which I should like to mention in this connection and that appears as No. 1 in the supplementary list in the name of my honourable friend, Mr. T. T. Krishnamachari. In the Bill as it stands the right to entertain articled clerks would belong to practising Chartered Accountants only that is to say, those who are not actually practising—of course they would not be entitled to be called Chartered Accountants—would not be entitled to have articled clerks. But in this amendment a special case is sought to be made in the interests of the profession itself: that is to say we are likely to be short of the necessary number of accountants that this country may need, and the amendment that my honourable friend suggests would have the effect of expanding the opportunities for practical training to persons who may not find it possible to be articled to practising Chartered Accountants but who at the same time may find it possible to be an apprentice or an assistant to a non-practising accountant who would be an Associate or a Fellow of the Institute of Chartered Accountants properly so called but who may be employed as a paid assistant to a firm or to an individual chartered accountant. In other words, we are looking to the substance of the thing. If an articled clerk gets an opportunity of getting the necessary practical training, this training may be taken not merely directly under a practising chartered accountant but also under a qualified accountant who may not be technically a practising chartered accountant but who may be employed as a paid assistant to a chartered accountant or to a firm of chartered accountants.

I had better now refer to a rather important amendment which the Select Committee has made and that is to be found in clauses 20 and 21 regarding

[Shri K. C. Neogy]

removal from the register. In the original Bill it was left to the Council to hold the enquiry and give a decision as regards any case in which any misconduct may justify the removal of the name of an accountant from the register of this body. In that provision in the original Bill there was an appeal provided for to the High Court in all such cases, though the initial order would have been passed by the Council itself. There was, however, an important exception and that related to income-tax proceedings, it being laid down that where anybody was suspected to be guilty of any malpractice in connection with income-tax proceedings, then the matter would be inquired into by the Government itself and the decision of the Government would of course be subject to appeal to the High Court in the same manner as a decision of the Council itself. The Select Committee have altogether changed these provisions. In the first instance, the Council is now to be authorised merely to hold an enquiry and to forward the findings of the Council to the High Court. That is to say the final decision would, in every case, be that of the High Court and not that of the Council itself. Secondly, the special provision that was made in regard to income-tax proceedings has been done away with and in place of it what we have done is to make it obligatory on the part of the Council to inquire into a matter, if the Central Government had made any complaint in that connection. But here again the decision would have to be given virtually by the High Court and the Council will merely forward its findings to the High Court.

These, Sir, are all the provisions and also the substance of some of the amendments I am prepared to accept, to which special reference is needed.

Shri B. K. Sidhva (C.P. and Berar: General): What about the amendment to the clause on apprentices?

The Honourable Shri K. C. Neogy: I am coming to that. Before I conclude I should like to give an assurance to this House in regard to the question of the refund of the premia which would be payable by the article clerks to the accountants. I understand that some of my honourable friends are anxious that there should be some understanding that the premia would be refunded in every case. As a matter of fact I am in a position to give the undertaking that by the rules that will be framed under this law we would provide that the premia would be returned in full on satisfactory completion of Articles. I think, in view of what I have stated, my honourable friend Mr. Sidhva would not find it necessary to move his amendment.

As I have already stated I am going to accept one of his amendments but there is another of a more or less formal character which also I should be accepting and that is the amendment to clause 1, proposed by my honourable friend Mr. Sidhva.

Mr. Speaker: Motion moved:

"That the Bill to make provision for the regulation of the profession of accountants, as reported by the Select Committee, be taken into consideration."

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, one question I would like to ask. I am glad that the honourable Minister has made the position very clear and has stated that sub-section (iii) of clause 4 covers G.D.As. and the accountants from acceding States that, "fulfil such conditions as the Central Government may specify in this behalf". He also gave us an assurance that each case will be considered on its own merits. Will this apply to the period of articles also?

The Honourable Shri K. C. Neogy: I think so; that is what is intended.

Shri S. V. Krishnamoorthy Rao: If that is so I do not propose to make any speech.

Mr. Speaker: The question is:

"That the Bill to make provision for the regulation of the profession of accountants, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: I should like to know which of the amendments are going to be moved by honourable Members.

Pandit Thakur Das Bhargava (East Punjab: General): I do not propose to move any of the amendments to any of the clauses.

Shri S. V. Krishnamoorthy Rao: Nor do I, Sir.

