

Thursday
15th December, 1949

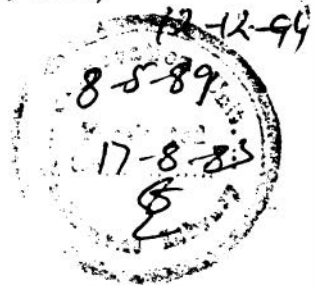
THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

VOLUME IV, 1949

(28th November to 24th December, 1949)



SIXTH SESSION
OF THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949

CONTENTS

VOLUME IV—28TH NOVEMBER TO 24TH DECEMBER, 1949

	PAGE
MONDAY, 28TH NOVEMBER, 1949—	
Starred Questions and Answers	1—36
Unstarred Questions and Answers	37
Statements laid on the Table	37
TUESDAY, 29TH NOVEMBER, 1949—	
Starred Questions and Answers	39—68
Unstarred Questions and Answers	68
WEDNESDAY, 30TH NOVEMBER, 1949—	
Starred Questions and Answers	69—107
Unstarred Questions and Answers	107— 68
THURSDAY, 1ST DECEMBER, 1949—	
Starred Questions and Answers	109— 44
Unstarred Question and Answer	144
FRIDAY, 2ND DECEMBER, 1949—	
Starred Questions and Answers	145— 79
Unstarred Question and Answer	179
Short Notice Question and Answer	180— 81
MONDAY, 5TH DECEMBER, 1949—	
Declaration by Members	183
Starred Questions and Answers	183—216
TUESDAY, 6TH DECEMBER, 1949—	
Starred Questions and Answers	217— 54
WEDNESDAY, 7TH DECEMBER, 1949—	
Starred Questions and Answers	255— 82
THURSDAY, 8TH DECEMBER, 1949—	
Starred Questions and Answers	283—315
Unstarred Questions and Answers	315— 16
FRIDAY, 9TH DECEMBER, 1949—	
Starred Questions and Answers	317— 44
MONDAY, 12TH DECEMBER, 1949—	
Starred Questions and Answers	345— 72
TUESDAY, 13TH DECEMBER, 1949—	
Starred Questions and Answers	373—413
Unstarred Questions and Answers	413— 17
WEDNESDAY, 14TH DECEMBER, 1949—	
Starred Questions and Answers	419— 55

	PAGE S
THURSDAY, 15TH DECEMBER, 1949—	
Starred Questions and Answers	457— 94
Unstarred Questions and Answers	494— 95
FRIDAY, 16TH DECEMBER, 1949—	
Starred Questions and Answers	497—528
Unstarred Questions and Answers	528— 30
MONDAY, 19TH DECEMBER, 1949—	
Starred Questions and Answers	531— 61
Unstarred Questions and Answers	561— 62
Short Notice Questions and Answers	562— 64
TUESDAY, 20TH DECEMBER, 1949—	
Starred Questions and Answers	65— 92
Unstarred Questions and Answers	593— 94
WEDNESDAY, 21ST DECEMBER, 1949—	
Starred Questions and Answers	595—627
Unstarred Questions and Answers	627— 31
THURSDAY, 22ND DECEMBER, 1949—	
Starred Questions and Answers	633— 61
Unstarred Question and Answer	662
Short Notice Questions and Answers	662— 66
FRIDAY, 23RD DECEMBER, 1949—	
Starred Questions and Answers	667— 94
Unstarred Questions and Answers	694— 95
Short Notice Questions and Answers	695— 98
SATURDAY, 24TH DECEMBER, 1949—	
Short Notice Questions and Answers	699—705

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART I—QUESTIONS AND ANSWERS

Thursday, 15th December, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

QUININE

*621. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Health be pleased to state the annual consumption of Quinine in India?

(b) How much of this is imported and how much produced in India?

(c) What was the price at which quinine was imported and what is the cost of production in India?

(d) Have Government considered the question of expanding the cultivation of Cinchona for growing more quinine in India?

(e) Are Government aware that India can produce sufficient quantity of quinine if more land is brought into cultivation?

(f) What is the number of cases of Malaria reported in the years 1947, 1948 and up to July, 1949?

The Honourable Rajkumari Amrit Kaur: (a) The total consumption of quinine in India during 1948-49 was estimated to be about 3,00,000 pounds.

(b) About 1,00,000 pounds a year is manufactured in India and the rest is imported.

(c) No figures are available regarding the rates at which quinine is imported by the trade. The last occasion on which quinine was imported by Government was during 1947 when rates varying from Rs. 41 to Rs. 62 per pound were paid for imports from different sources. The average cost of manufacture of quinine in India is nearly Rs. 29 per pound.

(d) The Government of India have no plans for expanding the cultivation of cinchona but the Madras Government have sanctioned a scheme for the expansion of quinine production and have made arrangements for further planting of cinchona trees.

(e) Yes, but in view of the advent of synthetic anti-malarial drugs a large-scale expansion of cultivation is not considered advisable at present.

(f) Malaria is not a notifiable disease and exact figures as to its incidence are not available. The Health Survey and Development Committee estimated in their report that about 100 million people suffered from malaria every year in undivided India.

Shri R. K. Sidhva: May I know from the Honourable Minister whether an alternative to quinine is also imported from foreign countries and if so, what its quality is and whether the Central Government or any of the Provinces have substituted that for quinine?

The Honourable Rajkumari Amrit Kaur: Drugs for instance like paludrine are imported from outside and it is because this particular synthetic drug is found to be safer, much cheaper and more effective in the routine treatment of malaria that most of the Governments are not now anxious to increase the cultivation of cinchona, and they are not so interested therefore in the purchase of quinine.

Shri R. K. Sidhva: Is the synthetic more effective for malaria?

The Honourable Rajkumari Amrit Kaur: I just said that for the routine treatment of malaria this synthetic drug is more effective and much cheaper; quinine is effective in cases of malignant malaria.

Shri R. K. Sidhva: Do Government intend taking steps to manufacture the synthetic drug in India?

The Honourable Rajkumari Amrit Kaur: Yes, Sir. When the Penicillin Factory in Bombay begins working it will produce paludrine also.

सेठ गोविन्द दास : क्या मलेरिया के लिये कुनीन के सिवा और कोई ऐसी आयुर्वेदिक दवा नहीं है, और क्या इस मामले में कोई सिफारिश चोपड़ा कमेटी ने नहीं की है ?

Seth Govind Das: May I know whether there is no Ayurvedic medicine to substitute quinine in the treatment of Malaria, and has any recommendation been made in this connection by the Chopra Committee?

आनरेबिल राजकुमारी अमृतकौर : मैं इस वक्त यह नहीं कह सकती कि कितनी और दवायें हैं जो वैश्व हमारे लोगों को देते हैं। लेकिन अभी जो कमेटी बंटाई गई है, उसका यह भी मकसद होगा कि हमारी जो देसी दवायें हैं उनमें भी रिसर्च की जाय और देखा जाय कि तमाम बीमारियों के लिये उनका क्या उपयोग हो सकता है।

The Honourable Rajkumari Amrit Kaur: I cannot say now how many other medicines are prescribed by our *Vaidyas*. But this also shall be a point for consideration by the Committee which has now been set up to carry out research in our existing indigenous medicines and investigate what use could be made of these for all the maladies.

Shri Brajeshwar Prasad: Is there any plan or scheme to have correct statistics in respect of the incidence of malaria in this country?

The Honourable Rajkumari Amrit Kaur: I have already said that since it is not a notifiable disease it will be perfectly impossible to get correct statistics.

Shri V. I. Muthuswamy Pillay: As quinine production has become a national industry, will the Honourable Minister give an assurance that the extent of land taken up for cinchona plantation will not be so curtailed as will entail the many thousands of labourers employed in this industry going out of employment?

The Honourable Rajkumari Amrit Kaur: As far as an assurance of that type is concerned, I cannot give it because it all depends upon the amount of quinine that the Governments of the Provinces and States of India will purchase. But for this year at any rate the cinchona plantations are continuing to function as before and no reduction has been made.

Shri V. I. Munishwamy Pillay: A few months back there was a conference to revise the policy of the Government in regard to cinchona plantation. Will the Government lay before the House a copy of that report and also take the House into confidence before they come to any decision in regard to reduction in cinchona plantation?

The Honourable Rajkumari Amrit Kaur: The decision, as I have already told the Honourable Member, was that for the next year there was to be no reduction in the production of quinine and the Madras Government is actually increasing its production.

Shri P. T. Chacko: May I know whether Government consider quinine as a harmless and effective remedy for malaria or whether the remedy is more harmful than the malady?

Shri B. K. Sidhva: In reply to part (f) of the question the Honourable Minister stated that figures are not available. May I know whether she is in a position to state whether malaria at present is on the increase compared with the previous year or what the position is?

The Honourable Rajkumari Amrit Kaur: I would have to have notice of that question if it is put in terms of the whole of India. But I venture to submit that I do not think it is on the increase.

Shri S. V. Krishnamoorthy Rao: Has it come to the notice of the Government that specially in the hilly tracts of India more than fifty per cent. of deaths are due to malaria?

The Honourable Rajkumari Amrit Kaur: I am not aware of the exact figures. As I have said it is very difficult to get figures of a disease which is not notifiable. But we are aware of those districts where malaria is more extant than in others.

Shri S. V. Krishnamoorthy Rao: May I know what attempts are being made to manufacture paludrine in India?

The Honourable Rajkumari Amrit Kaur: I have already replied to that question also, that when the Penicillin Factory comes into being paludrine will also be manufactured.

Shri T. T. Krishnamachari: In view of the fact that the Government seem to be committed to the manufacture of paludrine, have they revised their policy with regard to quinine?

The Honourable Rajkumari Amrit Kaur: I think that point has been already covered in my replies. There is no question of a revision of policy. The quinine production is maintained at the same level for the next year. But in view of the fact that synthetic drugs, paludrine in particular, are more effective and cheaper, Government naturally have to consider its use.

Shri B. K. Sidhva: May I know whether in the Centrally Administered Areas malaria is on the increase or decrease this year as compared with the previous year?

The Honourable Rajkumari Amrit Kaur: It has definitely decreased.

Shri Upendranath Barman: Will the Honourable Minister assure the House that there is no large accumulation of quinine in the cinchona factory at Mungloo in West Bengal?

The Honourable Rajkumari Amrit Kaur: I would have to have notice of that question.

ECONOMY COMMITTEE

*622. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to state what were the recommendations of the Economy Committee for each Ministry and what were the reactions of the Ministry concerned and the Standing Committee of that Ministry relating to these proposals?

(b) What actual economy has been caused in each Ministry?

(c) What are the differences between the proposals of the Economy Committee and those of the Government regarding their implementation?

(d) What is the net saving in each Ministry?

(e) Has economy been effected by the retrenchment of staff?

(f) If so, what is the number and designation of staff retrenched in each Ministry?

(g) Is the retrenched staff dispensed with or re-employed in other Departments?

(h) From what date have the proposals come into effect?

The Honourable Dr. John Matthai: (a) to (c). A copy of the Economy Committee's Reports is placed on the Table of the House [*Placed in the Library. See Nos. IV-O.O(62), IV-O.O(63) and IV-O.O(64).*]

As regards the action taken thereon, the attention of the Honourable Member is invited to the reply given on the Floor of the House to Starred Question No. 386, asked by Shri Basanta Kumar Das on the 7th December, 1949.

(d) to (f). Information regarding these as a result of the *ad hoc* lump sum cut is not at present available, but it will be placed on the Table of the House in due course.

(g) Information is not readily available.

(h) The *ad hoc* cut was generally applied from October, 1949.

Shri R. K. Sidhva: The other day the Honourable Minister stated that the Report of the Economy Committee will be sent to each Member. May I know whether he is prepared to send it to each Member or proposes to be content with placing it on the Table of the House?

The Honourable Dr. John Matthai: I find on enquiry that there are not quite enough copies. So I am doing the next best thing.

Shri R. K. Sidhva: With respect to questions arising out of parts (e), (f) (g) and (h), will the Honourable Minister at least indicate to the House as to what is the total number of personnel that has been retrenched and what has been the monetary effect of it? Will he give some idea of it?

The Honourable Dr. John Matthai: I would suggest to the Honourable Member that details regarding the implementation of these economy proposals would be available to the House during the Budget discussion and would suggest to him that he should wait till then.

Shri Harihar Nath Shastri: Have the Government kept in view that activities of such Departments as are doing social and welfare service are not hampered as a result of any economy measure?

The Honourable Dr. John Matthai: These are among the various considerations that Government keep in mind.

Shri Harihar Nath Shastri: Have retrenchments been made or are they proposed to be made at the sweet will of the Departmental heads or is it on the basis of any principle?

The Honourable Dr. John Matthai: Not at anybody's sweet will but as a matter of hard necessity.

Shri Harihar Nath Shastri: Even if it is as a measure of necessity I want to know if such retrenchments are proposed to be made, if any, at the option of the Departmental heads or according to any procedure or principle. That is the simple question.

The Honourable Dr. John Matthai: I think, Sir, I told the House last week when a similar question was put to me, that the policy of Government with regard to effecting economy is that they would try to do it as far as possible without large-scale retrenchment. That is one of the matters which they have in mind on this question.

Shri R. K. Sidhva: The Honourable Minister stated that this question be better held over for answer in the Budget discussion. In view of that, may I know whether he will still not consider printing more copies of the Economy Committee's Report so that the Members may study it and be prepared to take part in the Budget discussion on this matter.

The Honourable Dr. John Matthai: I would suggest to my honourable friend that since we have practically superseded the Economy Committee's proposals, since we have gone far ahead of those proposals, it is not going to serve my honourable friend's purpose to have this unnecessary expenditure incurred.

Shri H. J. Khandekar: Will this retrenchment affect the Harijan servants in the Secretariat?

The Honourable Dr. John Matthai: We have not made any caste or class distinction in this matter.

Sjt. Kuladhar Chaliha: May I know whether the economy drive had led to inefficiency?

The Honourable Dr. John Matthai: I believe it is gradually raising the standard of efficiency.

Mr. Frank Anthony: Is there any truth in the allegation that about 10,000 employees are surplus to the real requirements of the Central Secretariat?

The Honourable Dr. John Matthai: I am not aware.

Shri V. I. Munishwamy Pillay: As the 12½ per cent. proportion fixed for the Scheduled Castes in the Government services has not been reached, will the Government consider the advisability of not retrenching any of the Scheduled Caste people from the departments?

The Honourable Dr. John Matthai: Yes.

Shri Raj Bahadur: May I know whether as a result of the implementation of the recommendations of the Economy Committee's Report or otherwise, the

retrenchment axe will fall more on the gazetted staff or on the clerical establishment?

The Honourable Dr. John Matthai: I told my honourable friend Mr. Sidhva that we are trying to avoid retrenchment on a large-scale.

Shri Harhar Nath Shastri: Is any compensation proposed to be paid to employees who have been retrenched or are likely to be retrenched, to enable them to tide over the period of unemployment?

The Honourable Dr. John Matthai: If we reach a stage where retrenchment on a large-scale unfortunately and unexpectedly becomes necessary, that certainly is a proposal that will be taken into account.

Shri Mahavir Tyagi: Was the question of enquiring into our trade balances also within the purview of this Economy Committee?

The Honourable Dr. John Matthai: No.

CUSTOMS IRREGULARITY

*623. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to state whether it is a fact that on or about the 15th July, 1949, the Maharao of Kutch refused to show his suit case to the customs authorities for purposes of assessment when he landed in Bombay from America?

(b) If so, what action has been taken by Government in the matter?

(c) Is the Maharao or any of his relations exempted from the levy of customs duty on personal articles brought by them and if so, under what Act?

The Honourable Dr. John Matthai: (a) The reply is in the negative.

(b) Does not arise.

(c) His Highness the Maharao of Kutch is entitled to exemption from import duty in respect of articles comprising his personal baggage. Such exemption would be admissible to the members of his family also, in case they travel with him. Section 75 of the Sea Customs Act, 1878 read with Section 24 of the same Act, contains the necessary authority for Government granting exemptions regarding baggage.

Dr. P. S. Deshmukh: In view of the fact that the Members of Parliament are not going to be more than the number of Rulers who are gone, would the Honourable Minister consider the suggestion that the Members of this House should be exempt from customs duties?

The Honourable Dr. John Matthai: No, Sir.

CLERICAL STAFF

*624. **Shri B. K. Sidhva:** Will the Honourable Minister of Finance be pleased to state:

(a) the number of clerical staff in the Central Secretariat of the Government of India and the total salary paid to them during the years 1939, 1948 and upto September 1949; and

(b) the number of Secretaries, Joint Secretaries, Under Secretaries, and Assistant Secretaries in various Ministries during the above periods, and also salaries paid to them.

The Honourable Dr. John Matthai: (a) and (b). Two statements giving the required information are placed on the Table of the House (See *Appendix XVI, annexe No. 1*).

Shri R. K. Sidhva: What are the totals of (a) and (b)?

The Honourable Dr. John Matthai: I take it the Honourable Member wants the latest figures?

Shri R. K. Sidhva: Yes.

The Honourable Dr. John Matthai: On 1st September, 1949, the total number of ministerial staff was 6,718. That is for the first eight months of the year 1949. Against that the total expenditure for the same period is about Rs. 80 lakhs.

Shrimati Reuka Ray: Is it a fact that there are more Secretaries, Joint Secretaries, Under Secretaries and Assistant Secretaries in the Government of India now than there were during the war period, but without a corresponding increase in efficiency?

The Honourable Dr. John Matthai: There has been a very large increase in work since we became an independent country and correspondingly it has been necessary also to increase the staff. That is the experience of all countries that have introduced a democratic form of Government.

Shri R. K. Sidhva: May I know what is the total number and amount under (b)?

The Honourable Dr. John Matthai: It is very difficult to give the total number—I have got a very detailed statement and if my honourable friend has any doubts or wants to get any arithmetic done for him I am at his disposal.

Mr. Deputy-Speaker: Such questions should be better put as Unstarred Questions, and if any particular points have to be asked as supplementaries then those questions can be placed before this House.

Shri R. K. Sidhva: That would take very long, Sir.

MENTAL DISEASES

*625. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Health be pleased to state the number of persons in India who suffer from mental diseases?

(b) How many cases are cured?

(c) Are there any instances whereby insane persons have been cured in hospitals?

(d) How many beds are provided for mental patients in India?

(e) What are the causes for the increased number of mental diseases?

The Honourable Rajkumari Amrit Kaur: (a) and (b). It is not possible to give precise information as no survey of cases of mental diseases has been carried out so far. The only information which can be given is about the number of admissions of such cases in the mental hospitals in India and the number of discharges after cure. This information is being collected from the Provincial Governments and will be laid on the Table of the House as soon as available.

(c) Yes. There are many instances.

(d) A statement containing the information is laid on the Table of the House (See *Appendix XVI, annexure No. 2, statement I*).

(e) The causes for the increase are many. I place on the Table of the House extracts from notes recorded on the subject by two experts, Dr. M. V. Govindaswamy, Superintendent, Mental Hospital, Bangalore, and Major R. B. Davis, Medical Superintendent, Inter-Provincial Mental Hospital, Ranchi which provide some explanation (See *Appendix XVI, annexure No. 2, statement II*).

Shri E. K. Sidhva: Will the Honourable Minister please state whether any medical experts have given the figures of total number of persons suffering from mental diseases and the total number of beds required?

The Honourable Rajkumari Amrit Kaur: I have already stated that no mental survey has been done and therefore I cannot give the number of patients suffering from mental diseases in India. But I can give the numbers in the hospitals and I have given in my statement the names of the mental hospitals in India and the number of beds in those hospitals.

Shri Brajeshwar Prasad: Will the Honourable Minister be pleased to state whether monogamy is also one of the causes of mental diseases?

Dr. P. S. Deshmukh: With reference to part (e) may I know whether any new causes have been discovered or the causes mentioned are the old ones?

The Honourable Rajkumari Amrit Kaur: There are no new causes of insanity, but in India recently owing to the upheaval, lots of persons have suffered mentally because of shocks and have been sent to our asylums.

Sjt. Bohini Kumar Chaudhuri: May I know whether the number of female patients suffering from mental diseases is greater than that of the males?

The Honourable Rajkumari Amrit Kaur: I have no information on that point, but I don't think so.

Sardar Hukam Singh: Are these mental hospitals run on modern lines and staffed with expert doctors trained in modern methods to cure these mental aberrations or are these only detention camps for insane persons?

The Honourable Rajkumari Amrit Kaur: No, Sir. The hospitals are manned, as far as possible, by experts and those who have special training in psychiatry.

Maulana Hasrat Mohani: May I know the name of the province which has the largest number of insanes?

An Honourable Member: U.P.

Sardar Hukam Singh: May I know whether the number of insanes has increased after the attainment of freedom?

The Honourable Rajkumari Amrit Kaur: There seems to have been a slight increase.

MEDICAL INSTITUTIONS.

*626. **Dr. Mono Mohon Das:** Will the Honourable Minister of Health be pleased to state the names of the institutions in India, where post-graduate training is given to medical graduates?

The Honourable Rajkumari Amrit Kaur: A list of institutions where post-graduate training is imparted to medical graduates is placed on the Table of the House (See *Appendix XVI, annexure No. 3*).

Dr. Mono Mohon Das: May I know whether these institutions are under the direct control of the Central Government?

The Honourable Rajkumari Amrit Kaur: No.

Dr. Mono Mohon Das: May I know whether every one of these institutions is financially helped by the Central Government?

The Honourable Rajkumari Amrit Kaur: Inasmuch as the Central Government give grants to provinces for their schemes.

Shri Satis Chandra Samanta: How many of these institutions are under the direct management of the Central Government?

The Honourable Rajkumari Amrit Kaur: I think the Central Government have about six institutions under their care.

Shri Raj Bahadur: May I know whether any special arrangements in any of these institutions are made for post-graduate training in orthopædics?

The Honourable Rajkumari Amrit Kaur: Yes.

Shri Raj Bahadur: May I know in which of them?

The Honourable Rajkumari Amrit Kaur: I think Bombay, Madras and Lucknow have orthopædic training.

Shri Raj Bahadur: Any one at Delhi?

The Honourable Rajkumari Amrit Kaur: No.

Shrimati Renuka Ray: Would the Honourable Minister kindly tell us which are the institutions that are to be upgraded?