Shri T. T. Krishnamachari (Madras: General): Sir, I beg to move:

"That to sub-clause (2) of clause 2 of the Bill the following *Explanation* be added:

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant or a firm of chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of articulated clerks."

In view of the fact that the honourable Minister has explained the reason why he is willing to accept this amendment I think the House will not expect me to make a speech on it.

Mr. Speaker: Amendment moved:

"That to sub-clause (2) of clause 2 of the Bill, the following *Explanation* be added:

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant or a firm of chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of articulated clerks."

The Honourable Shri K. Santhanam (Minister of State for Railways and Transport): Sir, this amendment requires one explanation. Now the number of apprentices which any chartered accountant can take is regulated by the rules. As the amendment stands it looks as if a man who is in employment can take an apprentice apart from the chartered accountant or firm of chartered accountants in which he is employed. It is not intended. What is intended is that his presence also will be counted in the number of apprentices which the chartered accountant or firm of chartered accounts in which he is employed, can take. It should be made clear so that there may be no misunderstanding. Otherwise he cannot take a proper apprentice when he has no work of his own. That would be impossible.

Shri T. T. Krishnamachari: The position is that a man who is employed in a firm of chartered accounts will be guided by that firm as to whether he can take an articulated clerk or not. He cannot take an articulated clerk apart from the policy of the firm in this regard. I am sure in actual practice no such contingency similar to what my honourable friend Mr. Santhanam is visualising can possibly happen.

The Honourable Shri K. C. Neogy: Sir, I accept the amendment.

Mr. Speaker: I have not been able to follow the amendment exactly on its merits. I take it that the honourable Minister has examined the wording to see that it fits in with his intention.

The Honourable Shri K. C. Neogy: It does. The details will have to be provided for in the rules.

Mr. Speaker: The question is:

"That to sub-clause (2) of clause 2 of the Bill the following *Explanation* be added:

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant or a firm of chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of articulated clerks."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Shri R. K. Sidhva: Sir, I beg to move:

"That in part (iii) of sub-clause (1) of clause 4 of the Bill, after the words 'Government Diploma in Accountancy', the following be inserted:

'or an examination recognised as equivalent thereto by the rules for the award of the Government Diploma in Accountancy.'"

Sir, I am very thankful to the honourable Minister for having accepted this amendment as that would really give relief to so many of the concerns who would otherwise have been affected. Sir, I move.

Mr. Speaker: The question is:

"That in part (iii) of sub-clause (1) of clause 4 of the Bill, after the words 'Government Diploma in Accountancy', the following be inserted:

'or an examination recognised as equivalent thereto by the rules for the award of the Government Diploma in Accountancy.'"

The motion was adopted.

Shri T. T. Krishnamachari: Sir, I move:

"That after part (iii) of sub-clause (1) of clause 4 of the Bill, the following new part be inserted:

'(iii) (a) any person who, at the commencement of this Act, is engaged in the practice of accountancy in any Acceding State and who, although not possessing the requisite qualifications to be registered as an accountant under the Auditors' Certificates Rules, 1932, fulfils such conditions as the Central Government may specify in this behalf;'

This is again a matter which has been explained by the honourable Minister. It merely facilitates those auditors who are practising in an Acceding State and who fulfil the necessary conditions becoming members of the Institute. I move,

Mr. Speaker: The question is:

"That after part (iii) of sub-clause (1) of clause 4 of the Bill, the following new part be inserted:

'(iii) (a) any person who, at the commencement of this Act, is engaged in the practice of accountancy in any Acceding State and who, although not possessing the requisite qualifications to be registered as an accountant under the Auditors' Certificates Rules, 1932, fulfils such conditions as the Central Government may specify in this behalf;'

The motion was adopted.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 and 14 were added to the Bill.

Shri B. K. Sidhva: Sir, I do not wish to move my amendment but only want to say something on it. The amendment relates to a very important matter affecting apprentices. Although my amendment is not acceptable to the honourable Minister I am very glad that he has given a definite undertaking here that he will see that the fees will be refunded and that their interests will be safeguarded. That serves my purpose and I hope the honourable Minister will do the needful. Under these circumstances I do not feel that there is any justification for me to move my amendment.