The Honourable Rajkumari Amrit Kaur: None have been upgraded, but the Government of India have a scheme to upgrade eight institutions straightaway. The Government Hospital for Women and Children, the Madras Medical College (the Anatomy Department), the Madras Medical College (the Venereal Diseases Department), the Tata Memorial Hospital in Bombay in collaboration with the Seth Govardandas Sunderdas Medical College, the Patna Medical College, Mental Hospital in Bangalore, Department of T.B. in the Delhi University and the All-India Institute of Hygiene and Public Health in Calcutta.

Dr. Mono Mohon Das: May I know whether some of the examinations of the British post-graduate medical training like M.R.C.P. and F.R.C.S. are still held in this country?

The Honourable Rajkumari Amrit Kaur: They are no longer held in this country.

MALARIA INSTITUTE OF INDIA

*627. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of Health be pleased to state when the Malaria Institute of India first came into existence?

(b) Is there any other similar institution anywhere in India and if so, where is it situated?

(c) How many students are taking training in the institute at present?

(d) What is the total expenditure incurred by Government on this Institution up-to-date?

The Honourable Rajkumari Amrit Kaur: (a) The Malaria Institute of India, originally known as Malaria Survey of India, was founded in 1927 by the

Indian Research Fund Association. The Public Health Section of the Institute was taken over by Government on the 1st April, 1940, and the Research Section and the Southern India Branch were taken over on the 1st March, 1946.

(b) No. In fact it is a unique Institute in the East.

(c) A statement is laid on the Table of the House.

(d) Expenditure incurred by Government from the 1st April, 1940, up to the 30th September, 1949, is Rs. 16,54,309.

STATEMENT

Number of students who took training in Malaria Course at the Malaria Institute of India during 1949

Course	Number of Courses held	Duration of Course	Number of Students
Malaria Course for Medical Officers	one	three months	Eighteen (including two from Siam, two from Afghanistan, one from Ceylon and one from Nepal. Candidates from Burma could not join.)
Malaria Course for Malaria Inspectors.	two	one month	56
Malaria Course for Engineers.	one	one week	31

Dr. Mono Mohon Das: May I know whether this Malaria Institute has any practical demonstration classes for the prevention of malaria as part of its curriculum?

The Honourable Rajkumari Amrit Kaur: It has.

Dr. Mono Mohon Das: May I know whether the methods adopted or taught by the Malaria Institute differ substantially from those adopted by the Demonstration Team that has come from W.H.O.?

The Honourable Rajkumari Amrit Kaur: No. They do not differ.

Dr. Mono Mohon Das: May I know whether the teaching staff of this Malaria Institute are less qualified than members of the Demonstration Team for Malaria that has come from W.H.O.?

The Honourable Rajkumari Amrit Kaur: No, Sir.

Shri M. Tirumala Rao: With regard to (b), considering the size of the country and the incidence of the disease in the country, do Government propose to have some more institutions of this kind established in other parts of the country?

The Honourable Rajkumari Amrit Kaur: Government have many schemes for the expansion of such and other institutions.

HIGHER SECONDARY SCHOOLS

*626. **Seth Govind Das:** Will the Honourable Minister of Education be pleased to state what has been the effect of the new system of education in Delhi University, *vis.*, opening of higher secondary schools with 11 years course followed by three years' degree course?

آنریبل مولانا ابوالکلام آزاد : ہائپر سکولری ایجوکیشن کا یہ سسٹم صرف پانچ برس ہوئے کہ چلایا گیا ہے۔ گورنمنٹ آف انڈیا سینٹرل ایڈوائزری بورڈ آف ایجوکیشن کے اس تجویز پر آجکل سوچ بچار کر رہی ہے۔ کہ ایک سکولری ایجوکیشن کمیشن بنھایا جائے جو اس معاملہ کے تمام پہلوؤں کی جانچ پڑتال کرے اور اپنی رپورٹ گورنمنٹ کے سامنے رکھے۔ گورنمنٹ خیال کرتی ہے کہ اس بارے میں تھیک رائے اسی سے لی جاسکتی ہے۔

The Honourable Maulana Abul Kalam Asad: The system of Higher Secondary Education by which a student leaves the school after an eleven year course has been in operation for a period of five years only. Government is however, considering the recommendations of the Central Advisory Board of Education to appoint a Secondary Education Commission which will after an enquiry into all matters connected with Secondary Education and surveying the systems prevalent in India, make a report to the Government of India.

سےٹ گوویند داس : क्या यह सही नहीं है कि इन पांच वर्षों में जो तजुर्बा हुआ है वह संतोषजनक है ?

Seth Govind Das: Is it not a fact that the experiment made during these five years has proved to be successful?

آنریبل مولانا ابوالکلام آزاد : لوکل گورنمنٹ کی رپورٹ یہ ہے کہ یہ تجربہ کامیاب ہوا ہے۔ دہلی یونیورسٹی کے وائس چانسلر کی بھی یہی رائے ہے۔

The Honourable Maulana Abul Kalam Azad: The report of the Local Government is that this experiment has proved a success. This is also the opinion held by the Vice-Chancellor, Delhi University.

سےٹ گوویند داس : अगर यह तजुर्बा कामयाब हुआ तो क्या इस सम्बन्ध में गवर्नमेंट भिन्न भिन्न प्रांतों को लिखेगी कि वह भी इस चीज को स्थान दें ?

Seth Govind Das: If this experiment proves a success, will Government write to different Provinces that they should also make provision to this effect?

آنریبل مولانا ابوالکلام آزاد : چونکہ اس معاملہ کے دوسرے پہلو بھی گورنمنٹ کے سامنے آئے ہیں اس لئے یہ مناسب سمجھا گیا کہ ایک ہائپر سکولری کمیشن بنھایا جائے جو تمام پہلوؤں پر غور کرے تاکہ اس بارے میں مناسب قدم اٹھائے جاسکیں۔

The Honourable Maulana Abul Kalam Azad: Because other aspects of this matter have also been brought before the Government, it has, therefore, been considered expedient that a Higher Secondary Commission should be appointed which may study all the points so that proper action may be taken in this matter.

مولانا حسرت موہانی : کہا یہ امر واقعہ ہے کہ تمام ورنیکولر سکول بند کر دئے گئے ہیں - اور اگر کئے گئے ہیں تو کیوں ؟

Maulana Hasrat Mohani: Is it a fact that all Vernacular Schools have been closed, and if so, why?

آنریبل مولانا ابوالکلام آزاد : میں نہیں سمجھتا کہ جو بات آنریبل ممبر پوچھتے ہیں اسکا اس سوال سے کیا تعلق ہے ؟

The Honourable Maulana Abul Kalam Azad: I do not understand how does this arise out of this question?

श्री राज बहादुर : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि जो उन्होंने बताया कि उपाय सफल हुआ है तो वह किस प्रकार और किस रूप में सफल हुआ है ?

Shri Raj Bahadur: Will the Honourable Minister be pleased to state how and in what form the experiment has proved to be a success?

آنریبل مولانا ابوالکلام آزاد : لوکل گورنمنٹ کی رپورٹ یہ ہے کہ ایک برس کے بچہ جانے سے قابلیت کا فیصد بڑھ گیا ہے اور جو لڑکے یونیورسٹی میں جاتے ہیں وہ زیادہ بہتر طریقہ سے تیار ہو کر جاتے ہیں - اسکے علاوہ دوسری باتیں بھی ہیں -

The Honourable Maulana Abul Kalam Azad: The report of the Local Government says that by increasing one year the standard of ability has been raised, and those students who go to the University, are better prepared. Apart from this, there are other things also.

بیگم اعجاز رسول : کیا محترم وزیر صاحب یہ بتا سکتے ہیں کہ صوبوں سے بھی کوئی رپورٹ آئی ہے کہ کسی صوبے میں اس طرح سے ہائیر سیکنڈری ایجوکیشن کا تجربہ شروع کیا گیا ہے ؟

Begum Aizaz Rasul: Will the Honourable Minister please state whether any report has been received from Provinces that experiments in this system of Higher Secondary Education have been started there?

آنریبل مولانا ابوالکلام آزاد : نہیں ایسی کوئی رپورٹ نہیں آئی ہے اور جہاں تک گورنمنٹ کو معلوم ہے شاید دوسرے صوبوں میں یہ تجربہ نہیں کیا گیا ہے -

The Honourable Maulana Abul Kalam Azad: No. No such report has been received and so far as Government are aware this experiment has not perhaps been made in other Provinces.

سردار بھوپیندر سنگھ مان : اس چیز کے پیش نظر کہ ہائیر سیکنڈری سکول

کی یہ تعلیم کامیاب ثابت ہوئی ہے جہاں تک قابلیت کا تعلق ہے باقی وہ کونسا پہلو ہے جس کے لئے یہ ضرورت محسوس ہوئی ہے کہ یہ کمیشن بتھایا جائے؟

Sardar Bhopinder Singh Man: In view of the fact that this system of Higher Secondary Education has proved a success, so far as ability is concerned, may I know what are the other points which have necessitated the appointment of this Commission?

آنریبل مولانا ابوالکلام آزاد: دوسرے پرائنٹوں میں یہ طریقہ اختیار نہیں کیا گیا ہے۔ اب اگر کوئی ودیارتھی باہر سے دہلی میں آتا ہے یا یہاں سے کوئی ودیارتھی دوسرے صوبے میں جاتا ہے تو اسے دقتیں پیش آتی ہیں۔

The Honourable Maulana Abul Kalam Azad: This system has not been introduced in other Provinces. Of course, if any student comes to Delhi from outside or goes from here to some other Province, difficulties do arise.

श्री राज बहादुर: जो माननीय मंत्री ने कहा कि क्वालिफिकेशन बढ़ जाती तो उसके जांचने का क्या तरीका है? क्या उपाय है?

Shri Raj Bahadur: The Honourable Minister has stated that the standard of ability is raised. May I know what is the criterion or method of judging that?

آنریبل مولانا ابوالکلام آزاد: میں نے ابھی کہا ہے کہ اس معاملہ کے بہت سے پہلو ہیں ایک پہلو جو ہمارے سامنے پانچ برس کے زمانے میں آیا ہے وہ یہ ہے کہ اسکا نتیجہ اچھا نکلا۔ ادھر یونیورسٹی کمیشن کی سفارش ہے کہ کم از کم بارہ برس کی مدت ہو۔ وہ ایک برس اور بڑھانا چاہتے ہیں اور گیارہ کی جگہ بارہ کرنا چاہتے ہیں۔ یہ تمام پہلو ایسے ہیں کہ ایک کمیشن کو ان پر پوری طرح غور و فکر کرنا چاہئے۔ صحیح رائے اسی وقت قائم کی جا سکیگی۔

The Honourable Maulana Abul Kalam Azad: I have just stated that this matter has got manifold aspects. One thing which has come before us during the period of five years is that it has yielded good results. The University Commission have, however, recommended that the period should at least be twelve years; they want to increase one more year, and wish to make it twelve instead of eleven. All these aspects are of such a nature that these should be carefully considered by a Commission. An opinion could only be formed at then.

Shri O. V. Alagesan: Has the University Commission made any recommendation in regard to this matter? If so, will the Report of the Commission be made available to Honourable Members of this Assembly?

آنریبل مولانا ابوالکلام آزاد: یہ مشکل ہے۔ یونیورسٹی کمیشن کی رپورٹ کی تہذیبی کمیٹیوں کو بھی اس طرح ان کو تقسیم کرنا گورنمنٹ کے لئے مشکل ہوگا۔

The Honourable Maulana Abul Kalam Azad: This is difficult as only a limited number of copies of the Report of the University Commission have been printed and it will not be possible for the Government to distribute them.

श्री सीताराम एस० जाजू : क्या माननीय मिनिस्टर साहब यह बतावेंगे कि जिन
सबों और रियासती यूनिवर्सिटी में नये बोर्ड कायम होने वाले हैं वहां इस तरह के
बोर्ड कायम होंगे ?

Shri Sita Ram S. Jajoo: Will the Honourable Minister please state whether such Boards will be set up in those Provinces and States Unions where new Boards are going to be constituted?

آنریبل مولانا ابوالکلام آزاد : اس طرح کی کوئی معلومات گورنمنٹ کے پاس

نہیں ہیں۔

The Honourable Maulana Abul Kalam Azad: Government are not aware of any such thing.

Shri Satish Chandra Samanta: Has this new system of education been accepted by any other University in India?

آنریبل مولانا ابوالکلام آزاد : جہاں تک گورنمنٹ کو معلوم ہے - نہیں۔

The Honourable Maulana Abul Kalam Azad: No, so far as Government are aware.

बाबू रामनारायण सिंह : मैं यह जानना चाहता हूँ कि जब एक्सपेरिमेंट
(experiment) हो चुके और एक्सपेरिमेंट्स (experiments) की सफलता भी
मालूम हो चुकी तब और कमीशन बैठाने की क्या जरूरत है ? जहां जहां
एक्सपेरिमेंट्स हुए और सफलता हो गयी वहां यह लागू क्यों नहीं किया जाता ?

Babu Ramnarayan Singh: May I know, Sir, what is the necessity of appointing another Commission, after experiments have been made and their success proved? What are the reasons for not enforcing this in those places where experiments have been made and success achieved?

آنریبل مولانا ابوالکلام آزاد : کمیشن صرف اسی بات پر غور کرنے کے لئے نہیں

بتھایا جا رہا ہے۔ جس طرح یونیورسٹی کمیشن یونیورسٹی ایجوکیشن کے لئے بتھایا

کیا تھا، اسی طرح سیکنڈری ایجوکیشن کے معاملہ پر از سر نو غور کرنے کے لئے ایک

کمیشن کی ضرورت سمجھی گئی ہے۔ کمیشن جہاں اور باتوں پر غور کرے گا، وہاں اس

مسئلہ پر بھی غور کیا جائیگا۔

The Honourable Maulana Abul Kalam Azad: The Commission is not being appointed to consider over this particular aspect only. Just as the University Commission was appointed in connection with the University education, similarly the necessity to constitute a Commission to consider *de novo* the question of secondary education has been felt. The Commission will also *inter alia* consider over this matter.

Shri Arun Chandra Guha: Has the Government received any representations from any secondary school or other institution seeking financial help as this system has involved them in great cost?

آنریبل مولانا ابوالکلام آزاد : نہیں - اس وقت کوئی ایسی درخواست گورنمنٹ کے سامنے نہیں ہے - لیکن یقیناً خرچ بڑھ گیا ہے ، اور ہر تعلیمی رہنماؤں سے خرچ بڑھ گیا -

The Honourable Maulana Abul Kalam Azad: No. No such representation is at present under the consideration of the Government. But surely the expenditure has been increased, and every educational reform is bound to raise the expenditure.

श्री सीताराम एस० जाजू : क्या गवर्नमेंट आफ इंडिया जिन प्रोवेंसों में नये बोर्ड कायम होने वाले हैं उनको यह सलाह देगी कि वहां इस तरह के बोर्ड कायम किये जाय ?

Shri Sita Ram S. Jajoo: Will Government of India advise the Provinces, where new Boards are likely to be set up, to constitute similar Boards?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ آف انڈیا سیکلڈری ایجوکیشن کمیشن کی رپورٹ کے بعد ان باتوں پر غور کریگی -

The Honourable Maulana Abul Kalam Azad: Government of India will consider over these aspects after the receipt of the report of the Secondary Education Commission.

HINDI ACADEMY

*629. **Seth Govind Das:** Will the Honourable Minister of Education be pleased to state if in view of the fact that Hindi has been declared to be the State Language, an Academy is going to be established which may be engaged in research and improvement of the proposed State Language by (i) compiling suitable dictionaries; (ii) publication of literature in subjects which do not have sufficient books; and (iii) publication of popular books on culture at cheap rates for the masses of India?

آنریبل مولانا ابوالکلام آزاد : ایجوکیشن منسٹری دو اکھٹوں پر دھیان دے رہی ہے - ایک یہ کہ سائنٹیفک ٹرمس کے لئے ہندی اور دوسری ہندوستانی بھاشاؤں کی ڈکشنری بنائی جا سکے - دوسری یہ کہ ٹیکسٹ بک تیار کی جائیں - ملسٹری سے جو مہکمہ ہیں وہ دیوالی ، نام کا نکل رہا ہے کو انگریزی اور ہندی دونوں میں نکلنے کا بھی خیال کیا گیا ہے - اس بارے میں کچھ اور کام بھی گورنمنٹ کے سامنے ہیں - مگر دیکھا یہ ہے کہ آجکل کی نقلی پوزیشن کہاں تک ساتھ دیکھی -

The Honourable Maulana Abul Kalam Azad: This Ministry has under active consideration a scheme to prepare a dictionary of Scientific Terminology for Hindi and other Modern Indian Languages and another to prepare text books in the Federal Language. It is also proposed to publish this Ministry's periodical *Deepavali* devoted to the 'education and welfare of the blind', both in English and Hindi. There are other schemes also before the Government which they intend to implement provided the financial position allows.

सेठ गोविन्द दास : क्या गवर्नमेंट को यह बात मालूम है कि इस तरह क प्रयत्न कुछ प्रांतों में हो रहे हैं, खासकर मध्य प्रान्त में, और यह भिन्न भिन्न प्रकार के प्रयत्न यदि हुए तो कई तरह की चीजें इस सम्बन्ध में आ जायेंगी ? क्या गवर्नमेंट आफ इंडिया इस सम्बन्ध में कुछ नहीं करेगी ?

Seth Govind Das: Are Government aware that similar efforts are also being made in some of the Provinces especially in the Central Provinces, and if these different attempts are made, many kinds of new things will come into being? Will not the Government of India do anything in this matter?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ کے سامنے یہ بات ہے گورنمنٹ چاہتی ہے کہ ایک سنڈرل یا کمی اس کام کے لئے قائم کر دے تاکہ تمام ملک میں ایک ہی ڈھنگ پر قدم اُٹے۔

The Honourable Maulana Abul Kalam Azad: This matter is under the consideration of the Government. Government desire that a Central body should be constituted to look after the work so that uniform action is taken throughout the country.

सेठ गोविन्द दास : क्या गवर्नमेंट इस बात को भी सोच रही है कि हिन्दी साहित्य सम्मेलन के सदस्य जो बहुत पुरानी संस्थाएं हैं उन से भी इस सम्बन्ध में सलाह ली जाय ।

Seth Govind Das: Are Government also considering that the advice of old institutions like the Hindi Sabitya Sammelan is sought in this connection?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ ضرور اس پر غور کرے گی۔

The Honourable Maulana Abul Kalam Azad: Government will surely consider it.

Shrimati G. Durgabai: "May I know, Sir, what step Government are taking to enrich this language, namely, Hindi, which has still to be developed by absorbing words which are in common use from other Provincial languages? Is it the function of this Academy to concern with that matter also?"

آنریبل مولانا ابوالکلام آزاد : ہاں - یہ ضروری کام ہے - لیکن ابھی تک اس بارے میں گورنمنٹ کو موقع نہیں ملا ہے کہ وہ کوئی پریکٹیکل قدم اٹھائے - گورنمنٹ کوڑھی کوپکی اور جہاں تک حالت ساتھ دیکھی اس مقصد کے لئے کام کیا جائیگا۔

The Honourable Maulana Abul Kalam Azad: Yes. This is an essential work. But so far Government had no opportunity to take practical steps. Government will make every effort and so far as circumstances permit, action will be taken to achieve this end.

सेठ गोविन्द दास : माननीय मंत्रीजी ने यह बात कही कि इस समय जो आर्थिक स्थिति है उसको देखते हुए यह काम किया जायगा। क्या गवर्नमेंट इस बात पर भी विचार करेगी कि इस समय जैसी आर्थिक स्थिति है वैसी रहने पर भी यह काम बहुत जरूरी है और किया जाना चाहिये ?

Seth Govind Das: The Honourable Minister has stated that action in this matter will be taken provided the present financial position allows. Will Government also consider the aspect that despite the present financial position the work is most essential and should be undertaken?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ ضرور سوچتی لیکن یہ ظاہر ہے کہ جب تک تھیلی کا مکہ نہیں کھلتا ہم ضرورت کی مانگیں کو لیکر کہا کر سکتے ہیں ؟

The Honourable Maulana Abul Kalam Azad: Government will certainly consider. But it is quite obvious that unless funds are made available, what can we do to meet the demands?

سٹھ گوویند داس : تو کیا گورنمنٹ اس بات پر بیچارہ کرے گی کہ جو اور کئی بھلیاں ہیں انکا منہ بند کر دیا جائے اور اس بھلی کا منہ کھول دیا جائے ؟

Seth Govind Das: Will Government then consider the desirability to appropriate funds from other items of expenditure and to utilize them for this purpose?

آنریبل مولانا ابوالکلام آزاد : میں اس خواہش میں آنریبل ممبر کے ساتھ ہوں ۔

The Honourable Maulana Abul Kalam Azad: I associate myself with this desire of the Honourable Member.

Shri S. V. Krishnamoorthy Rao: Has the Government examined the debates of the Constituent Assembly on the resolution for adoption of Hindi as the national language? If so, how is Government going to implement that resolution? Will they associate experts in other non-Hindi languages with this Academy?

آنریبل مولانا ابوالکلام آزاد : کانستٹی ٹیوٹیوٹ اسمبلی میں اس بارے میں جو کچھ طے پایا ہے اس کے مطابق گورنمنٹ آف انڈیا ضرور قدم اٹھائیگی اور پوری طرح کوشش کریگی ۔

The Honourable Maulana Abul Kalam Azad: The Government of India will surely take steps to implement the decision arrived at in this connection by the Constituent Assembly and do their utmost in the matter.

Shrimati G. Durgabai: Are the Government aware where there are other institutions also which concern themselves with the propagation of Hindustani will their advice be sought?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ ضرور یہ بات سامنے رکھے گی ۔

The Honourable Maulana Abul Kalam Azad: Government will certainly keep this in view.

Shri O. V. Alagesan: In view of the valuable work already done in this field by the Dakshina Bharat Hindi Prachar Sabha, Madras will Government consider giving financial assistance to that body?

آنریبل مولانا ابوالکلام آزاد : اس بارے میں مشکل ہے کہ میں کوئی وعدہ کر سکوں ۔

The Honourable Maulana Abul Kalam Azad: It is difficult for me to hold out any promise in this connection.

سردار بھوپندر سنگھ مان : ہندی کے متعلق جو کچھ قدم حکومت کی طرف سے اٹھایا جا رہا ہے کیا میں اُمید کروں کہ ہندی کی طرح جو اور زبانوں جیسے ہندوستانی میں لکھی جا رہی ہے وہ بھی ختم ہو جائے گی ؟

Sardar Bhopinder Singh Man: May I expect that action which will be taken by the Government with regard to Hindi shall also be taken in respect of other similar languages, such as Hindustani?

آئیٹیل - ولانا ابوالکلام آزاد : ہاں - گورنمنٹ تمام پہلوؤں کو سامنے رکھے گی -

The Honourable Maulana Abul Kalam Azad: Yes. Government will keep all the aspects in view.

Mr. Deputy-Speaker: Next question.

سٹھ گوویند داس : क्या गवर्नमेंट इसी के साथ यह विचार नहीं रखेगी कि हिन्दी और हिन्दुस्तानी का झगड़ा खत्म हो गया, कांस्टीट्यूट असेम्बली के निर्णय के बाद, और(Interruption).

Seth Govind Das: Will not the Government keep this in view, now that the controversy between Hindi and Hindustani is over after the decision taken by the Coustituent Assembly, and.....(Interruption).

Mr. Deputy-Speaker: Order, order. The Honourable Member is an old Parliamentarian and ought to know that this is not a discussion on a Resolution or a Bill. It is Question Hour. I have called the next question.

Seth Govind Das: But I want to appeal to you, Sir.....

Several Honourable Members: Order, order.

Mr. Deputy-Speaker: Will the Honourable Member resume his seat?

Seth Govind Das: I want to appeal to you, Sir, that nobody else but the Chair can call me to order within the House.—(Interruption).

Mr. Deputy-Speaker: I may have to adjourn the House if this continues. The Chair is in a position to take care of itself and Honourable Members need not say "Order, Order". It is for the Chair to do it. In the midst of this huge noise the Honourable Member who is asked by the Chair to resume the seat is possibly not able to hear me. I have repeatedly asked the Honourable Member. He is an old Member of this House. I am exceedingly sorry that he has not resumed his seat and is still going on speaking, though I have called the next question

Seth Govind Das: I could not hear you on account of this noise. (Interruption).

Mr. Deputy-Speaker: I cannot allow this, I do not want the assistance of the Honourable Members to keep order in this House. I shall try to do it to the best of my ability. Next question.

An Honourable Member: Does not the Chair want the Members' co-operation?

Mr. Deputy-Speaker: Their co-operation is to keep silent.

BROADCASTING STATIONS

*630. **Seth Govind Das:** Will the Honourable Minister of Information and Broadcasting be pleased to state the number of new Broadcasting Stations proposed to be opened with their location?

The Honourable Shri R. R. Diwakar: Two during the current financial year—one at Dharwar and the second at Calicut.

Shri P. T. Chacko: May I know whether the broadcasting station in Travancore which was formerly under the control of the State has been taken over now?

The Honourable Shri R. R. Diwakar: Not yet.

Shri Sita Ram S. Jajoo: May I know if the Government propose to install a broadcasting station in Madhya Bharat?

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

Shri M. Tirumala Rao: May I know the K.W. power and the range of these two stations?

The Honourable Shri R. R. Diwakar: They are pilot stations and they are of one K.W. power each.

Shrimati G. Durgabai: May I know whether there is any proposal under consideration for changing the one K.W. station at Vijayawada into a more power station by increasing the metre strength of that station?

The Honourable Shri R. R. Diwakar: That is the general proposal under the first development plan, but each case will require examination and then only those schemes will be taken up.

सेठ गोविन्द दास : क्या जिन ब्राडकास्टिंग स्टेशनों पर अभी काफी ताकत के प्लांट नहीं हैं, जैसे नागपुर, उन स्टेशनों में कुछ परिवर्तन करने की गवर्नमेंट के सामने कोई योजना है ?

Seth Govind Das: May I know whether there is any plan under the consideration of the Government for making improvements in those broadcasting stations which are not equipped with sufficiently powerful plants, such as the one at Nagpur?

आनरेबिल श्री आर. आर. दिवाकर : जहाँ तक नागपुर स्टेशन का ताल्लुक है, मेरी समझ में वह डेवलप (develop) हो रहा है ।

The Honourable Shri R. R. Diwakar: So far as Nagpur is concerned, I think it is being developed.

Some Honourable Members: *Rose*—

Mr. Deputy-Speaker: I know whom to ask and whom not to ask. Setl. Govind Das has put the question and I should give him greater opportunity.

सेठ गोविन्द दास : जैसा परिवर्तन नागपुर स्टेशन में किया जाने वाला है, उसी प्रकार का परिवर्तन क्या दूसरे भी जो इस तरीके के स्टेशन्ड हैं उनमें करने की योजना है ?

Seth Govind Das: Is there any plan to carry out improvements in other such stations also as those contemplated to be made in the Nagpur station?

The Honourable Shri E. E. Diwakar: I think I have replied to this when answering to Mrs. Durgabai's question.

Shri S. Nagappa: May I know what happened to the opening of a station at Guntakkal which the Honourable Minister said he would consider when he answered a question sometime ago on the floor of this House?

The Honourable Shri E. E. Diwakar: It is not yet a practical proposition.

Shri H. J. Khandekar: May I know if there is any proposal to open new stations in Amrsothi and Jubbulpore, two important centres in C.P. and Berar?

The Honourable Shri E. E. Diwakar: No. Not just now.

Shri H. J. Khandekar: Will the Government in the near future consider the establishment of new stations in these two towns which are very important towns in the province?

The Honourable Shri E. E. Diwakar: As I said, the whole thing is proceeding on a particular plan and in that plan these two cities have not been included.

Shrimati Dakshayani Velayudhan: May I know whether any stations which were scheduled to be opened this financial year have been suspended due to the economy drive?

The Honourable Shri E. E. Diwakar: These two were stations that were proposed for construction and they are being opened.

Shri A. Karunakaran Menon: Will the Government see to it that these two stations mentioned by the Honourable Minister are established before the end of the financial year?

The Honourable Shri E. E. Diwakar: It all depends upon certain technical difficulties. If these difficulties are more, then naturally it will take a little more time.

Shri H. J. Khandekar: Has the Government appreciated that inconvenience is caused to the public of the province of C.P. by the Nagpur Station broadcasting both in Marathi and Hindi?

The Honourable Shri E. E. Diwakar: Today we are doing it on a 50:50 basis for both and I think it is satisfactory.

Shri S. V. Krishnamoorthy Rao: May I know whether there is any proposal to take over the Mysore Akasvani?

The Honourable Shri E. E. Diwakar: Yes, there is a proposal.

Shrimati G. Durgabai: May I know whether the proposal to construct a new building for the broadcasting station at Madras which is recommended by the engineers as it is in a dilapidated condition, has been affected by this economy drive? If not so, may I know how the working is progressing?

The Honourable Shri E. E. Diwakar: It is not to be taken up immediately.

Shri O. V. Alagesan: May I know whether the new stations that were recently set up are sufficiently staffed and working satisfactorily?

The Honourable Shri E. E. Diwakar: Does the Honourable Member refer to Dharwar and Calicut?

Shri O. V. Alagesan: I mean the comparatively new stations.

The Honourable Shri R. E. Diwakar: There are particular standards according to which these pilot stations are running and these standards are being maintained.

Shri Raj Bahadur: May I know whether the broadcasting station at Jodhpur is under the authority and control of the Central Government or the Provincial Government?

The Honourable Shri R. E. Diwakar: It is not within the jurisdiction of the Central Government.

Shri Raj Bahadur: May I know whether the Government proposes to take it over in the near future?

The Honourable Shri R. E. Diwakar: All stations in the States will be taken over.

Sardar Hukam Singh: May I know whether there is one broadcasting station for each language area in India?

The Honourable Shri R. E. Diwakar: I think each language area is served.

Sardar Hukam Singh: How many language areas have not even one station and how many language areas have more than one station?

The Honourable Shri R. E. Diwakar: It is not a question of one station or two stations. All languages are served. Whether there is one station or two stations in any one area depends upon many circumstances.

Sardar Hukam Singh: What are the circumstances which Government considers when opening a station in any particular area?

The Honourable Shri R. E. Diwakar: Starting of a new station depends upon a number of factors, but we see to it that all major languages are served.

Sardar Hukam Singh: May I know whether the Government sees to it that a station opened in a particular area is giving proper attention to all the other languages in that area?

Mr. Deputy-Speaker: That question is rather vague.

Shri Mahavir Tyagi: May I know whether the programme which the Honourable Minister placed before this House in the budget session is affected in view of the economy, whether economies are observed?

The Honourable Shri R. E. Diwakar: Economy cuts have been observed fully.

Shri Mahavir Tyagi: How many stations have been curtailed?

The Honourable Shri R. E. Diwakar: There is no question of curtailing stations. It is only a question of curtailing expenditure.

शेठ गोविन्द दास : क्या गवर्नमेंट को यह बात मालूम है कि कुछ दिन पहले माननीय मंत्री जी ने मेरे एक प्रश्न के उत्तर में यह कहा था कि एक पायलेट स्टेशन जबलपुर में भी खोलने का विचार किया जा रहा है, उस पायलेट स्टेशन के सम्बन्ध में क्या हुआ ?

Seth Govind Das: Are Government aware that a few days before, the Honourable Minister while replying to one of my questions had stated that the opening

of a pilot station at Jubbulpore was under consideration? May I know what decision has been arrived at in respect of that pilot station?

मानरेविल श्री आर० आर० दिवाकर : वह अभी कुछ नहीं हुआ ।

The Honourable Shri R. R. Diwakar: Nothing has yet been done in that connection.

सेठ गोविन्द दास : तो क्या यह माना जाय कि वह विचार अब छोड़ दिया गया या इस पर फिर से विचार किया जा रहा है ?

Seth Govind Das: May I take it that that proposal has been abandoned or is it being considered afresh?

The Honourable Shri R. R. Diwakar: It is not under immediate consideration.

Dr. P. S. Dashmukh: In view of the fact that some of these stations have limited range, may I know from the Honourable Minister the reasons why broadcasting is not confined to the language spoken in that particular area and why other languages are introduced?

The Honourable Shri R. R. Diwakar: Only such languages as are spoken by the people in that area are allowed.

MATERNITY CENTRES

*631. **Seth Govind Das:** Will the Honourable Minister of Health be pleased to state the number of maternity centres opened in 1948-49 in cities having a population of more than 50 thousand persons?

The Honourable Rajkumari Amrit Kaur: A statement is laid on the Table of the House.

STATEMENT

Maternity Centres opened in 1948-49 in cities with a population of over 50,000

Province, State or Union	City	Number of Maternity Centres opened
Bombay.	Bombay Fourteen	Sixteen
	Belgaum One	
	Dhulia One	
Madras.	Madras	Three
Assam.	Shillong	One
Ajmer-Merwara	Ajmer	One
Patiala and East Punjab States Union.	Patiala	One
Rajasthan.	Udaipur	One
Travancore and Cochin.	Trivandrum Two	Three
	Nagorecoil One	

CHILDREN'S PARKS

*632. **Seth Govind Das:** Will the Honourable Minister of Education be pleased to state the number of children's parks opened in Delhi?

آنریبل مولانا ابوالکلام آزاد : دہلی میں ایسے پارک کس ہیں -

The Honourable Maulana Abul Kalam Azad: The number of Children's Parks in Delhi is ten.

Sardar Bhopinder Singh Man: Will the construction of the sports stadium which is proposed to be built in Delhi affect any of the existing children's parks in Delhi?

آنریبل مولانا ابوالکلام آزاد : میں ابھی اسکا جواب نہیں دے سکتا -

The Honourable Maulana Abul Kalam Azad: I cannot reply to this offhand.

شری دیش بندھو گپتا : کیا یہ محسوس کیا جا رہا ہے کہ ایسے پارک اور بھی زیادہ ہونے چاہئیں ؟

Shri Deshbandhu Gupta: May I know whether Government feel that there should be more such parks?

سردار بھوپیندر سنگھ مان : کیا یہ امر واقعہ ہے کہ ان بلڈنگوں کے پروگرام میں

کئی چلڈرن پارک جو دہلی میں موجود تھے اب اڑا دئے گئے ؟

Sardar Bhopinder Singh Man: May I know whether it is a fact that under the building programme many of the children's parks which existed in Delhi have disappeared?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ کے علم میں یہ بات نہیں آئی -

The Honourable Maulana Abul Kalam Azad: This has not come to the knowledge of the Government.

INFANT MORTALITY

*633. **Seth Govind Das:** Will the Honourable Minister of Health be pleased to state whether the infant mortality per thousand has been on the increase or decrease during the last five years and what special efforts have been made to substantially reduce the figure?

The Honourable Rajkumari Amrit Kaur: A statement is laid on the Table of the House. (See Appendix XVI, annexure No. 4.)

PUBLICATIONS DIVISION

*634. **Shri Basanta Kumar Das:** Will the Honourable Minister of Information and Broadcasting be pleased to state:

(a) the total cost of publications printed by the Publications Division during the year 1948 and during the first six months of the year 1949;

(b) the total sale proceeds of the priced publications during these periods; and

(c) the arrangements made for their sale?

The Honourable Shri B. R. Diwakar: (a) 1948—Rs. 5,63,940.

First six months of 1949—Rs. 2,77,101.

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

(b) 1948—Rs. 1,30,662.

First six months of 1949—Rs. 64,893.

(c) The publications are sold through commercial channels, direct sales and subscriptions and Indian Missions abroad.

Sardar Bhopinder Singh Man: Is it a fact that Government publications are running under a loss and they do not sell in the market and if so, what are the reasons for that?

The Honourable Shri R. E. Diwakar: There is no question of selling on profit. It is not a commercial proposition. Many of the publications are not commercial propositions, that is true.

Shri Basanta Kumar Das: What are the considerations that guide the selection of the publications?

The Honourable Shri R. E. Diwakar: That depends upon the necessity for publicising and that is considered by the different Ministries.

Shri Basanta Kumar Das: Is it a fact, Sir, that the popular aspect of a subject is mainly featured in these publications?

The Honourable Shri R. E. Diwakar: That is one of the considerations.

Sardar Bhopinder Singh Man: Is it a fact, Sir, that many of the personal activities of the Ministers are given more publicity than other matters?

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

Shri Suresh Chandra Majumdar: May I know whether these publications are widely advertised amongst the public with a view to promote their sale?

The Honourable Shri R. E. Diwakar: I think so.

Shri Suresh Chandra Majumdar: May I know, Sir, if these publications are sent to the newspapers and periodicals for notice or review as soon as they are published?

The Honourable Shri R. E. Diwakar: Many publications have been noticed and reviews also have appeared.

Shri Suresh Chandra Majumdar: I want to know whether as a general rule these publications are sent to newspapers and periodicals.

The Honourable Shri R. E. Diwakar: To most of the important newspapers they are sent.

Shrimati G. Durgabai: May I know what is the total number of periodicals and magazines printed under this Publications Division and what is their total cost?

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

Shri M. Tirumala Rao: With regard to part (a), is there any Board of editors attached to this Publications Division and whether experienced newspaper editors or writers of repute are associated with this editorial Board.

The Honourable Shri R. E. Diwakar: Yes, certainly. When the editors are appointed, their writing experience is taken into consideration.

Shri M. Tirumala Rao: Are they whole-time paid staff or honorary?

The Honourable Shri R. E. Diwakar: They are whole-time paid staff.

Shri M. Trumala Rao: Is there any proposal that the Government should associate men of literary repute in an honorary capacity with regard to this Publications Division?

The Honourable Shri R. E. Diwakar: Many contributors are men of literary repute.

Sjt. Rohini Kumar Chaudhuri: Has the Honourable Minister any idea of what percentage of these publications are read by the public?

The Honourable Shri R. E. Diwakar: All those who buy, do read.

Shri Brajeshwar Prasad: Is it a fact that the publication of the Information and Broadcasting magazine has been stopped?

The Honourable Shri R. E. Diwakar: There was no Information and Broadcasting Magazine as such.

Shri Deshbandhu Gupta: May I know whether it is a fact that the cost of production of the publications, particularly the monthlies and fortnightly is very much higher than what it is of non-official publications of a similar type?

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

Shrimati G. Durgabai: May I know whether effect is being given to the recommendations made by the Economy Committee with regard to the suspension of some periodicals and magazines, and if so, what are the magazines suspended and what is the saving?

The Honourable Shri R. E. Diwakar: Action has been taken accordingly, but I do not just remember and can't give the names but if the Honourable Member wants it, I shall provide them.

Sardar Bhopinder Singh Man: Is the Government having these publications printed in all the major languages of India. If so, is there any publication being printed or has ever been printed in Punjabee language?

The Honourable Shri R. E. Diwakar: Government does not take up publication in all languages. Usually it is in English and Hindi and some of the magazines are in Urdu also.

Sjt. Rohini Kumar Chaudhuri: Is it a fact, Sir, that a substantial portion of the cost of these publications is incurred in giving photographs of the Ministers of the different provinces and the Centre?

The Honourable Shri R. E. Diwakar: Not, so.

Pandit Mukut Bihari Lal Bhargava: What is the percentage of expenditure on publications in Indian languages and what is the percentage of expenditure in English language?

The Honourable Shri R. E. Diwakar: As I said, we do not take up publication in languages other than English and Hindi.

Pandit Mukut Bihari Lal Bhargava: My question is what is the percentage of expenditure on Hindi publications?

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

सेठ गोविन्द दास : जब कि हिन्दी अब राज्य भाषा घोषित कर चुके हैं, तब दोनों भाषाओं पर, हिन्दी और अंगरेजी पर, समान रूप से खर्च करने का क्या अर्थ है ?

Seth Govind Das: Now that Hindi has been declared the State Language, may I know what is the idea of spending equivalent amounts on both Hindi and English publications?

आनरेबिल श्री आर० आर० दिवाकर : एक दम तो नहीं हो सकता है ।

The Honourable Shri R. R. Diwakar: This cannot be done outright.

सेठ गोविन्द दास : मैं क्या मान लूँ कि दह धीरे धीरे हो जायगा ?

Seth Govind Das: Shall I take it that this will be done gradually?

आनरेबिल श्री आर० आर० दिवाकर : हाँ धीरे धीरे तो ज़रूर होगा ।

The Honourable Shri R. R. Diwakar: Yes, it will surely be done gradually.

सेठ गोविन्द दास : इस में कितना समय लगेगा ?

Seth Govind Das: How much time will this take?

आनरेबिल श्री आर० आर० दिवाकर : १५ बरस तो हैं ही ।

The Honourable Shri R. R. Diwakar: 15 years are already there.

सेठ गोविन्द दास : क्या यह माना जाय कि १५ वर्ष के अन्दर कुछ नहीं होगा?

Seth Govind Das: May I take it that nothing will be done during the period of fifteen years?

आनरेबिल श्री आर० आर० दिवाकर : आहिस्ता आहिस्ता होता जायगा ना ।

The Honourable Shri R. R. Diwakar: After all, this will be done gradually.

Shri M. Tirumala Rao: Sir, since the ceasing of the publication of the Indian Information, have Government realized the extent to which the public are in the dark with regard to their activities?

The Honourable Shri R. R. Diwakar: Not at all.

Shri M. Tirumala Rao: What are the other channels through which Government propose to reach the public, which they were reaching hitherto through this Indian Information?

The Honourable Shri R. R. Diwakar: What was prepared and published in the Indian Information was only a summary of all things that had already been published and there is enough publicity being given through the journals, and, therefore, I think the people are not losing anything.

Shri R. K. Sidhva: May I know the total number of copies of the English magazines and the Hindi magazines?

The Honourable Shri R. R. Diwakar: I want notice, please.

Shri S. V. Krishnamoorthy Rao: If other non-official agencies come forward to publish these publications in other languages apart from Hindi or English, will the Government give them sufficient help and subsidy to publish them?

The Honourable Shri R. R. Diwalar: No, please. It is not under consideration.

NATIONAL CADET CORPS

*635. Shri Basanta Kumar Das: Will the Honourable Minister of Defence be pleased to state:

(a) the period and nature of training undergone by the recruits to the National Cadet Corps; and

(b) the total estimated expenditure for raising the National Cadet Corps?

The Honourable Sardar Baldev Singh: (a) National Cadet Corps Senior Division and Junior Division Cadets are enrolled for a period of two years extensible up to four years in the case of Senior Division cadets and up to three years in the case of Junior Division cadets. The Senior Division have an annual training Camp for fifteen days and the Junior Division for ten days. The nature of training is similar to that given in the Army. Cadets are trained in leadership, and full opportunity is given to them to train other cadets.

(b) The total expenditure in 1948-49 was Rs. 1,12,00,000. The expenditure in 1949-50 has been estimated at Rs. 1,45,00,000.

Shri Basanta Kumar Das: May I ask whether the naval and air-force training has been arranged in all the units?

The Honourable Sardar Baldev Singh: No, Sir; not for the present.

Sardar Bhopinder Singh Man: May I know whether at the time of recruitment to the regular army, the members of the National Cadet Corps are given any preference?

The Honourable Sardar Baldev Singh: These cadets have got better experience and naturally they would be given preference.

Shri Raj Bahadur: May I know the manner and method for the selection of the trainees for the National Cadet Corps?

The Honourable Sardar Baldev Singh: The manner and method of selection of trainees, as the Honourable Member knows, depends on the institution in which the National Cadet Corps Unit is started and as regards the selection, the selection is made by officers specially trained for this purpose.

Shri Basanta Kumar Das: Has any unit been constructed where boys earning a livelihood are admitted?

The Honourable Sardar Baldev Singh: No, Sir. The scheme at present is only limited to the educational institutions.

Dr. P. S. Deahmukh: May I know the number of cadets trained so far at this cost of Rs. 1,12,00,000?

The Honourable Sardar Baldev Singh: The Honourable Member if I rightly understood him, wants the total number of cadets trained, and I will require notice of that.

Shrimati G. Durgabai: What are the particular reasons to confine the scheme only to the educational institutions which are recognized by the Government or the universities and not extending them to the private institutions?

The Honourable Sardar Baldev Singh: It all depends on the Provincial Governments to select the institutions in which they want to start the National Cadet Corps.

Shri Suresh Chandra Bajandar: May I know if girls are selected for this National Cadet Corps?

The Honourable Sardar Baldev Singh: Yes.