The Honourable Shri K. Santhanam: As a Member of the Expert Committee I insisted that only if the Accountants agree to such a provision we would sponsor the Bill and they readily accepted it in the Ooty Meeting. It has already been incorporated in the Rules which will be promulgated.

Mr. Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 and 31 were added to the Bill.

Shri T. T. Krishnamachari: Sir, I move:

"That after clause 31 of the Bill, the following new clause be inserted:

'31A. Act not to affect right of accountants to practice as such in Acceding States.— Nothing contained in this Act shall affect the right of any person who, at the commencement of this Act, is entitled to engage himself in the practice of accountancy in any Acceding State under any law in force in that State to continue to engage himself in the practice of accountancy in that State after the commencement of this Act.'

Sir, this again has been dealt with by the honourable Minister and it needs no further explanation.

Mr. Speaker: The question is:

"that after clause 31 of the Bill, the following new clause be inserted:

'31A. Act not to affect right of accountants to practice as such in Acceding States.— Nothing contained in this Act shall affect the right of any person who, at the commencement of this Act, is entitled to engage himself in the practice of accountancy in any Acceding State under any law in force in that State, to continue to engage himself in the practice of accountancy in that State after the commencement of this Act.'

The motion was adopted.

New Clause 31A was added to the Bill.

Mr. Speaker: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

The Schedule was added to the Bill.

Shri B. K. Sidhva: Sir, I beg to move:

"That in sub-clause (2) of clause 1 of the Bill, for the words 'as respects', the words 'with respect to' be substituted."

Sir, it should be "with respect to" and not "as respects" as appearing here.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 1 of the Bill, for the words 'as respects', the words 'with respect to' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill,"

The motion was adopted.

Clauses 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri K. C. Neogy: Sir, I move:

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

Mr. Speaker: The question is:

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

The motion was adopted.

INDIAN SUCCESSION (AMENDMENT) BILL

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to move:

"That the Bill further to amend the Indian Succession Act, 1925, be taken into consideration."

Sir, it is a very simple Bill. Succession certificates granted by District Judges from Acceding States are recognized by the courts in India but not the certificates granted by the District Judges from the territory of Hyderabad. What the Bill provides is that this will also be the case with regard to certificates granted by the District Judges in the Hyderabad territory. Sir, I move.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Succession Act, 1925, be taken into consideration."

The motion was adopted.

Mr. Speaker: We take up the clauses now.

Maulana Hasrat Mohani (U.P.: Muslim): Sir, I want to oppose this Bill.

Mr. Speaker: He can oppose the clauses now. The motion for consideration has already been carried.

Maulana Hasrat Mohani: I do not want to oppose any clause. I have to suggest that if some change is made in the Preamble of the Bill, it may not be necessary at all to oppose the Bill.

Mr. Speaker: My point is that if he has nothing to suggest in respect of the clauses and has only to make suggestions with reference to the Preamble, he may speak when I put the Preamble to the House.

Maulana Hasrat Mohani: It will be useless to express my views at that time; I want to express them here and now.

Mr. Speaker: All right.

Maulana Hasrat Mohani: Sir, I am sorry that I have most reluctantly to come forward to oppose this Bill. Not that I don't appreciate the motive

behind this Bill which is to remove certain difficulties, but in my opinion, this Bill is quite unnecessary. My reason for saying that is that as far as Section 382 of the Act is concerned, there was no mention there of any Acceding State. It was at the instance of the Governor-General, according to the rules adopted in the Constituent Assembly, that certain changes were introduced but otherwise the whole section remains as it was. Now, we find, on closely reading this section, that it introduces three parties: the first is the Indian Government, the second is the Acceding State, and the third are foreign States.

Sir, my submission is that there can be no half-way house between an Acceding State and a foreign State. What is the real fact? The Nizam or the Hyderabad Government has not as yet signed the Instrument of Accession, and as such Hyderabad remains in the position of a foreign State. I do not object if you introduce a change and say that we place Hyderabad State in the same category because it is the lookout of the Indian Government to say that they will accept any succession declaration whether made by a foreign Government or by the Government of Hyderabad. What I object to is the wording of this Bill. It says:

"In section 382 of the Indian Succession Act, 1925, after the words 'an Acceding State', the words 'or the State of Hyderabad' shall be inserted."

And then in the Statement of Objects and Reasons it says:

"This is causing considerable inconvenience to the public and it is therefore necessary that Hyderabad should in this respect be put in the same position as the Acceding States."