NON-MUSLIM PRISONERS EXCHANGED WITH PAKISTAN

*636. **Sardar Hukam Singh:** (a) Will the Honourable Minister of Home Affairs be pleased to state whether Non-Muslim prisoners exchanged with Pakistan have since been released?

(b) If not, what is the number still left inside the Jails?

(c) Do Government propose to look into their cases to satisfy themselves if they were not victims of communal frenzy and bias?

(d) Are Government aware that there is a good number of such prisoners in Delhi Jail who have served out their full sentences?

The Honourable Sardar Vallabhbhai Patel: (a) No.

(b) 683.

(c) Yes. This aspect is constantly borne in mind when their cases are reviewed.

(d) No. There are no such persons in Delhi Jail.

Mr. Deputy-Speaker: The Question Hour is over.

(b) WRITTEN ANSWERS

DISTRICT JAIL, DELHI

*637. **Sardar Hukam Singh:** (a) Will the Honourable Minister of Home Affairs be pleased to state the maximum prescribed capacity of the District Jail, Delhi so far as prisoners are concerned?

(b) What was the monthly average number of prisoners confined in this Jail during this year?

(c) Are any steps under contemplation to relieve this pressure and to make this Jail more healthy?

The Honourable Sardar Vallabhbhai Patel: (a) 677.

(b) 1,254

(c) In order to relieve congestion and make the Jail more healthy, a Camp Jail has been opened in the premises of the Reformatory School, Delhi, with an accommodation for 1,000 prisoners. It has also been decided to raise the status of the District Jail, Delhi, to that of a Central-cum-District Jail with an accommodation for 1,500 prisoners as against 677 at present. Plans and estimates are under preparation, but actual implementation would necessarily depend on the availability of funds.

COMMUNIST CONVICTS

*638. **Sardar Hukam Singh:** (a) Will the Honourable Minister of Home Affairs be pleased to state the number of alleged Communists against whom action has been taken by the Government of India during the last 6 months?

(b) What is the total number of Communists imprisoned or gaoled during 1949?

(c) Have Government satisfied themselves that all such persons against whom action was taken were communists?

The Honourable Sardar Vallabhbhai Patel: (a) 19.

(b) 33—ten in Delhi and twenty-three in Ajmer-Merwara.

(c) Yes.

ROYALTY TO PREFABRICATED HOUSING CONCERN

***639. Shri H. V. Kamath:** Will the Honourable Minister of Health be pleased to state:

(a) what is the royalty, if any, paid to the Consulting firm in England (for the manufacture of pre-fabricated houses in India) for their patents;

(b) what is that "patent" that calls for payment of a royalty by the Government of India;

(c) whether it is a fact that the entire scheme has been in vogue for over fifteen years in Sweden and Germany; and

(d) whether Government propose to have this matter of "patent" of the consulting firm investigated by an expert committee of first rate Indian engineers?

The Honourable Rajkumari Amrit Kaur: (a) Royalty will be paid to the firm on the panels to be actually manufactured in the Government Housing Factory on the following basis: (i) Rs. 5 per square (of 100 sq. ft.) for the first 100,000 squares of panels; (ii) Rs. 4 per square (of 100 sq. ft.) over 100,000 squares upto 400,000 square of panels; (iii) Rs. 3 per square (of 100 sq. ft.) over 400,000 squares upto 800,000 squares of panels; and (iv) Rs. 2 per square (of 100 sq. ft.) over 800,000 squares of panels.

(b) Indian patent No. 36001/46 referring to light weight foamed concrete panels.

(c) It is understood that the production of other types of foamed concrete was first undertaken in Germany in 1936 and that the first factory for its large scale production was installed in Munich in 1939. As regards Sweden it is understood that the foamed concrete method of prefabrication is not normally in use there.

(d) Does not arise.

MISUSE OF HEALTH CENTRE PREMISES

***640. Shri H. V. Kamath:** Will the Honourable Minister of Health be pleased to state:

(a) whether it is a fact that the premises of "Gwalior Cottage" on Lady Hardinge Road, New Delhi are utilised for a Government Health Centre;

(b) if so, whether it is a fact that the premises are also being used by an advocate for his professional legal work; and

(c) if the reply to part (b) above be in the affirmative whether Government have accorded him permission to set up such a legal chamber on the premises of the Health Centre, and if so, on what grounds and terms?

The Honourable Rajkumari Amrit Kaur: (a) 'Gwalior Cottage' on Lady Hardinge Road which belongs to the New Delhi Municipal Committee is the residence of the Superintendent of the Maternity and Child Welfare Centres run by the Municipal Committee. The Cottage is separate from the building of the Maternity and Child Welfare Centre.

(b) The husband of the present Superintendent of the Maternity and Child Welfare Centre is an advocate and he is doing his professional work in the Cottage.

(c) Does not arise.

PAYMENTS TO POETS BY A.I.R.

*641. **Shri Mahavir Tyagi:** (a) Will the Honourable Minister of Information and Broadcasting be pleased to state if it is a fact that the poems of the Hindi poets of India like Messrs. Maithli Sharan Gupta, Makhanlal Chaturvedi and Sumitra Nandan Pant, are recited from the A.I.R. on payment to these authors at the rate of annas -/8/- per poem?

(b) What was the amount paid to each of the above named poets during the past one year?

(c) Is it also a fact that the heirs of late Sir Iqbal are paid Rs. 2,500/- annually for the recitations of his poems? How many of his poems were recited during the past 12 months?

The Honourable Shri E. R. Diwakar: (a) No, Sir.

(b) A statement is placed on the Table.

(c) (i) No, Sir.

(ii) 30, at the rate of Re. 1 per song broadcast.

STATEMENT

*Amounts paid and due to be paid for the broadcast of songs from 1-10-48 to 30-9-49
the following three Hindi Poets*

Name	Amount paid	Amount due to be paid	Total
Shri Maithli Sharan Gupta	Rs. 123/-	Rs. 60/-	Rs. 183/-
„ Makhan Lal Chaturvedi	Rs. 5/-	Rs. 50/-	Rs. 55/-
„ Sumitra Nandan Pant.	Rs. 230/-	Rs. 104/-	Rs. 334/-
		Grand Total	Rs. 572/-

EDUCATIONAL BROADCASTS

*642. **Dr. V. Subramaniam:** Will the Honourable Minister of Information and Broadcasting be pleased to state the hours and days on which the educational broadcasts are put on the air from various Radio stations in India?

The Honourable Shri E. R. Diwakar: A statement is placed on the Table of the House.

STATEMENT

Timings of Educational Broadcasts from Various A. I. R. Stations

Station	Days of the week	Time
Delhi	Monday to Friday	Daily 2.30—3.00 P.M.
Bombay	Monday to Friday	Daily 4.30—5.00 P.M.
Calcutta	Monday to Saturday	Daily 6.10—6.25 P.M.
Madras	Monday to Friday	Daily 12.30—1.00 P.M.
Tiruchi and } Vijayawada }		2.15—2.45 P.M.
		4.00—4.30 P.M.

SERAIKELLA AND KHARSWAN STATES

*643. **Shri Yudhiahthir Mishra:** (a) Will the Honourable Minister of States be pleased to state whether Government have received any representation from Congress Committees and other political organisations of the States of Seraikella and Kharswan and also from the Raja of Seraikella regarding the administration of these States by the Government of Bihar and the transference of their administration to the Government of Orissa?

(b) Have Government come to any decision on their representations and if so, what are the grounds on which such decisions, if any, have been taken?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) I invite the attention of the Honourable Member to the answer given by me to Question No. 255 on 2nd December, 1949 and the Press Communiqué issued by the States Ministry on 23rd September, 1949.

DELEGATIONS TO W. H. O.

*644. **Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Health be pleased to state the names of the delegates from India to the World Health Organisation sittings in the years 1948 and 1949?

(b) What were the expenses incurred in connection with those delegates?

The Honourable Rajkumari Amrit Kaur: (a) and (b). A statement giving the information required by the Honourable Member is placed on the Table of the House (See Appendix XVI, annexure No. 5.)

FOREIGN SCHOLARSHIPS

*645. **Shri Satis Chandra Samanta:** (a) Will the Honourable Minister of Education be pleased to state: (i) the number of Indian students who have received foreign scholarships and fellowships in the years 1948-49 and 1949-50; (ii) from what countries; and (iii) in what subjects?

(b) How many and how much scholarships have been awarded to foreign students for study in the Indian Union during the same period?

The Honourable Maulana Abul Kalam Azad: A statement giving information required in respect of (a) scholarships or fellowships granted to Indian students by foreign countries in 1948-49 and 1949-50 and (b) scholarships awarded during the same period to foreign students for study in the Indian Union is placed on the Table of the House (See Appendix XVI, annexure No. 6, Statements I and II).

AMERICAN FINANCIAL AID

*646. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Finance be pleased to state whether the attention of Government has been drawn to a speech published in *The Statesman* (Calcutta) dated the 3rd November 1949, in which Mr. Dean Acheson, U. S. Secretary of State, made a few observations while addressing a C. I. O. Labour Convention in Cleveland, stating that U.S. aid to Asia was to be through technical assistance and not through billion dollar relief or construction project?

(b) Is it a fact that India has been hoping to get financial help from U.S.A. for the construction of her river valley projects?

(c) Will this not mean that such help will not be available for India?

The Honourable Dr. John Matthai: (a) Yes, Sir.

(b) No. India has applied for loans from the International Bank for Reconstruction and Development, which is regarded as a specialized agency of the United Nations.

(c) No; as far as I can see, Mr. Dean Acheson's statement referred to direct financial assistance by the U.S.A. like the Marshall Aid, and has no connection with financial assistance from private enterprise or from international institutions in the U.S.A.

The programme of technical assistance to which Mr. Dean Acheson refers is a programme for making it possible for private enterprise to take capital abroad.

MEROER OF SAURASTRA UNION

*647. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of States be pleased to state:

(a) whether the Government of India are aware that the people of Saurashtra Union are in favour of merger with the province of Bombay;

(b) whether the proposal is under the consideration of the Government of India; and

(c) if so, by which date the Government are likely to take final decision in the matter?

The Honourable Sardar Vallabhbhai Patel: (a) No occasion has arisen so far for ascertaining public opinion in the Union on this subject.

(b) No.

(c) Does not arise.

GOVERNMENT LOANS

*648. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Finance be pleased to state:

(a) what loans were floated by the Government of India since the commencement of the current financial year, when they were floated and what has been the response from the public; and

(b) whether any loans or securities had matured and were paid during the current financial year?

The Honourable Dr. John Matthai: (a) No new loans were floated but a further issue of the 2½ per cent. Loan, 1955, amounting to Rs. 25.44 crores was made in connection with the facilities offered for the conversion of the 8 per cent. Loan 1949—52.

(b) Yes, Sir. Government exercised the option of repaying three per cent. Loan 1949—52 on the 1st August 1949.

EASTERN FRONTIERS

*649. **Sjt. Kuladhar Chakha:** (a) Will the Honourable Minister of Defence be pleased to state whether he has visited Palel and Tamu in the Manipur border and Tirap frontiers on the Burma border?

(b) Has any party gone to fix up the Eastern boundary near Rima in Sadju frontier tracts?

(c) Has any map been drawn up showing different outposts in the eastern frontiers?

(d) Has any road been constructed up to Rima?

The Honourable Sardar Baldev Singh: (a) and (b). No.

(c) Yes. All military outposts are marked on maps used by the various military headquarters who control such outposts.

(d) No.

REPRESENTATION OF EX-MEDICAL OFFICERS

*650. { **Sjt. Kuladhar Chaliha:**
Shri Lakshminarayan Sahu:

(a) Will the Honourable Minister of Defence be pleased to state whether Government have received representation from the Indian Medical Association for re-employment of medical officers released after the last war?

(b) If so, what action has been taken on their representation?

The Honourable Sardar Baldev Singh: (a) No.

(b) Does not arise.

MEDICAL OFFICERS IN BRITAIN

*651. { **Sjt. Kuladhar Chaliha:**
Shri Lakshminarayan Sahu:

(a) Will the Honourable Minister of Defence be pleased to state how many I.M.S. and I.A.M.C. officers are posted in Great Britain and what are their functions there?

(b) Are there any officers posted in Great Britain for purchase of medical and surgical requirements for the Defence Medical Department and for Civil Medical Department?

The Honourable Sardar Baldev Singh: (a) and (b). I lay a statement on the Table of the House. (See Appendix XVI, annexure No. 7).

ACCOMMODATION FOR MILITARY PERSONNEL

*652. { **Sjt. Kuladhar Chaliha:**
Sari Lakshminarayati Sahu:

(a) Will the Honourable Minister of Defence be pleased to state the number of houses requisitioned in New Delhi for the Defence Department as accommodation for (i) officers; and (ii) offices?

(b) What is the number of officers excluding N.C.O's of the Defence Services who are now billeted in New Delhi?

(c) Are displaced persons housed in a number of empty barracks in Delhi Cantonment?

(d) Are Government aware that a soldier can keep his family for a shorter period than an officer under the Standing Rules in "family stations" and if so, what is the reason for this discrimination?

The Honourable Sardar Baldev Singh: (a) (i) No houses have been specifically requisitioned for the Defence Services but of the houses requisitioned by the Ministry of Works, Mines and Power in Delhi, Defence Services officers occupy 25. (ii) Nil for office accommodation.

(b) 680.

(c) Yes.

(d) Yes. The reason for this is that in accordance with the Regulations for the Army in India, only a percentage of other ranks are allowed to have their families with them in the lines of the unit. To enable every married other rank to enjoy the benefits of family life, Officers Commanding units fix a maximum period for their stay so that the accommodation available may be allotted in turn to all. For officers no such restriction is laid down.

BALANCE OF PAYMENT WITH U. S. A.

*653. **Shri Upendranath Barman:** (a) Will the Honourable Minister of Finance be pleased to state how the balance of payment position of India with the United States of America has been since the year 1947?

(b) When did Government stop the Open General Licence in respect of the said country?

(c) What is the position during the last six months?

The Honourable Dr. John Matthai: (a) I lay on the Table of the House a statement showing the position of India's balance of payments with the United States of America during the years 1947, 1948 and the first six months of 1949.

(b) Open General Licence No. VIII which allowed imports from all countries (including U.S.A.) was cancelled on 14th March, 1947.

(c) All imports from the U.S.A. are now subject to licensing and are limited to capital goods, raw materials, semi-manufactured and other essential goods not ordinarily available from other sources of supply. In this connection, the attention of the Honourable Member is invited to the *Gazette of India Extraordinary* No. 1(23)I.T.C./49, dated the 12th September, 1949.

STATEMENT

India's Balance of Payments with the U. S.

(In lakhs of rupees)

1947			
	Receipts	Payments	Net
Total	99,68	178,74	-79,06
1948			
	Receipts	Payments	Net
Total	91,00	159,69	-68,69
Jan. — June, 1949			
	Receipts	Payments	Net
Total	39,80	77,54	-37,74

COMMUNIST CONVICTS

***654. Shri Santanu Kumar Das:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the amount that is being spent on the Communists detained by the Central Government;

(b) the privileges they enjoy; and

(c) the amount of monthly sundry allowances paid to them?

The Honourable Sardar Vallabhbhai Patel: (a) to (c). The information is being collected and will be placed on the Table of the House in due course.

ADULT EDUCATION

***655. Shri Damodar Swarup Seth:** Will the Honourable Minister of Education be pleased to state:

(a) the amount which the Government of India and the Provincial Governments together at present spend annually on adult education and on all items of education; and

(b) the percentage of revenue annually spent by the Government of India and the Provincial Governments separately on education as a whole?

The Honourable Maulana Abul Kalam Asad: (a) and (b). The total budget provision for education in 1949-50 was Rs. 6 crores which comes to 1.16 per cent. of the total budget of the Central Government. As a result of recent cut however the education budget has been reduced approximately to Rs. 4.51 crores which is .89 per cent. of the total budget.

Information from the Provinces is being collected.

RURAL ADULT EDUCATION

***656. Shri Damodar Swarup Seth:** Will the Honourable Minister of Education be pleased to state:

(a) what percentage of rural adult population were able to receive the benefit of education during the last two years in the various Provinces of India;

(b) whether Government have calculated the approximate total amount needed for adult education in the country; and

(c) the source or sources contemplated to be tapped for this purpose?

The Honourable Maulana Abul Kalam Asad: (a) In 1947-48 and 1948-49, 0.22 per cent. and 0.33 per cent. respectively of rural adult population were receiving education.

(b) The Government of India have estimated that a ten year scheme for education of illiterates within the age group 12-40 would cost Rs. 206 crores.

(c) The provincial and central governments are sharing the expenditure on adult education between themselves. Some municipalities are also meeting a part of expenditure on adult education work within their jurisdiction. The provincial governments are also encouraging voluntary organisations to make their contributions to adult education.

MERGING OF ENCLAVES OF STATE TERRITORIES

***657. Shri Damodar Swarup Seth:** Will the Honourable Minister of States be pleased to state:

(a) whether Government are considering the question of the merger of the several enclaves in the territories wherein they are situated; and

(b) the names and area of each of the enclaves of the Himachal Pradesh, Bilaspur and PEPSU Union situated within the territories of the East Punjab and *vice versa*?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). In connection with the rationalisation of State boundaries, negotiations are still proceeding between the Provincial and Union Governments for the transfer of small enclaves to the Province or State in which they are situated. The information asked for will not be available till final decisions are reached.

CONSTITUTION OF THE DARJEELING AREA INTO A SEPARATE PROVINCE

***658. Pandit Thakur Das Bhargava:** (a) Will the Honourable Minister of Home Affairs be pleased to state whether Government have received any representation for the constitution of the Darjeeling area of the West Bengal Province into a separate hill province?

(b) If so, what is the policy of Government in regard to this question?

The Honourable Sardar Vallabhbhai Patel: (a) No; but I have seen Press reports of some such activities.

(b) Government of India consider this move as unreal, mis-conceived and harmful to national interests. Government of India is determined not to give any quarter to any agitation for the formation of any such Province and will not allow the solidarity of the country to be disturbed by such mischievous moves.

LOAN TO EAST PUNJAB

***659. Dr. Bakhshi Tek Chand:** (a) Will the Honourable Minister of Finance be pleased to state whether the Government of India have received any application from the Government of East Punjab for a grant or loan for the construction of the new Capital of the Province?

(b) If so, what is the amount asked for and how much do Government propose to advance in the current financial year and how much next year?

The Honourable Dr. John Matthai: (a) No, Sir.

(b) Does not arise.

EX-RULER OF REWA

***660. Shri Damodar Swarup Seth:** Will the Honourable Minister of States be pleased to state the conditions under which Sir Gulab Singh, ex-ruler of Rewa State, has been released from detention?

The Honourable Sardar Vallabhbhai Patel: Sir Gulab Singh has been released on the following conditions: (i) that he will not engage or assist in any undesirable activity or take any interest in any activity against the present Vindhya Pradesh Union; and (ii) that he will reside outside the Vindhya Pradesh Union, the United Provinces, and the Jubbulpore District of the Central Provinces.

ACCREDITATION OF HINDI JOURNALISTS

***661. Shri Balwant Sinha Mehta:** Will the Honourable Minister of Information and Broadcasting be pleased to state:

(a) the number of accredited press representatives on behalf of—

(i) English papers, (ii) English and Hindi papers combined, and (iii) Hindi papers only; and

(b) whether Government are aware that Hindi journalists have made complaints to the authorities with regard to accreditation and other facilities to the Hindi journalists?

The Honourable Shri R. B. Diwaker: (a) (i) 23 representing 26 English papers, (ii) two representing three English and two Hindi papers, (iii) seven representing fifteen Hindi papers.

(b) There have been individual complaints about facilities and accreditation on different occasions. Consistent with the resources of the Press Information Bureau, every effort has been made to provide the facilities asked for. As regards accreditation, Government take the advice of the Central Press Advisory Committee which is constituted by the All India Newspaper Editors' Conference.

CENTRAL PRESS ADVISORY COMMITTEE

*682. **Shri Balwant Sinha Mehta:** Will the Honourable Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government grant accreditation to journalists on the approval of the Central Press Advisory Committee;

(b) whether it is a fact that there is no representative of Hindi journalists in the Central Press Advisory Committee;

(c) the number and names of the members of the Central Press Advisory Committee and their method of selection; and

(d) whether Government propose to consider the advisability of giving representation to Hindi journalists in the Central Press Advisory Committee?

The Honourable Shri R. B. Diwaker: (a) Yes, on the advice of the Central Press Advisory Committee.

(b) No.

(c) Seven. A list of members of the Central Press Advisory Committee is placed on the Table of the House.

The Committee is constituted by the All India Newspaper Editors' Conference.

(d) Does not arise.

STATEMENT

Members of the Central Press Advisory Committee

- (1) Mr. Devadas Gandhi (*Hindustan Times and Hindustan*),
- (2) Mr. Deshbendru Gupta (*Tej*),
- (3) Mr. G. V. Krupanidhi (*Indian News Chronicle*),
- (4) Mr. J. K. Cowley (*Statesman*, Now Delhi),
- (5) Mr. K. Narindra (*Daily Pratap*),
- (6) Mr. P. D. Sharma (U. P. A.) and
- (7) Mr. Hilal Ahmed Zubairi (*Ansari*, Delhi).

UNSTARRED QUESTIONS AND ANSWERS

OPTION FOR DOMINIONS BY GOVERNMENT SERVANTS

17. **Shri Aji Prasad Jain:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) the number of officers and staff, Ministry-wise, who provisionally opted for the Dominion of India on the partition of India;

(b) the number of officers referred to above, who have applied for the reversal of their initial choice of option; and

(c) how many officers who applied for the reversal of the option have been admitted back in the services of Pakistan?

The Honourable Sardar Vallabhbhai Patel: (a) to (c). The information is being collected and will be placed on the Table of the House in due course.

CONTINGENCY EXPENDITURE

18. **Lala Raj Kanwar:** Will the Honourable Minister of Finance be pleased to state:

(a) the amount spent under the head "Contingency" by each Ministry of the Government of India and Attached Offices during each of the last three years; and

(b) the main heads, or sub-heads, under which the greater part of the amount shown under "Contingency" was spent by each Ministry?

The Honourable Dr. John Matthai: (a) and (b). Information is being collected and will be laid on the Table of the House when it is complete.

EXPENDITURE ON NEWSPAPERS IN MINISTRIES

19. **Lala Raj Kanwar:** Will the Honourable Minister of Finance be pleased to state:

(a) the amount spent by each Ministry of the Government of India and Attached offices in meeting the cost of daily and other newspapers subscribed to or purchased by them for use in their offices; and

(b) the names and number of copies of each such newspaper subscribed to by each Ministry?

The Honourable Dr. John Matthai: (a) and (b). A statement is laid on the Table of the House (*Information placed in the Library. See No. P-39/49.*)

Thursday
15th December, 1949

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

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

Official Report

Volume VI, 1949

(28th November to 17th December, 1949)

Sixth Session
of the
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1949



CONTENTS

Volume VI—28th November to 17th December, 1949.

	PAGES
MONDAY, 28TH November, 1949	
Death of Mr. Ardeshir Dalal, Syed Md. Murwana Sahib, Haji Jamal Md. Saheb and Mr. Aziz Ahmed Khan	1—2
Motions for Adjournment <i>re</i> —	
Shortage of sugar	2
Import of coconut and its products from Ceylon	2—3
Ban on the <i>Nationalist</i>	3
Statement <i>re</i> Legislative Business and certain other matters	4—13
H. E. the Governor General's Assent to Bills	13—14
Papers laid on the Table.—	
Report of Indian Government Delegation to 31st Session of International Labour Conference, San Francisco, 1948	15
Amendments to Insurance Rules, 1939	15
Ordinances issued by H. E. the Governor General after Budget Session, 1949	15—17
Action taken by Government on Assurances, Promises and Undertakings given during Budget Session, 1949	18
Election to Standing Committee for Ministry of Rehabilitation	18
Reserve Bank of India (Amendment) Bill—Introduced	18
Essential Supplies (Temporary Powers) Second Amendment Bill—Introduced	18
Rubber (Production and Marketing) Bill—Introduced	19
Requisitioned Land (Apportionment of Compensation) Bill—Introduced	19
Transfer of Detained Persons Bill—Introduced	19
Indian Arms (Amendment) Bill—Introduced	19
Insurance (Amendment) Bill—Introduced	19
Indian Merchant Shipping (Amendment) Bill—Introduced	19
Indian Tariff (Second Amendment) Bill—Introduced	19
Indian Railways (Amendment) Bill—Presentation of Report of Select Committee	19
Indian Judicial Procedure Bill—Presentation of Report of Select Committee	19
Industries (Development and Control) Bill—Extension of time for Presentation of report of Select Committee	20
Taxation Laws Amendment Bill—Withdrawn	20
Banking Companies (Legal Practitioners' Clients' Accounts) Bill—Passed	21—23
Industrial Finance Corporation (Amendment) Bill—Passed as Amended	24—27
Reserve Bank of India (Amendment) Bill—Passed	28—40
Delhi Road Transport Authority Bill—Discussion on Motion to refer to Select Committee—Not concluded	40—50
TUESDAY, 29TH November, 1949.—Vol. VI.—No. 2.	
Motion for Adjournment <i>re</i> Enhancement of Export Duty on Black Pepper	51—52

Papers laid on the Table—	PAGES
Report of Rehabilitation Finance Administration, ending 30th June, 1949	52
General Review of Working of Rehabilitation Finance Administration	52
Amendments to Industrial Finance Corporation of India Employees' Provident Fund Regulations, 1948	52
White Paper on 1949 Sterling Balances Negotiations	53
Loan Agreements relating to Railway and Agricultural Machinery	53
Foreign Exchange Regulation (Amendment) Bill—Introduced	52
Merchant Shipping and Lighthouse (Amendment) Bill—Introduced	52
Abducted Persons (Recovery and Restoration) Bill—Introduced	53
Business of the House	53
Motion re—	
(i) Sterling Balances Agreement of July, 1949	53—92
(ii) Policy of Government about Negotiations for Loans for Financing Development Projects and Agreements concluded with International Bank for Reconstruction and Development	53—92
WEDNESDAY, 30TH November, 1949.—Vol. VI.—No. 3.	
Resolution re Abolition of Night Air Mail and Passenger Service—Discussion not concluded	93—135
THURSDAY, 1ST December, 1949.—Vol. VI.—No. 4.	
Papers laid on the Table—Annual Report of Indian Standards Institution	137
Election to Standing Advisory Committee for Department of Scientific Research	137
Election to Standing Committee for Ministry of Rehabilitation	138
Indian Tariff (Second Amendment) Bill—Passed	138—64
Delhi Road Transport Authority Bill—Referred to Select Committee	164—79
FRIDAY, 2ND December, 1949.—Vol. VI.—No. 5.	
Papers laid on the Table—Notifications under Central Excises and Salt Act, 1944	181
Taxation Laws (Extension to Merged States and Amendment) Bill—Introduced	182
Explosives (Temporary Provisions) Bill—Introduced	182
Industrial Disputes (Banking and Insurance Companies) Bill—Introduced	182
Transfer of Detained Persons Bill—Passed as amended	182—81
Indian Arms (Amendment) Bill—Passed	188—89
Essential Supplies (Temporary Powers) Second Amendment Bill—Passed	189—225
Rubber (Production and Marketing) Amendment Bill—Passed	225—30
Requisitioned Land (Apportionment of Compensation) Bill—Discussion on motion to consider—Not concluded	230—31
MONDAY, 5TH December, 1949.—Vol. VI.—No. 6.	
Papers laid on the Table—Mineral Concession Rules, 1949 under Mines and Minerals (Regulation and Development) Act, 1948	233
Transport Services Compensation Rules, 1949, under Road Transport Corporation Act,	239
Election to Standing Committee for Department of Scientific Research	233
Electricity (Supply) Amendment Bill—Introduced	233—34
Merged States (Laws) Bill—Introduced	234

	PAGES
Requisitioned Land (Apportionment of Compensation) Bill—Passed as amended	234—43 248—49
Insurance (Amendment) Bill—Discussion on motion to refer to Select Committee—Not concluded	244—47 249—73
TUESDAY, 6TH December, 1949.—Vol. VI.—No. 7.	
Papers laid on the Table—Half yearly Statement of Lowest Tenders not accepted by India Store Department, London	275
Insurance (Amendment) Bill—Referred to Select Committee	275—301
Taxation Laws (Extension to Merged States and Amendment) Bill—Discussion on motion to refer to Select Committee (referred to Select Committee)	302—315 318—34
WEDNESDAY, 7TH December, 1949.—Vol. VI.—No. 8.	
Motion for Adjournment <i>re</i> purchase of the <i>Blitz</i> for the Army and withdrawal of Press Permit of the Nation	317
Cinematograph (Second Amendment) Bill—Introduced	317
Taxation Laws (Extension to Merged States and Amendment) Bill—Referred to Select Committee	318—34
Indian Merchant Shipping (Amendment) Bill—Passed as amended	324—49
Merchant Shipping and Lighthouse (Amendment) Bill—Passed	349—50
Industrial Disputes (Banking and Insurance Companies) Bill—Passed	351—61
Explosives (Temporary Provisions) Bill—Passed as amended	361—65
THURSDAY, 8TH December, 1949.—Vol. VI.—No. 9.	
Mines Bill—Introduced	367
Indian Railways (Amendment) Bill—Consideration of clauses—Not concluded	367—410
Business of the House	411—12
Resolution <i>re</i> Central Road Fund—Adopted	412—15
FRIDAY, 9TH December, 1949.—Vol. VI.—No. 10.	
Motion for Adjournment <i>re</i> Reported holding up of Raw Jute Bales by Pakistan Government	417
Industrial Disputes (Appellate Tribunal) Bill—Introduced	417
Inland Steam-Vessels (Amendment) Bill—Introduced	418
Administration of Evacuee Property Bill—Introduced	418
Indian Railways (Amendment) Bill—Passed as amended	418—26
Electricity (Supply) Amendment Bill—Passed	426—47
Cinematograph (Second Amendment) Bill—Discussion on motion to consider—Not concluded	447—61
MONDAY, 12TH December, 1949.—Vol. VI.—No. 11.	
Papers laid on the Table—Report of Railway Convention Committee 1949	463
Central Reserve Police Force Bill—Introduced	463
Profession Tax Limitation (Amendment and Validation) Bill—Introduced	463
Delhi Road Transport Authority Bill—presentation of Report of Select Committee	464
Hindu Code—Discussion on motions to consider as reported by Select Committee to circulate and to re-commit to Select Committee—Not concluded.	464—307
TUESDAY, 13TH December, 1949.—Vol. VI.—No. 12.	
Motion for Adjournment— <i>re</i> Undesirable Demonstration in front of Council House	509

	PAGE
Police Bill—Introduced	509
Imports and Exports (Control) Amendment Bill—Introduced	510
Hindu Code—Discussion on motions to consider as reported by Select Committee, to circulate and to recommit to Select Committee—Not concluded	510—558
WEDNESDAY, 14TH December, 1949.—Vol. VI.—No. 13	
Delhi Premises (Requisition and Eviction) Amendment and Validation Bill—Introduced	559
Women Police in Ladies Gallery	559—60
Hindu Code—Discussion on motions to consider as reported by Select Committee, to circulate and to recommit to Select Committee—Not concluded	560—621
THURSDAY, 15TH December, 1949.—Vol. VI.—No. 14.	
Insurance (Amendment) Bill—Extension of time for presentation of Report of Select Committee	623
Papers laid on the Table—	
Declarations of Exemption under Registration of Foreigners Act, 1939	623—24
Merged States (Taxation Concessions) Order, 1949	624
Taxation Laws (Merged States) (Removal of Difficulties) Order 1949	624
Merged States (Laws) Bill—Passed as amended	624—33
Abducted Persons (Recovery and Restoration) Bill—Discussion on motion to consider—Not concluded	633—65
FRIDAY, 16TH December, 1949.—Vol. VI.—No. 15.	
Indian Judicial Procedure Bill—Withdrawn	667
Workers' Provident Fund Bill—Withdrawn	667—72
Prevention of Free or Forced or Compulsory Labour Bill—Withdrawn	672—77
Indian Cattle Preservation Bill—Discussion on motion to consider—Postponed	678—85
Taxation Laws (Extension to Merged States and Amendment) Bill—Presentation of Report of Select Committee	686—701
Societies Registration (Amendment) Bill—Motion to consider—Not proceeded with	701—03
Indian Penal Code (Amendment) Bill (Amendment of Sections 53, 121, 132 etc.)—Introduced	703
Land Acquisition (Amendment) Bill—(Amendment of Sections 11 and 23)—Introduced	703—04
Advanced Age Marriage Restraint Bill—	
Leave to introduce—Refused	704
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill—Introduced	705
Punishment of Tax Evaders and Black Marketeers Bill—Introduced	705
Children's Protection Bill—Introduced	705
Indian Penal Code (Amendment) Bill (Repeal of Section 309)—Leave to introduce—Refused	705—07
Council of the Press of India Bill—Introduced	708
Useful Cattle Preservation Bill—Introduced	708
Training and Employment Bill—Introduced	708
Abducted Persons (Recovery and Restoration) Bill—Discussion on motion to consider—Not concluded	708—22
SATURDAY, 17TH December, 1949.—Vol. VI.—No. 16.	
Rehabilitation Finance Administration (Amendment) Bill—Introduced	723
Insolvency Law (Amendment) Bill—Introduced	723
Abducted Persons (Recovery and Restoration) Bill—Consideration of clauses—Not concluded	723—81

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 15th December, 1949

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy-Speaker (Shri M. Anantbaayanam Ayyangar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

INSURANCE (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Honourable Shri K. C. Neogy (Minister of Commerce): I beg to move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938, be extended up to the last day of the second week of the Budget session, 1950"

Mr. Deputy-Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill further to amend the Insurance Act, 1938, be extended up to the last day of the second week of the Budget session, 1950."

The motion was adopted.

PAPERS LAID ON THE TABLE

DECLARATIONS OF EXEMPTION UNDER REGISTRATION OF FOREIGNERS ACT, 1939.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): I beg to lay on the Table a copy of each of the following Declarations of Exemption issued under the Registration of Foreigners Act, 1939, namely:

- (1) No. 1/31/48-F.I., dated the 10th February, 1949.
- (2) No. 1/9/49-F.I., dated the 25th February, 1949. (13 Declarations).
- (3) No. 1/9/49-F.I., dated the 1st March, 1949. (12 Declarations).
- (4) No. 1/2/49-F.I., dated the 3rd March, 1949. (30 Declarations).
- (5) No. 1/9/49-F.I., dated the 16th March, 1949. (2 Declarations).
- (6) No. 1/17/49-F.I., dated the 21st March, 1949. (2 Declarations).
- (7) No. 1/18/49-F.I., dated the 22nd March, 1949.
- (8) No. 1/13/49-F.I., dated the 23rd March, 1949.
- (9) No. 1/16/49-F.I., dated the 31st March, 1949.

[Shri Satyanarayan Sinha]

- (10) No. 1/23/49-F.I., dated the 9th April, 1949. (2 Declarations).
- (11) No. 1/25/49-F.I., dated the 20th April, 1949. (2 Declarations).
- (12) No. 1/20/49-F.I., dated the 22nd April, 1949.
- (13) No. 17/202/49-F.I.I., dated the 29th July, 1949. (2 Declarations).
- (14) No. 1/29/49-F.I., dated the 30th July, 1949.
- (15) No. 1/31/49-F.I., dated the 20th August, 1949.
- (16) No. 1/31/49-F.I., dated the 25th August, 1949. (2 Declarations).
- (17) No. 1/31/48-F.I., dated the 29th August, 1949.
- (18) No. 1/34/49-F.I., dated the 11th September, 1949.
- (19) No. 1/2/49-F.I., dated the 3th October, 1949. (2 Declarations).
- (20) No. 1/38/49-F.I., dated the 19th October, 1949.
- (21) No. 1/89/49-F.I., dated the 22nd October, 1949.
- (22) No. 1/41/49-F.I., dated the 27th October, 1949. (5 Declarations).
- (23) No. 1/42/49-F.I., dated the 9th November, 1949. (5 Declarations).
- (24) No. 1/43/49-F.I., dated the 9th November, 1949. (3 Declarations).
- (25) No. 1/45/49-F.I., dated the 12th November, 1949.

(Placed in the Library. See No. P-40/49.)

(i) MERGED STATES (TAXATION CONCESSIONS) ORDER, 1949.

(ii) TAXATION LAWS (MERGED STATES) (REMOVAL OF DIFFICULTIES) ORDER, 1949

The Honourable Dr. John Mathai (Minister of Finance): Sir, I lay on the Table a copy of each of the following papers, namely:

- (i) The Merged States (Taxation Concessions) Order, 1949, issued under section 60A of the Income-tax Act, 1922 and section 23A of the Business Profits Tax Act, 1947; and
- (ii) The Taxation Laws (Merged States) (Removal of Difficulties) Order, 1949, issued under section 8 of the Taxation Laws (Extension to Merged States) Ordinance, 1949.

(Placed in the Library. See No. P-41/49.)

MERGED STATES (LAWS) BILL.

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, I move:

“That the Bill to extend certain laws to certain areas administered as parts of Governors' Provinces or as Chief Commissioners' Provinces, be taken into consideration.”

Sir, this is a very short Bill, and I believe that it is a non-controversial measure. As Members of the House will remember, before August, 1948, there were certain States which were independent of what might be called British India, in the sense that they had their own laws and were not subject to the legislative authority of the Central Government nor of a Provincial Government. That situation is now completely altered. Some of the States which were independent have now become part of India. Some of them have been merged in the neighbouring provinces and have become parts of those provinces. Some of them have been created into Chief Commissioners' Provinces and are administered directly. It follows, therefore that if these States have now merged into the provinces or have become Chief Commissioners' Provinces, it is necessary that the laws made by the Central Government which operate throughout India must also apply to the States which have become merged. It is the purpose of this Bill to give effect to that principle. The Statement of Objects and Reasons give further details with

regard to this Bill, and hon. Members who have read that will. I am sure, not require any further remarks from me to elucidate the provisions contained in this Bill.

Mr. Deputy-Speaker: The question is:

"That the Bill to extend certain laws to certain areas administered as parts of Governor's Provinces or as Chief Commissioners' Provinces, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri S. V. Krishnamoorthy Rao (Mysore State): Sir, I move:

(i) "That in sub-clause (2) of clause 3 of the Bill, for the words 'together with' the words 'as a part of' be substituted."

(ii) "That in sub-clause (3) of clause 3 of the Bill, for the words 'together with' the words 'as a part of' be substituted."

Sir, these two amendments are acceptable to the hon. the Law Minister, because he has tabled similar amendments. I also move:

(iii) "That in sub-clause (3) of clause 3 of the Bill, for all the words occurring after the words 'subject to', occurring in line 6, the words 'such amendments' be substituted."

As regards the third amendment, all the words occurring after the words 'subject to', in line 6, are "so much of the said amendments as relate to matters with respect to which the Dominion Legislature has power to make laws for a Governor's Province" and these are redundant, for in sub-clause (2) the same thing is given, it says:

"So much of any of the Acts, Ordinances and Regulation specified in the Schedule as extends to any absorbing Province and relates to matters with respect to which the Dominion Legislature has power to make laws for a Governor's Province is hereby extended to, and shall be in force in etc., etc."

Therefore, these words occurring in the latter part of sub-clause (3) are redundant and the words "such amendments" would be quite sufficient. So I move these amendments.

The Honourable Dr. B. R. Ambedkar: I have my own amendments.

Mr. Deputy-Speaker: I shall put these amendments, and then I shall come to yours.

The Honourable Dr. B. R. Ambedkar: As regards the first two amendments, I think the proper language should be "as part of" and not "as a part of" and with this change, I have no objection to accepting the amendments. If the Mover is not prepared to accept this change, then I shall have to move my own amendment.

Shri S. V. Krishnamoorthy Rao: I agree to drop the "a".

The Honourable Dr. B. R. Ambedkar: Regarding the other amendment, I do not accept that the words are redundant.

Shri S. V. Krishnamoorthy Rao: I do not press the third amendment. Sir,

Mr. Deputy-Speaker: Then I will put the other amendments. The question is:

"That in sub-clause (2) of clause (3) of the Bill, for the words 'together with' the words 'as part of' be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That in sub-clause (3) of clause 3 of the Bill, for the words 'together with' the words 'as part of' be substituted."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Sri S. V. Krishnamoorthy Rao: From my amendment to clause 4 also, with your permission, I wish to drop the "a". Sir, I move:

"That in part (d) of clause 4 of the Bill, for the words 'together with' the words 'as part of' be substituted."

The Honourable Dr. B. E. Ambedkar: I am willing to accept it.

Mr. Deputy-Speaker: The question is:

"That in part (d) of clause 4 of the Bill, for the words 'together with' the words 'as part of' be substituted."

The motion was adopted.

Mr. Deputy-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.

Clause 5 was added to the Bill.

Sri S. V. Krishnamoorthy Rao: Sir, I move:

"That in part (b) of sub-clause (1) of clause 6 of the Bill, for the word 'incurred' the word 'imposed' be substituted."

"Imposed" and not "incurred" is the correct word. Part (b) reads:

"any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or."

In the latter part of the clause the word "imposed" is used in the Bill:

"any such investigation, legal proceeding of remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed."

"Imposed" will be the correct word, because the court imposes forfeiture, punishment or penalty.

The Honourable Dr. B. E. Ambedkar: Sir, I have examined this matter. I may say that at one time before I examined the matter, I thought that the amendment could be accepted but I now find that clause 6 has been drafted in perfect accord with the provisions contained in the General Clauses Act, section 6, and I am not prepared to depart from the language of that clause. I therefore cannot accept the amendment.

Shri S. V. Krishnamoorthy Rao: I do not press my amendment.

Mr. Deputy Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Shri S. V. Krishnamoorthy Rao: Sir, clause 7 reads at the end:

"any Court or other authority may construe any such Act, Ordinance, or Regulation with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court or other authority."

Here power is given to a magistrate's court or any authority to construe the laws specified under this Bill. This would give rise to conflict of opinion and it would be better if this power is vested in a central authority like the High Court which has jurisdiction over those areas. A large number of states have merged in the provinces and there are any number of inferior courts like the magistrate's courts which may give different interpretations to the same clause of an Act in the same area. That is why I have tabled an amendment that this power may be given to the High Courts which have jurisdiction over those areas. I do not know if it would be acceptable to the hon. Dr. Ambedkar.

The Honourable Dr. B. B. Ambedkar: Sir, this clause and the wording of it is covered fully by precedents. There are in our legislation two Acts which deal with a matter of this sort. One is Act VII, of 1912 called the Bengal, Bihar, Orissa and Assam Laws Act, The other is the India Adaptation of Existing Indian Laws Order, 1947, passed after the Indian Independence Act. This clause has been bodily taken from these two laws and therefore it cannot be said that we are in any sense departing from previous provisions which deal with matters of the sort dealt with in clause 7.

My friend will realise that there is no necessity for introducing the sort of provision which he wants to introduce by his amendment, namely a sort of reference by the trial court to the High Court for resolving of differences, for the simple reason that if he reads clause 7 carefully he will see that the adaptation which a trial court is empowered to make is merely of a formal character. They are not to affect the substance, as the clause itself says. In other words the adaptations will be merely of a formal character; where the word "province" occurs it will mean the 'state' or where the word 'state' occurs it will be the 'province'. There is no matter of substance involved. Consequently there is no necessity for resorting to the kind of provision which my friend wants to incorporate in clause 7. It is not a question of dissolution of difficulties.

Shri S. V. Krishnamoorthy Rao: The words used are "construe any such Act".

The Honourable Dr. B. B. Ambedkar: If my friend wants I can read the exact wording of the Act to which I referred.

Clause 5 of the Bengal, Bihar and Orissa and Assam Laws Act reads:

"For the purpose of facilitating the application to the territory, or any part thereof, mentioned in Schedule A, Schedule B or Schedule C of any enactment passed before the commencement of this Act, or of any notification, order, scheme, rule, form or by-law made under any such enactment,—

(a) any court, may, subject to the other provisions of this Act, construe the enactment, notification, order, scheme, rule, form or by-law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Court;"

"not affecting the substance" these are the important words.

Mr. Deputy-Speaker: I have received notice of an amendment from Mr. V. S. Sarwate, which has been received late. I am prepared to waive the objection to the late notice if the hon. Minister is prepared to accept the amendment. The amendment reads:

"That in clause 7 of the Bill, the words 'or other authority' occurring in line 4 be omitted."