Shri R. K. Sidhva (C. P. and Berar: General): What are his grounds for opposition?

Maulana Hasrat Mohani: My ground is that it is not necessary to have this wording that Hyderabad should be put in the same position as the Acceding States. There is a suspicion in my mind that by introducing these words you are thrusting this on the Hyderabad State without their consent. Therefore, what I want to suggest is this. We know that the Hyderabad Government is now in quite a conciliatory mood. It has expressly declared that it is not opposed to any of the things proposed by the Indian Government. They have got no foreign relations. The Nizam has voluntarily ended his *Sarf-e-khas* system and the *jagirdari* system. He has also accepted that he will henceforth act as a democratic Ruler with an elected Cabinet. There remains nothing in which we can expect any opposition from the Nizam. Therefore, if we want to be in a conciliatory mood, we can also say after the words, "an Acceding State", also, "the State of Hyderabad". If we say that, I will be able to co-operate in this matter. I am sure they will be agreeable to this and that they will have no objection to it. When Hyderabad has agreed to throw in their rights with the Indian Government on other bigger matters, I don't think there is any difficulty in saying this. Also, there is no harm if we do use some such words. Therefore, what I appeal and what I suggest is this. If we add these few words. "The State of Hyderabad is agreeable to co-operate with us" it at once removes that difficulty. Otherwise, it may appear that we are bringing the Hyderabad State in the same category as Acceding States over its head. We know that the State is agreeable to act according to our wishes and they have actually agreed to do so and co-operate in every matter. If we add these few harmless words, I think it will only be conceding something necessary. It will also be quite consistent with the attitude of my friend, Sardar Patel for whom I give my expression of appreciation on his attitude towards Hyderabad. His attitude has been generous and very conciliatory.

[Maulana Hasrat Mohani]

and in a way very magnanimous. I am sorry he is not here, otherwise I would have appealed to him directly and told him that as he has been so very generous to the Nizam's Government and the Nizam, if we add a few words after the.....

Mr. Speaker: The honourable Member is now repeating it for the third time.

Maulana Hasrat Mohani: If these few words are inserted then I support this Bill. But if they are not put in then I am sorry I have to oppose this Bill altogether because as I have said before there is no half-way house between an Acceding State and a foreign State. We cannot make something of a hybrid and say it is neither an Acceding State nor a foreign State. What is it then? Therefore if you accept my suggestion I have no objection and I will fully support this Bill. Otherwise, I am sorry that I have to oppose it categorically.

Shrimati G. Durgabai: *rose—*

Mr. Speaker: I do not think any explanation is necessary.

The Honourable Shri N. V. Gadgil: I would have been surprised if the Maulana had not made the speech which he has made. I will ask him to reconcile himself to what is inevitable and what is going to be inevitable. The Hyderabad State is not at present included in the Indian Succession Act. The attempt now by this Bill is to include it, because its exclusion is causing great hardship to the people and the State belongs to the people and not to the Nizam.

Maulana Hasrat Mohani: I accept but.....

Mr. Speaker: Order, order. No reply.

The question is:

"That clauses 1 and 2 stand part of the Bill."

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN PASSPORT (AMENDMENT) BILL

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

"That the Bill to amend the Indian Passport Act, 1920, be taken into consideration."

This is also a simple Bill. It has become necessary in order to have complete security in the Indian territory and the only intention is to include the Acceding States by the provisions of this Bill. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to amend the Indian Passport Act, 1920, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is: .

"That clauses 1 to 5 stand part of the Bill."

The motion was adopted.

Clauses 1 to 5 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

REGISTRATION OF FOREIGNERS (AMENDMENT) BILL

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

"That the Bill to amend the Registration of Foreigners Act, 1939, be taken into consideration."

The object of this Bill is similar to the object of the Bill that has just been passed by this House, namely, to secure complete security and to have the registration of foreigners who may be living in the Acceding States. This is a simple measure. Sir, I move.

Mr. Speaker: The question is:

"That the Bill to amend the Registration of Foreigners Act, 1939, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1 to 6 stand part of the Bill."

The motion was adopted.

Clauses 1 to 6 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri N. V. Gadgil: Sir, I move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Speaker: That brings the session to a close, and I heartily thank the Members for all the co-operation that they have given to me.

The Assembly then adjourned sine die.