The Honourable Dr. B. R. Ambedkar: It will be necessary that that authority should also be empowered to do the work of adaptation.

Shri V. S. Sarwate (Madhya Bharat): Sir, not only are the courts empowered to apply the laws with certain modifications which they consider necessary but authority is also given to other officials, including the executive authorities. There are I believe over one hundred laws which are at once made applicable to the merged areas and it is possible and conceivable that there may be cases in which the executive authorities would have to apply these laws. If they are given this power to make alterations in applying the laws it would be certainly dangerous in the interests of the general public. As the hon. Member must be knowing it is very difficult to make a distinction between an alteration of substance and that of a formal character: it is a very fine distinction. An authority so minded may under this cover make an amendment which it may allege to be formal and not substantial.

Further I beg to point out that executive authorities are empowered to construe the law. Construction of law is left to a court. The Act which the hon. Minister just read only gives power to the courts and not to any other authority. So that strengthens my case, if I have heard him correctly. The words "any Court or other authority may construe any such Act, Ordinance, or regulation" may include any official, even a *patwari* or a *munsharif* or all the executive officers. I would appeal to the Mover to consider whether it is necessary to give this power to "any authority". The only danger if these words are omitted will be that in some cases there may be difficulty, there may be deadlock and the authority may not be able to proceed. In that case they can refer to the court. It is better to be cautious in such respects instead of investing the lowest authority with such powers. It is better to have some deadlocks and difficulties created rather than to give them such powers, which in the present case amounts simply to giving all these powers to the executive.

The Honourable Dr. B. R. Ambedkar: I am sorry that I read only sub-clause (a) of the Bihar Act. There is also a sub-clause (b) which I did not read because I did not know that there was this amendment. That also confers power upon any authority. Similarly our own India (Adaptation of Existing Indian Laws) Order—Section 10—says that "any court, tribunal or authority required or empowered to enforce an existing Indian law" may do what we propose to be done under clause 7 of the Bill. My friend must remember that these Acts have not only to be interpreted and construed by courts but have also to be administered by executive officers. That being so, the power of making formal adaptations may not only be given to courts but to officers who have to administer them. I do not therefore see why we should accept the amendment moved by my friend which seeks to delete the words "or other authority" from clause 7.

Mr. Deputy-Speaker: For instance, in respect of the Census Act of 1948, the Coal Mines Provident Fund and Bonus Schemes Act it is not merely the courts but also the authorities administering them. They have also to construe them. It is not a different authority. The authority administering it has to adapt it.

But my own difficulty was this. If one court construes it in a particular manner and the appellate court does it differently, what will happen?

MERGED STATES (LAWS) BILL

The Honourable Dr. B. R. Ambedkar: They will have the right to reconsider it. But that is only a formal thing.

Shri V. S. Barwate: My amendment should be put to vote.

Mr. Deputy-Speaker: I rule it out. It came very late. I was prepared to admit it in spite of the inadequate notice if it was acceptable. But the hon. Minister has said sufficient about the matter. And there is no matter of substance in the amendment.

Sjt. Rohini Kumar Chaudhuri (Assam: General): I would like to make an enquiry in regard to this matter. Under clause 3 of this Bill "the Acts, Ordinances and Regulation specified in the Schedule are hereby extended to, and shall be in force in, all the new Provinces" and "So much of any of the Acts, Ordinances and Regulation specified in the Schedule as extends to any absorbing Province...is hereby extended to, and shall be in force in, all the merged States..." Now, in this Schedule there is mention of the Code of Criminal Procedure, and I do not find any saving in this regard under clause 6. I would only like to draw the attention of the hon. Minister to the fact that under the new Constitution we are going to have Autonomous Councils, and in the areas which are administered by Autonomous Councils there will also be States—for instance the Kasi State will be included in that manner. Under the provisions of the Sixth Schedule of the Constitution the Criminal Procedure Code will not be in force in the Autonomous Districts. But by virtue of the provisions of clause 3 of this Bill the Criminal Procedure Code will apply to the States which are merged in the province of Assam. So, my enquiry is if the States are in the province of Assam and at the same time they are guided by the Sixth Schedule of the Constitution, whether the Criminal Procedure Code will not be in force as under the Constitution or will be in force as provided for in clause 3 of this Bill, in the Schedule to which the Code of Criminal Procedure figures as an item.

The Honourable Dr. B. R. Ambedkar: The answer is very simple. Whatever the Indian Legislature does must be subject to the provisions of the Constitution. If the Constitution says that the Criminal Procedure Code shall not be in operation, then notwithstanding anything that the Indian Legislature does, to the extent that it is in contravention of the provisions of the Constitution it shall stand abrogated.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill"

The motion was adopted.

Clause 7 was added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

"That in the Schedule to the Bill, the following entries be omitted, namely:

- (a) '1947 X. The Explosives (Temporary Provisions) Act, 1947'.
- (b) '1949 XXVIII. The Industrial Disputes (Banking and Insurance Companies) Second Ordinance, 1948'."

These laws have exhausted themselves. Therefore there is no necessity to include them in the Schedule.

Mr. Deputy-Speaker: The question is:

"That in the Schedule to the Bill, the following entries be omitted, namely: "

- (a) '1947 X. The Explosives (Temporary Provisions) Act, 1947'.
- (b) '1949 XXVIII. The Industrial Disputes (Banking and Insurance Companies) Second Ordinance, 1949'."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, with your permission I would like to move one more amendment to the Schedule. I move:

"That in the Schedule to the Bill, the following entry be inserted in the appropriate place, namely:

'1927 XVI The Indian Forest Act, 1927'."

The reason why this Act was not included in the Schedule was that this Act, although enacted by the Central Legislature, does not apply to all the Provinces. Consequently it was felt that there was no necessity to include it in the Schedule which specifies the Acts that apply to the whole of India. But it was subsequently felt that even though the application of the Act is restricted to certain Provinces, its extension may be necessary and consequently I am moving this amendment.

Mr. Deputy-Speaker: Amendment moved:

"That in the Schedule to the Bill, the following entry be inserted in the appropriate place, namely:

'1927 XVI The Indian Forest Act, 1927'."

Sardar Hukam Singh (East Punjab: Sikh): Who is to say which the appropriate place will be?

The Honourable Dr. B. R. Ambedkar: My friend will see that the Acts are arranged in accordance with the years in which they were passed. This was in 1927. Consequently its appropriate place would be in that numerical order, under those Acts which were passed in 1927. That is why the words "in the appropriate place" have been mentioned.

Mr. Deputy-Speaker: If the hon. Minister would kindly refer to page 6 of the Bill, there is only one item under 1927.

The Honourable Dr. B. R. Ambedkar: Sir, I thought the rest could be done by the draftsman.

Mr. Deputy-Speaker: The question is:

"That in the Schedule to the Bill, the following entry be inserted in the appropriate place, namely:

'1927 XVI. The Indian Forest Act, 1927'."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri Kishorimohan Tripathi (C.P. and Berar States): Sir, on behalf of the merged States of C.P., I accord my fullest support to this measure which carries the process of merger a step further. Though most of these Acts were already prevailing in the States, the people, however, will watch whether during the process of administering these Acts in these States the tone of administration there improves or not. I hope that with these Acts applied the tone of administration in general will improve and justice and security shall be brought home to the people of the merged States.

Shri Sarangdhar Das (Orissa States): Sir, I fully support this Bill, but there is one thing that has been worrying me and that is that in the merged States, particularly of Orissa and C.P. and Berar, there is a system of monopoly; monopoly for hides, skins and bones, monopoly for *kendu* leaves out of which *biris* are made—a large and flourishing industry—and monopoly for other articles like tamarind which is grown in the backyard of tenants' own holdings, and lac which is cultivated by tribal people on certain trees. In all these things the monopoly used to be auctioned by the *Rajahs* to the highest bidders whereby the other traders are discriminated against and are prevented from trading in that commodity. I believe that is why perhaps in the areas administered by the British, all over the British Empire, the monopoly system was abolished. It is considered to be a very pernicious system. But our Rulers in the Indian States had all kinds of things that existed in feudal ages and with the help of the British Government who were propping them up, these monopolies were going on.

When the States were integrated in January 1948, I had fully hoped, and many of my friends who had worked in these States in the political movement had hoped and assured the people, that as soon as the States were amalgamated with the Provinces the monopolies would go. I had personally requested the Premiers that they should announce that the monopolies are no longer there. But I have noticed during the last one year that the Governments of C.P. and of Orissa are perpetuating this monopoly system. I don't lay so much stress on the discrimination that is made thereby against other traders, but I have seen that this is a great hardship for the primary producers of those commodities. Because there is a monopolist, the primary producer cannot sell his produce anywhere else or take them out of that area. And the monopolist dictates the price. For instance, a piece of cowhide well-dried and salted, is paid for by the monopolist at about two or four annas, while that same piece, if it crosses the border and goes to a district of the Province, can fetch Rs. 2. So, also with the *kendu* leaves out of which *biris* are made. An old woman picking these leaves all day long may be getting eight or twelve annas a day in the Sambalpur District in Orissa while in the State of Sonpur, Patna and others around Sambalpur District she gets only one and a half annas or two annas. My plea is on behalf of the poor primary producers. There is no doubt that the States used to get revenue out of that, and now the Province of Orissa having taken over these twenty-four States, I understand, gets a revenue of somewhere about Rs. 40 lakhs from *kendu* leaves alone. It will be certainly a loss of revenue for the Province, but I look at it from the viewpoint of the welfare of and equity for the primary producers who are very, very poor people; they are landless people and eke out a little living in spring

[Shri Sarangdhar Das]

and summer time out of picking *kendu* leaves. There is the Provincial Government now which takes Rs 40 lakhs and the merchants who with a flourishing trade in *kendu* leaves get somewhere about a crore. Now, all this money of nearly Rs. 1½ crores is mulcted out of these ignorant, poor people. I don't believe that any Government that cares for the welfare of the people would accept such an idea that the poor people should be fleeced in order to fill the coffers of the Provincial exchequer.

So, I wish to know if, with the application of these laws to the merged States, the monopoly system would go, I understand that by their application the administration of justice and everything else will be of the same order in these merged States as in the Province, so I wish to know from the law Minister, if along with the introduction of these laws, this monopoly system will go from the States. If it does not go, if these laws still permit monopoly to remain, I myself will see to it that this system goes.

Shri Raj Bahadur (United State of Rajasthan): Sir, while welcoming the measure before the House, I have simply to submit that so far as the question of the merged States is concerned the process of unification becomes more or less complete by the enactment of this measure. I would refer to the States which have formed or integrated themselves into Unions. I perfectly realise that so long as the Government of India Act is in force the power of the Central Legislature does not extend over the States Unions and therefore all these laws cannot be extended to such Unions. But I may respectfully point out that a similar type of legislative measure would be necessary for those States also which have now integrated into Unions.

At the present time, we find that the Civil Procedure Code, the Criminal Procedure Code, the Indian Evidence Act, the Registration Act, the Stamp Act and various other enactments which have been, from time to time, adopted by the Central Legislature and which have been in force throughout the country are not in many States applicable as such. There are different analogous enactments in different States and these Unions. For example, Jaipur has got its own Civil Procedure Code and Criminal Procedure Code. There are many other Acts which vary from State to State. I wish simply to point out that we eagerly await the day when the process of unification of laws would be extended to such Unions and States. We are aiming at the unity of the nation. It is an accepted truth that the unity of the nation cannot be achieved without the unification of laws and the unification of laws and the advantages resulting therefrom must also be provided to the people who reside in the States Unions, so that the great anomalies and the great confusion that prevails at present in some of these States may be obviated.

Another point which I want to lay stress upon here is that in some cases local customs and local usages have shaped the form and structure of various local enactments. I do not know what sort of administrative shock will be felt by these merged States and the social set up in such States when such enactments are repealed by the present measure. Some of the local enactments were very beneficial to the society, but I perfectly realise that for the greatest good of the greatest number and for the purpose of unification and solidarity of the nation, perhaps those small advantages may have to be given up. With these words and with the hope that soon after the coming into force of the new Constitution, a similar measure would be taken in respect of the States which have integrated in the form of States Unions, I welcome this Bill.

The Honourable Dr. B. R. Ambedkar: With regard to the point raised by my hon. Friend from Orissa, I would like to say that in so far as the laws enacted by the Centre which are made applicable by the present measure to the merged States is concerned, I do not think that he need have any fear because I do not remember and do not think that any of the measures enacted by the Centre which are made applicable to the merged States recognise any kind of monopoly or any kind of the evils to which he has made any reference. Therefore, if there are any evils such as he has described, they probably have their root in the laws which are at present in operation in the merged States. In regard to that, I should like to say that it is hoped that each province which has absorbed some of the States which are designated here as "merged States" will have similar legislation to the one that we have now on the anvil here today. If the provinces also pass laws extending their laws to the merged States, I am sure that the evils to which he has referred will disappear, because the provincial laws, so far as I am aware, also do not recognise any monopoly or any of the evils to which he has referred. All that I can do is to give him the assurance that the Government of India do hope and do intend to suggest to the provinces that they should also pass similar laws extending the laws prevalent in the British Indian part of the Indian provinces to the merged parts of the provinces, with the result that all these distinctions between one part and the other part in the same province will vanish. I do not think I need say anything more to remove his apprehensions in this matter.

Shri Raj Bahadur: What about the States Unions?

The Honourable Dr. B. R. Ambedkar: With regard to that my friend will appreciate that at the present moment the authority of the Centre over these States is of a very limited character. It is bounded and limited by the Instruments of Accession. The fullest authority which we intend that the Centre should have over all the States in a uniform manner will accrue to the Centre from the 26th January, 1950 when the Constitution will come into operation, with the result that either some of the Acts will automatically apply to the Indian States which will now become units of the Centre, or if that does not happen, the Centre will take good care to see that they are extended to them.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

ABDUCTED PERSONS (RECOVERY AND RESTORATION) BILL

The Honourable Shri N. Gopalswami Ayyangar (Minister of Transport and Railways): I move:

"That the Bill to provide, in pursuance of an agreement with Pakistan, for the recovery and restoration of abducted persons, be taken into consideration."

The Bill is a short one. It is also a simple, straightforward and if I may use the word, an innocent one and I trust the House will have no difficulty in passing it today. I say it is a simple and straightforward measure in spite of the fact that notice has been given of a large number of amendments, but as I proceed the House will be able to see that except with regard to some of the amendments which I propose to accept, the rest of the provisions of the Bill will be fairly easy-sailing.

[Shri N. Gopalaawami Ayyangar]

The House is fully aware of what has been done in regard to the recovery of abducted persons practically ever since the partition of the country was implemented. It is one of those sorry experiences that we have had to go through in connection with the partition of the country that both for a few months prior to the 15th of August, 1947 and for several months afterwards, things happened in this country—by this country, I mean the sub-continent of India on both sides of the border—in regard to which most of us will have to hang our heads down in shame. I say this deliberately, because among the many brutalities and outrages which vitiated the atmosphere round about this period, none touched so low a depth of moral depravity as these mass abductions of women on both sides. I say deliberately that that is a thing of which those of us who think of civilised government and want to conduct that government on civilised lines should feel ashamed. Very early in the course of these happenings, leaders in the country became conscious of the duty they owe in this connection and committed themselves to a policy which is embodied in this Bill. I should say that the first expression of this kind of policy was one for which the Indian National Congress was responsible. That policy was initiated at the session of the Indian National Congress on the 23rd and 24th November, 1946 and that Resolution had as its background the happenings that took place in North Eastern India, in Bihar, in Calcutta and round about Meerut itself where the Congress was held. The Resolution at that Congress was moved by Dr. Rajendra Prasad. It was seconded by Maulana Abul Kalam Azad, and Pandit Jawaharlal Nehru and Khan Abdul Ghaffar Khan supported it. It said:

“The Congress views with pain, horror and anxiety the tragedies of Calcutta, in East Bengal, in Bihar and in some parts of Meerut district. The acts of brutality committed on men, women and children fill every decent person with shame and humiliation. These new developments in communal strife are different from any previous disturbances and have involved murders on a mass scale as also mass conversions enforced at the point of the dagger, abduction and violation of women and forcible marriage.”

Then the operative part of the resolution said:

“The immediate problem is to produce a sense of security and rehabilitate homes and villages which have been broken up and destroyed. Women who have been abducted and forcibly married must be restored to their homes. Mass conversions which have taken place forcibly have no significance or validity and the people affected by them should be given every opportunity to return to their homes and to the life of their choice.”

That was a resolution which was adopted by the Congress many months previous to the 15th of August, 1947. But things happened even in the early part of 1947—from about the first March onwards—and they continued for several months. Only less than three weeks after the 15th of August, 1947 things became so bad that the leaders and the representatives of the Governments of the two Dominions met and resolved that steps should be taken to recover and restore abducted persons. They also pronounced themselves against recognition of forced marriages. That was on the 3rd of September, 1947.

About two months after that the All-India Congress Committee met on the 15th, 16th and 17th of November and passed the following resolution which incorporated an amendment moved by Shri Jai Prakash Narain and was in the following terms:

“During these disorders large numbers of women have been abducted on either side and there have been forcible conversions on a large scale. No civilised people can recognise such conversions and there is nothing more heinous than abduction of women. Every effort, therefore, must be made to restore women to their original homes, with the co-operation of the Governments concerned. The A. I. C. C. has noted with satisfaction the declarations made on behalf of the Governments of the two Dominions and East and West Punjab that forcible conversions may not be recognised and that they will co-operate in the recovery of abducted women.”

That, Sir, was in the middle of November, 1947. On the 6th of December, 1947 there was an Inter-Dominion Conference at which the two Dominions agreed as to the steps to be taken for the implementation of the declarations that had already been made. As a result of this implementation recoveries were made and the House will be interested to know that between the 6th of December, 1947 and July, 1948 the numbers recovered in the two Dominions came to 9,362 in India and 5,510 in Pakistan. During the period 6th December, 1947 to 31st January, 1948 and also during February, 1948 the recoveries in Pakistan were larger than the recoveries in India. The recoveries during the first of these periods in India were 1,744, while recoveries in Pakistan were 2,000. In the month of February, 1948 the recovery from the Indian Union was 1,297 and the recovery from Pakistan was 1,406. In subsequent months the number of recoveries in India was larger than the recoveries in Pakistan. During the latter part of this period the recoveries in Pakistan dwindled down to very small figures and after July, 1948 recoveries in both Dominions dwindled down and it was found necessary that some active steps should be taken for the purpose of speeding up recoveries in both Dominions. As a result of negotiations between representatives of the two Dominions an agreement was reached on the 11th of November, 1948 the principal features of which were that each Dominion undertook to be responsible for the recoveries to be made within its own territory and the recovered persons were to be taken first to a transit camp, then moved on to a base camp and finally restored to their relatives in the other Dominion after enquiry.

It was also realised at the time that it was necessary to have some legal authority for making these recoveries. That legal authority had not been in existence prior to this Inter-Dominion Agreement of November, 1948. As a result of this Agreement, India issued an Ordinance on the 31st January, 1949 and it was thought at the time that Pakistan would issue almost simultaneously an Ordinance in identical terms, but there was some delay on the part of Pakistan and the Ordinance in Pakistan was issued only in May, 1949. That Ordinance is still in force and the law in Pakistan is that this Ordinance continues in force until it is abrogated.

Prof. Shibhan Lal Saksena (U.P.: General): May, 1949, I think.

Shri Jaspal Roy Kapoor (U.P.: General): Our Ordinance was issued on 31st January, 1949.

The Honourable Shri N. Gopalaswami Ayyangar: Yes, 31st January, 1949 and theirs was issued in May, 1949. Our Ordinance of the 31st January, 1949 was due to expire on the 31st July, 1949 and it was renewed by another Ordinance in identical terms issued on the 30th of July, 1949. That second Ordinance will expire at the end of January, 1950. So, unless legal authority is renewed after that period, the work will have to come to a dead stop. Government's policy is that this legal authority should continue even after the 30th January, 1950 and that is why this Bill has been brought before this House because we shall have no other opportunity of inviting the House to consider this legislation before the current Ordinance is due to expire.

Shri Raj Bahadur (United State of Rajasthan): May I know when the Pakistan Ordinance expires?

The Honourable Shri N. Gopalaswami Ayyangar: It does not expire until the Pakistan Government formally abrogate it. It is now in force.

[The Honourable Shri N. Gopaldaswami Ayyangar]

Now, so far as the provisions of the Bill itself are concerned, they are fairly simple. We define abducted persons. We provide for the manner in which they should be recovered. We provide also for camps in which they could be detained until their cases are disposed of. We provide for the authorities who are to determine who are abducted persons and who are not. Where there is a dispute we provide for a Tribunal to decide the dispute. There is a high power authority over this Tribunal which can review their decisions and in addition Government have the power to revise or review any such decisions. And then we provide for taking power to make rules for the administration of these camps and the manner in which enquiries should be held and for the procedure that should be followed in determining the question to whom these persons who are brought to camps should be delivered and how that decision should be implemented. There is also a clause in this Bill which grants indemnity to all officers who have taken or will take part in these operations and who should not be subjected to the risk of their acts being called in question on account of any technical irregularities or any legal technicalities for that matter. Those are the simple provisions of this Bill. I wish only to say just one or two words as regards the work itself. Now, the total number of persons who since December, 1947 have been recovered in the two Dominions exceeds 12,000 in India and 6,000 in Pakistan.

Shrimati Purnima Banerji (U.P. : General): Are they still to be recovered?

The Honourable Shri N. Gopaldaswami Ayyangar: They have been recovered.

Shri H. V. Pataskar (Bombay: General): What is the number of women recovered since the passing of the Ordinance?

The Honourable Shri N. Gopaldaswami Ayyangar: It is about 3,000 in India and about 700 in Pakistan. Perhaps hon. Members will be interested to know what has been done during the last few months. Starting from the passing of the second Ordinance in India, that is to say from August, 1949, in the month of August 145 women were recovered in India. In September 214. In October 355. In Pakistan 32 were recovered in August, 20 in September and 261 in October.

Dr. Bakshi Tek Chand (East Punjab: General): Do these figures include the Azad Kashmir Territory?

The Honourable Shri N. Gopaldaswami Ayyangar: This considerable figure of 261 in Pakistan was due to the Kashmiri women who were recovered.

Now there has been some criticism that while in India we have recovered women of all ages and so forth, in Pakistan they have recovered for us only old women or little children and not women of the intervening ages. I have had a statement prepared showing what the percentages in different age groups will be. Below 12 years in Pakistan, the percentage is 45 per cent. while in India the number of Muslim abducted persons recovered below 12 years was 35 per cent.

An Honourable Member: For the whole period?

The Honourable Shri N. Gopaldaswami Ayyangar: For the whole period. From 12 to 35 years, 44 per cent. in Pakistan and 59 per cent. in India. 35 to 50 years, six per cent. in Pakistan and 4 per cent. in India. 50 years and above, five per cent. from Pakistan and two per cent. from India. I do not think really there is any justification for any kind of impression that Pakistan has deliberately withheld from us women in the intervening age groups. They have recovered whatever they were able to recover.

An Honourable Member: Does the percentage belong to the particular age groups or the total?

The Honourable Shri N. Gopaldaswami Ayyangar: They are percentages of the total for each age group.

Now with regard to the work itself, one of the most pleasing and welcome features of this work is that it has been almost entirely done by social workers.

Prof. Shibban Lal Saksena: All the percentages do not make a 100 in Pakistan.

The Honourable Shri N. Gopaldaswami Ayyangar: Does the hon. Member mean for the last three months?

Prof. Shibban Lal Saksena: The percentage of the various age groups.

Mr. Deputy-Speaker: The hon. Member has not noted the percentage of the other groups.

The Honourable Shri N. Gopaldaswami Ayyangar: I do not believe that the age groups exhaust all the ages. I do not believe they do.

Now I gave you the figures for recoveries in the two Dominions. I was saying that the work was almost entirely the work of social workers. They have done remarkable work in this connection. They have been mostly women and credit should go to the large number of social workers of this type who have taken part in both the Dominions. In our Dominion, we have had a number of them. Shrimati Rameshwari Nehru did a lot of good work in this connection till recently; there have been other people; Shrimati Premnath Thaper of Jullunder did a lot of good work. But over them all presides one lady to whom I wish to make a special reference.

Sardar Hukam Singh (East Punjab: Sikh): Shall we be allowed to criticise the work of social workers, if they are to be applauded like that?

The Honourable Shri N. Gopaldaswami Ayyangar: Whatever the House may choose to do, it cannot prevent me from paying a tribute to workers who have done good work in this connection. I was saying that over them today presides at the head of the Central Organization Shrimati Mridula Sarabhai to whose initiative, energy and above all courage in doing this work, I cannot pay a sufficient tribute. On the other side as well, I can mention the workers, but I would single out Miss Qazi, with whom I have had opportunities of discussing matters myself. She has done a tremendous lot of good work. In Lahore we have got another of our own social workers, Shrimati Bhag Mehta who does splendid work there. I should also here pay a tribute not only to our own officers but to a number of officers in Pakistan who have helped in the recovery of non-Muslim women, not an easy task. I can tell you from my experience of handling this work, not at all an easy task to make recoveries in the Pakistan Provinces. Now I wish this to go on record that this is a thing which as a civilized Government we ought to continue to do, but our own policy is that whatever may be done in the other Dominion, whether recoveries

[The Honourable Shri Gopaldaswami Ayyangar]

of non-Muslim women are adequate or not, we owe a duty to the large number of Muslim women who are abducted within our own territory and they have got to be recovered and if they wish to go there to their own original relatives, it is our obvious duty to see that the fullest facilities are made available to them to do so, and in this connection, I wish only to say this—that there has been a certain amount of disappointment and dissatisfaction felt at the fact that the number of recoveries in the other Dominion has not been as adequate as it might have been. There are various reasons for that, but I can tell you that both at the top of the governmental machinery in the other Dominion and amongst Heads of Departments, who are connected with this work in the other Dominion, there has been the fullest co-operation. If they have not produced better results, they are due to factors about which I would rather not speak at length to this House. (An Honourable Member: Why not?) After all a good deal of the success of these efforts should be due to the amount of co-operation that the officers engaged in this work, the social workers engaged in this work get from the population amongst whom they have to work, and it is rather disappointing for me to state that the co-operation that this work has received from the general public in the other Dominion has not been as heartening or as helpful as we have received in this Dominion from all classes of people and that, perhaps is the reason why the number of recoveries in the other Dominion is not as good as it is in ours, but I can tell you that latterly even public opinion is changing particularly in the West Punjab and political and other social organizations led by fairly important persons are pledging themselves to this cause and I do hope that recoveries in the future will be better than they have been in the past.

Prof. Shibban Lal Sakana: Have you any idea of the total number of persons abducted?

The Honourable Shri N. Gopaldaswami Ayyangar: At one time we thought we could estimate the number of non-Muslims abducted in Pakistan at about 38,000. Pakistan estimated the number of Muslim women abducted in India at about 50,000, but these are rather wild figures. We have so far recovered between the two Dominions something like 19,000 and at the rate of recoveries that we have had in India during the last few months after the second Ordinance was issued, there can be absolutely no doubt that there are considerable numbers of Muslim abducted women still to be recovered in India, and in spite of the fact that the recoveries in Pakistan have been as low as they have been, I do consider that there are large numbers of non-Muslims women still to be recovered in Pakistan.

Shri Raj Bahadur: What is your probable estimate of recoveries to be made?

The Honourable Shri N. Gopaldaswami Ayyangar: It is very difficult to say. The latest lists that we have sent to Pakistan, I believe, total to something about 7,000 to 8,000 women, about whom we could get particulars, but I do not think even that number exhausts.

Shrimati Fatima Banerji: Are our social workers allowed to visit the camps in Pakistan?

The Honourable Shri N. Gopaldaswami Ayyangar: Yes, they are. As I said we have particulars of these 7,000 or 8,000 women and we have communicated them to Pakistan for the purpose of helping them in making their recoveries.

Pandit Thakur Das Bhargava (East Punjab: General): Does this number include women taken away from Kashmir by way of raid, etc.?

The Honourable Shri N. Gopalaswami Ayyangar: To estimate the Kashmir women taken away is even more difficult than to estimate the women in West Pakistan. With a number of women some of the most atrocious things were done. They were exhibited in batches and raiders were asked to choose whom they wanted: They were privately sold. They were even sold in the market place in tribal areas.

Sardar Hukam Singh: Was it not after the agreement of 3rd September, 1947, between the two Governments?

The Honourable Shri N. Gopalaswami Ayyangar: Yes. The Kashmir thing happened so much later.

Shri Raj Bahadur: What is Pakistan's estimate of Muslim women in our country?

The Honourable Shri N. Gopalaswami Ayyangar: They originally estimated it at 50,000.

Shri Raj Bahadur: What is it now?

The Honourable Shri N. Gopalaswami Ayyangar: They still stick to their figure, but I consider their figure is very much exaggerated. But still there are very many women still to be recovered.

Sardar Hukam Singh: The hon. Minister has given us the figure at which Pakistan estimates Muslim women abducted in India, but we have not yet got the estimate of our Government, about the number of Muslim women abducted in India.

The Honourable Shri N. Gopalaswami Ayyangar: We have made no such estimate with any pretence to.....

Sardar Hukam Singh: But your publications give the number as 21,000. and now we are told no estimate has been made. They give the numbers as 21,000 Muslim women abducted in India as against 33,000 abducted in Pakistan.

The Honourable Shri N. Gopalaswami Ayyangar: I do not know what publication the hon. Member is referring to. If anybody gave this figure of 21,000. I am afraid he was rather daring in making an estimate of that sort. It may be twenty-one, or it may be only fifteen, for that matter.

Mr. Deputy-Speaker: How long is the hon. Minister likely to continue?

The Honourable Shri N. Gopalaswami Ayyangar: I will take from five to ten minutes more.

Mr. Deputy-Speaker: Then we shall meet after Lunch. The House stands adjourned to 2-40 p.m.

The Assembly then adjourned for Lunch, till Forty Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Forty Minutes Past Two of the Clock, Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

ABDUCTED PERSONS (RECOVERY AND RESTORATION) BILL—Contd.

The Honourable Shri N. Gopalaswami Ayyangar: Sir, I have very little to add to what I said in the morning. I only wish to make one point very clear.

This legislation we are undertaking in pursuance of an agreement which we have entered into with Pakistan. One very important consideration in this connection is that as far as possible the legislation on both sides of the border should be in substance the same. There is an ordinance already in force in Pakistan. It would be very inconvenient for us in passing the Bill today that we should make any amendments therein which will conflict with what the two Dominions have already agreed to and what is embodied in the present ordinance in force in Pakistan as also in the Ordinance that is in force in India today. Subject to that overriding consideration, I have already examined all the amendments of which notice has been given and as a result of discussion with the hon. Members of the House interested in these amendments, I have already committed myself to accepting some of those amendments which, in my opinion, will not conflict with the agreement we have entered into with Pakistan and which will not interfere in any substantial manner with the policy which this Government are pursuing in regard to these matters. That is one very important consideration that I wish to place before the House.

I gave certain figures this morning when I was asked a question as to the numbers we had communicated to the Pakistan Government of abducted persons yet to be recovered from Pakistan. I think my hon. friend Dr. Bakhshi Tek Chand was very interested in getting that information. We have now supplied fresh lists of about 7,520 names of abducted persons yet to be recovered from Pakistan. In this number are included about 5,000 persons, of whom definite clues were furnished and 2,000 of them were specifically stated to have been in the custody of government servants in Pakistan. These lists are, however, not exhaustive. Though we had given a list of something like 7,000 to 8,000 persons, my own view is that there is yet a considerable number in addition to the numbers we have already given to Pakistan, who will have to be recovered, if the agreement between the two Dominions is properly implemented. It is to our interest to keep this agreement in force for as long a time as possible, in view of the numbers of non-Muslim women still to be recovered from Pakistan. It is not merely a question of recovering Muslim women in our own territory, about which I said we are in conscience bound to do the best we possibly can, but it is also a means of persuading Pakistan to put more energy into the effort they are making for the purpose of recovering as many more non-Muslim women from Pakistan as possible.....

Dr. Bakhshi Tek Chand: May I ask the hon. Minister if Pakistan has also supplied a smaller list giving particulars of the Muslim women in India who have yet to be recovered?

The Honourable Shri N. Gopalaswami Ayyangar: They have sent us lists at various times of such persons about whom they had any information or clues. I cannot remember that they sent any consolidated list of the kind that we have sent to them.

Dr. Bakhshi Tek Chand: When was the latest list from Pakistan Government received by the hon. Minister and what was the number given therein?

The Honourable Shri N. Gopalaswami Ayyangar: If it is available, I shall give it in the course of the debate.

I do not think I need add anything more to what I said this morning. It is very important to remember that it is a matter of conscience, it is a duty which we owe to human society that we should continue to make recoveries in our own Dominion. It is a duty which we owe to the fathers, mothers and husbands of large numbers of non-Muslim women who are still to be recovered from Pakistan, that we should continue this arrangement with that Dominion with a view to get as many more of them recovered as possible. I would therefore ask the House to accept the principles on which the Bill is based and to give Government the authority and the machinery necessary for doing their duty in this connection.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide, in pursuance of an agreement with Pakistan, for the recovery and restoration of abducted persons, be taken into consideration."

Pandit Thakur Das Bhargava: Sir, I support the motion for the consideration of the Bill. But I am sorry I cannot agree with all that has been said in connection with this Bill by its mover. When we consider the situation as it resulted after the Partition in regard to these abducted women, we cannot look at the question with equanimity. If there is any sore point or distressful fact to which we cannot be reconciled under any circumstances, it is the question of abduction and non-restoration of Hindu women. I am sure that every Indian will respond to the appeal which the hon. the Mover of the Bill has just made that every Muslim woman should be restored. Everybody will join issue with him on this point. But at the same time when we are considering this question we cannot ignore what has been done in Pakistan in relation to this matter. If this is a mere matter of international morality I am at one with the hon. Mover that we should have no hesitation in restoring the Muslim girls who are to be found in India to Pakistan even if they do not return any of our girls. But why did we enter into an agreement for this purpose? I know the genius of our people, the high morality of our people and we are all willing to see that every Muslim girl should be restored. But all the same when we have entered into a bilateral agreement—and with all solemnity they entered into the agreement—let us see how it has been honoured in letter and in spirit by Pakistan. The hon. Mover has applauded the Pakistan Government. I am sorry I cannot join with him in congratulating the Pakistan Government or the Pakistan officials in this respect. I do not know much about the social workers of Pakistan. If they have behaved in the manner the hon. Mover of the Bill has suggested to us, all honour to them. At the same time we know that on the 3rd September, 1947 an agreement was signed between the two Governments and the ink was not dry when the Pakistan Government along with the Azad Kashmir Government raided parts of Kashmir and took away our women. I can understand lapses in the case of a private individual. There might have been lapses on the part of Hindus and Sikhs on this side and on the part of Muslims on the other side. But for a Government to be a party to this loot, to this raid upon women and property and then to say that as a matter of fact they were not a party to it, and ultimately to accept that they were a party to it—all this betrays a state of things for which nobody on earth can justify the Pakistan Government. In October, 1947 and later on, before the Cease-Fire was signed, Pakistan and the forces of Pakistan perpetrated such brutalities in Kashmir that one cannot fully describe them or even think of them with equanimity. Sir, I am a very humble man. I do not

[Pandit Thakur Das Bhargava]

understand the equities and the relations between States. But when I consider the relations between Pakistan and India, I am sure many in this House will agree with me that our Government has behaved in a very forbearing spirit, in a very weak spirit I should say. I have read some of the letters which have been received from Hindu girls in Pakistan and the pathetic manner in which they describe their position is one which will give cause for sorrow to everybody in the House if I were to read out some portions of them. In one letter a lady says "I am performing my *sandhya* every day, I am reciting *Gayatri*, and I am all the day thinking when our gracious Government will be pleased to extricate us from this our present position." We may appear to the world to be very big. We may boast of anything and we may do anything in this world. But where is the heart in India which does not feel that as a matter of fact our Government has not been able to give protection to these Hindu girls? I can understand it is very difficult for the Government to make a war or another Government. But I would like to know why this Cease-Fire Agreement was agreed to before those girls who had been taken away from Kashmir were returned to India. If we were bold enough, good enough, sagacious enough or honest enough we should not have entered into an agreement before the girls who had been captured in Kashmir were returned back to us. When I consider the cruelties and brutalities perpetrated by these Azad Forces and the Pakistan Forces in Kashmir I—a very humble and peaceful man—do think that if there is any justifiable cause for fight or for war between Governments this is the cause. You will remember, Sir, how when one Ellis was kidnapped by some Pathans the whole of Britain shook with anger and indignation and until she was returned Englishmen did not come to their senses. And we all know our own history, of what happened in the time of Shri Ram when Sita was abducted. Here, where thousands of girls are concerned, we cannot forget this. We can forget all the properties, we can forget every other thing, but this cannot be forgotten. And this will always remain a sore point in the relations between Pakistan and India. I should have therefore thought that if moral considerations did not prevail with the Pakistan Government, at least mundane considerations will prevail with them. We have been told that Pakistan claimed that 50,000 Muslim girls remained in India. I do not know what the figure was which our Government gave. (An Honourable Member: There are 33,000). Today it was stated that 33,000 remained there. May I submit this? I live among the people. I live in East Punjab. I know my Province very well. I can speak with full authority so far as these three or four districts of Haryana are concerned. There are very few Muslim women who remained here. It is entirely wrong to suggest that a very huge number of Muslim women are now in India. In the Statement of Objects and Reasons I find that many Muslim women are still here in India to be restored. It is stated "a large number of such women and children still remain to be recovered." I do not know what the meaning of the expression "large number" is. But I can assure the hon. Mover that so far as my information goes that statement is not very right. There may be some Muslim women in India and we want that these should be returned. It is not that we do not want that they may be returned. But at the same time it is wrong to suggest that there is a great number here. As regards our women in Pakistan I do not think it is right to say that only 7,000 to 8,000 of them now remain to be recovered.

The Honourable Shri N. Gopalaswami Ayyangar: May I correct my hon. friend? I made no statement that there were only seven or eight thousand women. What I said was we had sent lists which totalled seven to eight thousand women about whom we had information. And I believe I added in

the course of my speech this morning that my own view was that there were many more non-Muslim women in Pakistan.

Pandit Thakur Das Bhargava: How many more, Sir?

The Honourable Shri N. Gopalaswami Ayyangar: That is a matter of guess.

Pandit Thakur Das Bhargava: I am glad I stand corrected. My view is the same, namely that there is a very large number of Hindu and Sikh women in Pakistan. When, as it appears, my hon. friend has sent full particulars of about seven to eight thousand women, may I humbly enquire why all these ladies have not been returned?

Dr. Bakhshi Tej Chand: Two thousand of them are with Pakistan officials.

Pandit Thakur Das Bhargava: My hon. friend says that two thousand of them are with Pakistan officials. Does it not follow that the Pakistan Government is not playing the game? It may be that some of them don't want to return. I would not like them to be forced either. I can understand that. But when you have given such full particulars you are certain that these women are there. Is there any doubt therefore that the Pakistan Government is not playing the game? May I humbly enquire in respect of how many Muslim girls you have got those particulars? I have been informed that no such particulars have been given to us, or particulars only of a very few. I will also enquire as to what we have done in regard to those few girls. Have we been able to recover or not recover them? I can understand that in a matter of this kind so far as number is concerned it is always a matter of conjecture and guess. Nobody gives the exact number. But when full particulars are given can they not be recovered? I also sent some particulars to the Department of Rehabilitation about some Kashmiri girls, but so far I have not heard anything as to their fate. When we know how those girls were sent up to the other districts and how they have been treated we can understand that there is no prospect of their return.

Sir, I was submitting that when the two Governments entered into some sort of an agreement that agreement must be adhered to by both Governments and given effect to. We have done very well. I congratulate the hon. member that he has succeeded in restoring 12,000 girls and if he succeeds still more I will congratulate him more because so far as we are concerned we know how to honour our moral obligations. I have not stood up in a spirit of grumbling or to say to him that he should not send those Muslim girls. My submission is that full efforts, right efforts have not been made by our government to get these abducted girls of ours restored to us. That is my complaint. The Pakistan Government does not understand the language of morality, it only understands the language of force and retaliation. I will not speak of the properties left there, I will not speak of anything else, but I know this much that our Government have entered into bilateral agreements with Pakistan in regard to certain matters, for instance, in regard to the exchange of records. May I know why they agreed with them that we will send our records to them and they should send their records to us? The same was true as regards exchange of prisoners. Nations agree to exchange prisoners. A prisoner in this country cannot be held in any manner as a hostage of another country. If I don't send away a prisoner from here are they justified in not sending one from there? Yet we know there is exchange of prisoners. May I know why we entered into agreements on exchange of property? If a refugee does not get property here, is it any reason that a refugee should not get property there?

The Honourable Shri N. Gopalaswami Ayyangar: May I interrupt to stem the tide of developing the argument which my hon. friend is now using?

[Shri N. Gopalaswami Ayyangar]

There is after all a difference between inanimate property and human beings. There are some humanitarian considerations so far as the restoration of human beings is concerned. Even with regard to exchange of prisoners there has been no agreement between the two Dominions that the same numbers should be exchanged.

Pandit Thakur Das Bhargava: I have not suggested so far anything for action because I do maintain that even if the Pakistan people don't send away a single Hindu girl, we should send away all the Muslim girls. But with regard to agreement, I submit that while a prisoner is a human being and not a chattel and you can make agreements about prisoners, there is no reason why in relation to these girls also a country is not justified in keeping them as hostages for some time. I know in one of the districts of Kashmir 140 girls of India were kept by Pakistan and never returned. We had 237 of theirs and we didn't return them. As a result of agreement we returned the 237 and got the 140. So, our Government should exercise the utmost pressure to get the Hindu girls back. I don't suggest for a moment that the abducted Muslim girls should be kept here because I believe that not only would it be good for them to be sent away but it is equally good for us to be rid of them. I don't want immorality to prosper in my country.

It is an accepted principle that hostages have been kept by all nations at all times. I cannot understand why our Government cannot under the circumstances justify its action. Take away all these women from the hands of private persons who had abducted them and keep them in camps. As soon as you get an equal number from the other side exchange them. I don't suggest that these girls should remain there for all time, but all the same if Pakistan can only understand the language of retaliation, I don't see any harm in employing this tactic in getting our girls. As a matter of policy, as a matter of strategy it should have been done. I understand there is an amendment in the name of Serdar Bhopinder Singh Man which speaks of exchange. I don't go so far as that. I don't want heads to be counted. These Muslim girls who are here are the subjects of our civilised and humane Government as long as they are here. According to the Constitution which we have passed, they are the citizens of India and therefore we cannot in any way keep such hold over them that we may not allow them full liberty as we allow to the others.

After saying that let me examine the Ordinance that we have passed and the Ordinance which Pakistan has passed and see how we stand in relation to that Ordinance. A complaint was made by the mover that we in pursuance of that agreement passed an Ordinance very readily whereas it took almost a year for the Pakistan Government to pass an Ordinance. This speaks for itself.

The Honourable Shri N. Gopalaswami Ayyangar: Not a year but five months.

Pandit Thakur Das Bhargava: It was on 27th May, 1949 that they passed the Ordinance.

Let us look at the definition of the word "abducted". In ordinary law abduction is only possible when either force or fraud is employed. Abduction is no offence under the Indian Penal Code unless it is attended with certain motives. Abduction implies force or fraud. But here an abducted person has been defined in a particular way wherein there is no question of force or fraud nor is it necessary to prove any motive so far as abduction under the Ordinance is concerned. It might be said that the definition is similar on both the sides. I would submit that even if it is the same, the question arises whether the

scope of the definition ought to have been larger on both the sides. The scope is very large and includes such people as may not be willing to go but will be forced to go. The abducted person has been described herein as follows:—

“‘abducted person’ means a male child under the age of sixteen years or a female of whatever age who is, or immediately before the 1st day of March, 1947, was, a Muslim and who, on or after that day, has become separated from his or her family and is found to be living with or under the control of a non-Muslim individual or family, and in the latter case includes a child born to any such female after the said date;”

In the first place, as I have submitted, there is no question of force or fraud. In the second place, if that Muslim child or Muslim woman is under the control of a non-Muslim individual or family, then in that case alone the person becomes “abducted”, otherwise not. If the person is in charge of a Muslim family, then what? Then she is not an abducted person? Then again, this is a modern age and we know the liberty the women of India are enjoying. Supposing today a Muslim graduate girl marries a Hindu boy, may I humbly enquire whether as the definition stands that girl will not be taken away and the police will not go to their house and that educated Muslim lady will not be put in a camp and sent to Pakistan according to the present provision.

Shri M. Tirumala Rao (Madras: General): Is it possible for them to marry without changing their religion?

Pandit Thakur Das Bhargava: The Act of 1872, passed some 70 or 80 years ago, allows a person to change his religion; he can go to any court and have his marriage performed. What is the difficulty? Even tomorrow we will be getting another reproduction of that enactment. It is coming tomorrow. I know of many cases in which Muslims have married Hindus, Hindus have married Muslims. Therefore, if the definition were to remain as it is there is no reason why any Muslim girl who has married with consent will not come under this clause.

Then again, the agreement was only about families and boys under the age of 16. May I humbly enquire why innocent children have been included? The words are: “includes a child born to any such female after the said date”. Children born after the 1st day of March, 1947 are also, according to this definition, to be restored. The Ordinance passed by Pakistan does not contain these words. There is no obligation on Pakistan authorities to restore such children.

Dr. Bakhshi Tek Chand: Nor in the Agreement.

Pandit Thakur Das Bhargava: Yes, in the Agreement these children are not included. As regards the date also they have given two dates: 1st day of March 1947 and the ultimate date, 1st January 1949. In regard to these two matters, our Ordinance goes much further than what was agreed to.

In regard to these children it can be said that after all, if you do not keep the children with their mothers, you are perpetrating a great crime against humanity. I know that. But at the same time, you must realise that all these children born in India are the citizens of India. Supposing a Hindu man and a Muslim woman have married. Who should be the guardian of the offspring? According to our guardianship law, I know the father has got a much prior right. But in regard to young children, the custody is given to the mother so that she may be able to look after them while they are young. But this matter has been the subject of many rulings. The rulings have been that so far as custody of a child is concerned, the point to be considered is that the child is not to be given as a matter of course to the girl. Now, when a Muslim girl is restored, she will go to Pakistan; she may change the religion of that child. She will take away that child without any prospect of returning that child. The child will be considered as illegitimate and is liable to be maltreated

[Pandit Thakur Das Bhargava]

and killed. Between father and mother, who is the better entitled to guardianship? If they both live in India, I can understand that the mother is a better guardian so far as children of the age of five and below are concerned. But here the child is being totally taken away to another country. I would humbly submit that the father cannot be deprived of his right of guardianship of the child.

Mr. Deputy-Speaker: Is he the legitimate father of the child if he abducts a woman but does marry her?

Pandit Thakur Das Bhargava: Then I understand that you want to deny the rights to a major woman to stay here. You want to take away the rights of a major woman who has remained here after the partition. Cannot a girl marry with her own consent any person she likes if she is above the age of 18 and if she wants to stick to India, is there any power on earth which can take her away to Pakistan? My submission is that the law of nations is clear, the law of humanity is clear, the Indian Penal Code is clear, the Constitution which we have passed is clear, that you cannot force a woman above the age of 18 to go to Pakistan. This Bill offends against such rule. In your example, you take a child which was already born. What about a case when after 1947 the woman marries a man and a child is born? It takes only nine to ten months gestation during which the child has to remain in the mother's womb. During these two years, many children have been born. Why should they all be forced to go to Pakistan? Why was there not any provision in the Pakistan statute about it? I am at one with the Mover of the Bill that if in a particular case the girl and the husband agree that the child may be taken away in the interests of humanity, that child may be taken away. But if the father insists that he would look to the interests of the child and will see that it is properly brought up, I do not understand why by executive action that child should be given to Pakistan merely because we have written these words here in the Ordinance? In a matter of this kind, each case ought to be treated on its own merits. It should not be made a rule that in every case the child is to be given over as a matter of rule. It is something like the rule that when you plant a tree it grows on the ground; therefore the tree goes with the land and the fruits of the tree go with the tree. A child is the fruit of the labours of two persons. There is no reason why the father should be deprived in each case. Why should we make this a rule? Each case will have to be considered on the particular circumstances and the Tribunal should give the decision.

Leaving this point, I come to a most important point of the Ordinance. It is this. Section 4 says:

"If any police officer, not below the rank of an Assistant Sub-Inspector or any other police officer specially authorised by the Provincial Government in this behalf....."

probably the Head Constables have been authorised in this behalf by our Government—

".....has reason to believe that an abducted person resides or is to be found in any place, he may, without warrant, enter and search the place and take into custody any person found therein who, in his opinion, is an abducted person, and deliver or cause such person to be delivered to the custody of the officer in charge of the nearest camp with the least possible delay."

Now, Sir, lawyers in this House who are conversant with law fully know that under Sections 100 and 552 of the Code of Criminal Procedure it is the Magistrate who has got the right to issue a warrant of this nature. Now, the Magistrate's powers are taken away. A Head Constable, if he has reason to believe that there is an abducted person in a house, may go at the dead of night and enter into another person's house and take possession of the body of that person.

Even in the Criminal Procedure Code there are Sections 47 and 48 which give some sort of security to an individual in his home. In this Bill, even those safeguards have been taken away. We know today that a Police Sub-Inspector has to approach a Magistrate for warrant and the Magistrate will only issue the warrant if he is satisfied. That is provided under Sections 100 and 552 of the Code of Criminal Procedure. But here the Magistrate's opinion is not to be taken. The Head Constable or the Sub-Inspector can go at any hour of the day or night and enter a house without any sort of warning to the inmates. Now, a girl may have been married with consent, or the alleged abducted girl may really be a Hindu girl. I humbly submit we have heard of cases in which Hindu girls have been captured and afterwards through the intervention of my hon. friend the Mover of the Bill or the intervention of some authority, their cases have been scrutinised. In Delhi a thing like that happened. We read it in the papers. Now a girl may have been married ten years ago. They were also captured and taken to the camp. Have we not heard of such cases also?

Shrimati Purnima Banerji: They were married to whom?

Pandit Thakur Das Bhargava: They were captured in their own houses and taken as abducted persons, whereas they were not abducted persons. When such large and arbitrary powers are given to police officers, these cases are bound to happen. I do not accuse any person. I know how honest our police is. At the same time, we know that there is ample scope for police officers to make mistakes. It is the more so in the case of this Bill, because all the legal safeguards given in the Criminal Procedure Code are absent from it. According to law, if a person receives a report, he has to record a report. But here nothing is to be recorded. Only 'reason to believe'. There is no question of even credible information. There is no question of even writing any *Zimni* by any police officer, so that this man's action may be scrutinised. He alone is the judge.

As if this is not enough, when we proceed further and come to clause 6 we find that a great departure has been made from the law of the land. When a person is brought to camp, what happens? The only question which the Tribunal has to decide is whether he is an abducted person. No other question is open to be decided by the Tribunal. And what is this Tribunal? Two S. Ps. of the two Dominions constitute this Tribunal. There is no judicial officer. These two people have to resolve the points of dispute if any such points arise between them. The exact wording is this:

"If any question arises whether a person detained in a camp is an abducted person or not, it shall be referred to, and decided by, a tribunal constituted for the purpose by the Central Government."

These two S. Ps. constitute the Tribunal. It goes on further:

"The decision of the tribunal constituted under sub-section (1) shall be final."

May I humbly ask, what happens when the Constitution which we have passed comes into force? Where is the safeguard of *habeas corpus* in this? Supposing a woman is taken there who is not an abducted woman? What right has she under the law to protest? The two S. Ps. shall decide her fate and their decision shall be final. My humble submission is that this is entirely in violation of the Fundamental Rights given to every person under our Constitution and after the 26th of January 1950, this law will not stand. It will be declared to be void. Therefore, so far as this question of *habeas corpus* is concerned, we have to take good care to see that the rights of *habeas corpus* are not taken away from any person who is treated as an abducted person, because we do not know which person may be treated as an abducted

[Pandit Thakur Das Bhargava]

person by mistake. If you will read clause 8 along with clause 6, the conclusion will be that the two S. Ps. who constitute the Tribunal will be the sole masters of the lives of those who are unfortunate enough to be captured under clause 4.

Then again, Sir, there is a provision that the Central Government will have power to review or revise any decision. I want that our Government, who is the final arbiter of the destinies of the persons living in this country, should have the courage to say "No" to the Pakistan Government if in their wisdom they consider that a person should not be made over to the other Government. I want them to be clothed with full powers in respect of the entire inmates of the camp, so that persons are not handed over on account of the agreement, which has been broken by the Pakistan Government, not once, not twice, but hundreds of times.

Let me now go over to the other clauses of the Bill. The hon. the Mover made particular reference to clause 9. May I humbly suggest that in a matter of this kind sections 52 and 79 of the Indian Penal Code give adequate protection to government officers for acts done in good faith. I fail to see why this extra safeguarding provision must be made in the Bill and my humble submission is that this is a provision which we cannot possibly accept.

I am very glad, Sir, that the hon. the Mover of the Bill has been pleased to accept certain amendments suggested by us and I must publicly thank him for having considered the points of view of those who have put in these amendments after thorough consideration. It is true that in regard to one or two points he has not agreed with us and I would certainly beg of him to consider them further.

In regard to the legal and moral aspect of the case, I find that we are trying to strike a compromise between the two. Now it is more than two years since these abductions have taken place. Many of the girls have reconciled themselves to their new surroundings; some of them have children born to them. The mere fact that an agreement has been arrived at between the Governments of the two Dominions, should not lead to the negation of the individual rights of the citizens of the two countries. My humble submission is that now we must make it a clear rule that if a woman of the age of say 18 or 20 years does not agree to go to the other country, she should not be forced to go. I can understand, Sir, that if you capture a girl in a house, she may not say that she is willing to go to the other country. And I feel that such statement should not be regarded as real consent. But if after full efforts have been made to find out what the real feelings of the girl are and it is found that she does not agree to go, she should not be forced to go. Whatever may be our moral obligation, nobody should be forced to go to a place without her real consent otherwise this would be abduction in the real sense of the word as used in the Indian Penal Code. I understand that my amendments in regard to this matter in clause 6 are acceptable to the hon. the Mover.

But so far as the proviso goes, I want the Central Government should be given more powers than they are possessed of under the proviso. Similarly, Sir, the hon. the Mover of the Bill has agreed to accept for the words "reason to believe" the words "reason to believe in writing". So far as it goes, it is all right; I would have preferred that he accepted the words "credible information in writing".

In clause 2 he has agreed to accept a change of the date. But he has not agreed, so far as children are concerned. In regard to children, I do not want to lay any absolute rule. If the interests of children and humanitarian considerations demand that they should be allowed to leave, no objection could be raised. I do not want to go against the principles of morality either.

As regards *habeas corpus*, I humbly submit with all the emphasis at my command, that so far as clause 8 is concerned, the jurisdiction of the courts should not be taken away in this summary fashion. I do not know, Sir, whether under the New Constitution which will come into operation from the 26th of January 1950, there will be any power in any Legislature to say that except in a case of emergency under section 359 a person could be deprived of the writ of *habeas corpus*. In regard to the tribunal we should agree to appoint judicial persons who will go into the question as to whether a person should be restored or not. It should not be an S. P. of this place or that place.

I am very much opposed to special courts appointed by Provincial Governments. I want, Sir, that in future we must rely more upon our ordinary courts of our country which should be kept above suspicion. There is no reason why we should have recourse to special courts in regard to this matter. As soon as a person is captured and taken to a camp, he must be produced before a magistrate and that magistrate should hear the party and decide whether he is a fit person to be handed over to the other country.

In the end, Sir, I would again submit that so far as the political and psychological aspect is concerned, the refugees who have come from Pakistan and whose daughters and sisters have been abducted are very sore on this point. I would say, Sir, that all possible attempts which this Government is capable of making must be made so that our girls may be restored. Even viewing it from the point of morality, we cannot ignore this. We cannot forget the fact that thousands and thousands of people in this country cannot feel happy unless their near and dear ones are returned. But if our Government is helpless and has done all that they could, these people should have the satisfaction that the Government was not capable of doing more. But if the Government does not do enough, if they do not utilise the powers which they have under the agreement, then, Sir, I submit that the refugees have got a good cause for grievance. Consistently, with this, I would submit that I would rather like to say that every Muslim woman who is here has a right to be restored. Subject to these points which I have made I support this motion, because it is quite necessary in our interest also to pass this Bill.

Mr. Deputy-Speaker: I find that there are three motions for reference of this Bill to Select Committee. They are in the names of Pandit Thakur Das Bhargava, Shri Jaspat Roy Kapoor and Sardar Hukam Singh. I find that Pandit Thakur Das Bhargava is not interested in moving it. What about Shri Jaspat Roy Kapoor and Sardar Hukam Singh.

Shri Jaspat Roy Kapoor: Sir, I am not moving it, but I should have a chance to speak.

Sardar Hukam Singh: I am not also moving it. But I would like to participate in the discussion.

Sir, we have been told on the floor of this House that this Bill is a very short and simple one. So far as the appearance and the volume is concerned, I agree entirely with the hon. Mover, but I feel that this Bill has many implications and has much importance. The interest that it has aroused and the importance that has been attached to it can very well be gauged from the number of amendments and the number of Members who have tabled them. As far as I can see, there are more than seventy amendments while the Bill contains only six operative clauses and as many as twenty Members have taken interest in this. So far as the aims and objects of the Bill are concerned, I am sure everybody would agree with them and there cannot be any doubt about this. It is an irony of fate, Sir, that such abductions, political abductions, on

[Sardar Hukam Singh]

such large scale took place in our country. I feel that innocent girls were abducted and fell victims to the madness of the masses. That is a very sad chapter in our history, and I am sure everybody would agree with me when I say, and I say it honestly, that every girl who was forced to remain behind against her will under the stress of the circumstances and the troubles that happened then, must be restored and our Government should use all resources as far as it is possible to rescue and restore every girl that is found here. When I read the aims and objects of this Bill, I was surprised to find the remark:

"As a large number of such women and children still remain to be recovered, it is proposed to provide for legislation....."

I had thought that a large number of abducted persons on this side had been restored. When I read some press reports I found that our workers and our organisation in their over-enthusiasm and zeal, had even snatched, in some cases, Muslim girls who got converted about eight or ten years ago and had been living peacefully in their houses and had married non-Muslim boys here. There were cases in which they were snatched from their homes and taken to transit camps. Other hon. Members also must have noticed these cases in the press. From those reports I thought that perhaps real cases of abductions had already been exhausted and our workers are using their endeavours to take away those innocent girls also in order to make up the number that was perhaps required of them; otherwise if in their attempts they could find *bona fide* cases, they would not have resorted to such methods. Secondly, I agree that we cannot take pride in what happened on this side, because communal frenzy or readiness was at its height on both sides and I could say it was equally high in both the Dominions, but I can boast that our Dominion certainly has been very sincere and honest in making recoveries and restorations. So far as the number is concerned, we were told this morning that Pakistan claims that we have about 50,000 of their people here. As far as I could find from the answers given to questions in this Assembly, it was on 17th August 1948 that the hon. Shri N. Gopalaswami Ayyangar stated:

"The exact number of women and children abducted in India and Pakistan is not known to any agency engaged in the rescue and recovery of abducted women in either Dominion."

Further on he says:

"The total of such lists, however, which we handed over to Pakistan for recovery was nearly 35,000. Similar lists handed over to us by Pakistan in regard to Muslims to be recovered from India totalled about 21,000."

Then again, in answer to another question, the hon. Minister, now the Mover of this Bill, made a statement to the same effect that abductions in Pakistan were 33,000 and on this side they totalled about 21,000. Now, what have been the results of these recoveries in both Dominions? From December 1947 to March 1948, 4,407 non-Muslims were recovered while 4,703 Muslim girls—it may include minors also—were recovered. Then again from April 1948 to August 1948, 1,195 non-Muslims were recovered, while during the same period 5,021 Muslims were recovered. From August 1948 to April 1949, 200 non-Muslims were recovered in Pakistan, while 1200 Muslims were recovered in India. And then in May 1949, in that month alone, we got 26 non-Muslim women, while we returned 413 Muslim women. This morning we were told that Pakistan had been honest in this recovery and restoration, though some of the lower officers and their citizens might not have helped so much. To Prof. Shibban Lal Saksena's question, "was it a fact that some districts in the West Punjab were closed to the M.E.O. and the M.E.O. could not go to those

districts to recover females that had been abducted?" the answer given by the hon. Shri K. C. Neogy was as follows:

"Five of the districts of West Punjab bordering on the Jammu and Kashmir State are closed to Indian troops functioning elsewhere in West Punjab under the Military Evacuation Organisation. Conditions in these districts are reported to be not such as to enable non-Muslim civilians to go about with any sense of safety or security. It has also been reported that a large number of non-Muslim women abducted from West Punjab as well as from Jammu and Kashmir State are in these districts."

In the first few months the agency which was going for recovery and restoration was the M.E.O. on both sides and as we have seen, in the first three months when they were functioning, the results were very good on both sides. Even when those districts were closed to that organisation, certainly recoveries made were considerable, equally good, I should say, as those made in India, but as soon as that organisation was disbanded and it was left to both the Dominions to provide for agencies to recover and restore women, certainly we find a sudden decline in this recovery and restoration. As the figures speak for themselves, the attitude of Pakistan Government has not at all been helpful in this direction and this was admitted on the floor of this House in answer to a question by Giani Gurmukh Singh Musafir when the hon. Shri N. Gopalaswami Ayyangar said: "We have made protests and protests and protests and there was less co-operation on the other side." So it is an admitted fact that so long as the M.E.O. was working, there were good recoveries on both sides, but as soon as that was taken away and it was left to the Dominions themselves—certainly we are proud that we have given good numbers and achieved fine results—but so far as the other Dominion is concerned, we have not got that co-operation and response which should have been desirable. I should not be misunderstood in that respect that I am for exchange of person to person or that I want that those girls who are here helpless and victim of circumstances, that they should not be restored or returned. But my complaint is that Government has not been taking adequate steps to compel and force the Pakistan Government to do as we were doing here. If we had taken it more seriously and the Government would have used its full resources in persuading that Government, perhaps the results would have been much better. I can well realise that there can be no calmness, no peace of mind in a family which has been bereft of its female and, therefore, I can feel for those Muslim girls as well as for those females that are in Pakistan as to how they would be feeling within themselves. And I support the Government in this measure so far as its objects are concerned that we should try to restore as many as we can, but at the same time, I do emphasise, with all the force that I have got, that our Government has pursued a very weak policy in that respect and the refugees have got complaints against this Government that they have not so far taken this matter seriously. When I say that I support the motion, it should not be understood that I support every clause of it. I have serious objections to certain clauses contained in this Bill, although I support the principle underlying it. In the interpretation clause, it is laid down that "an 'abducted person' means a male child under the age of sixteen years or a female of whatever age who is, or immediately before the 1st day of March, 1947 was, a Muslim . . ." We have been told here that there are agreements with the other Dominion and we have to honour them, that there is a Pakistan Ordinance as well and as far as possible we have to conform to that. Really, I fail to understand why this 1st day of March 1947 was accepted by our representatives for both the Dominions. It is common knowledge that abductions began in Pakistan on the 1st of March; in Rawalpindi and Frontier districts, large number of females were abducted there. It is also common knowledge that there was no trouble here in India till the 1st of August. I enquire from the hon. Mover, what is the fate of those females? He might say: "the number will be very small" but that is not the question, whether it be small or great. What about those females, Sir, who may have remained here during the 1st of March and

[Sardar Hukam Singh]

1st of August till trouble began here, who may be Muslim girls and who might have married non-Muslim boys voluntarily and on their own accord. They are covered by this because one date applies to both the Dominions. When there was no abduction, no force used, no compulsion of any kind, everybody knows it, that some girls of one religion do go and marry young men of the other religion, that has been going on and when that is the case what would be the fate of those girls who married non-Muslim boys during this period from 1st day of March 1947 to 1st day of August 1947?

Then Sir, another point has been dealt with by my hon. friend Pandit Thakur Das Bhargava, and now it is proposed to bring in this latest date also—1st of January, 1949, but in the Bill as it has been placed before us, it is curious that no ultimate date was put down here, while clearly in the Pakistan Ordinance the 1st of January had been put. It is not known whether it was deliberate or it is an inadvertent omission, that is being made up now. Then my friend had referred to the extraordinary powers that under this Bill an officer of the rank of Assistant Sub-Inspector has. I agree with him, but I want to point out here in addition that it is not only the rank of an Assistant Sub-Inspector that comes in, but further on it reads . . . "or any other police officer specially authorised by the Provincial Government in this behalf," and so even a Head Constable may be authorised and he may go without any hindrance to search any premises, drag out any woman and bring her to the transit camp. This provision, certainly, is very objectionable, and I feel that the hon. Mover should look into it seriously and consider how it can be amended.

Then, Sir, we have been told that our legislation should be in accordance with the agreements that we have made with Pakistan, as also with the ordinances that they have promulgated. But in clause 3 I find while their ordinance contains only the sub-clause (b) where the jurisdiction of the court is barred, we have overdone ourselves in enacting sub-clauses (a) and (c) as well. In sub-clause (a) we say that courts would be barred from entertaining or adjudicating upon any question whether a person is or is not an abducted person. Now, this goes very far. It is only the tribunal that has to decide when a question arises whether a person is an abducted person or not, and the tribunal—perhaps that word sounds very high, but that tribunal consists of the S. Ps. of the two Dominions.

Sjt. Kuldhar Oshaha (Assam: General): Is that the practice?

Sardar Hukam Singh: Yes, we have been told that that is the agreement. It is a fact that this tribunal would consist only of the Superintendents of Police of the two dominions. When that is the case and the whole question of abduction is to be decided by that tribunal alone, I feel . . .

Sjt. Rohini Kumar Chaudhuri (Assam: General): On a point of information; is there any agreement between the two governments that the tribunals shall consist only of the Superintendents of Police?

The Honourable Shri N. Gopalaswami Ayyangar: Yes, that is the agreement today.

Sardar Hukam Singh: Sir, I was submitting that I fail to understand when such is the tribunal which is to decide about the fact whether a person is abducted or not, why the jurisdiction of courts should be barred altogether on that point.

Sir, there are other things as well which I will move when this Bill is taken up clause by clause. I again repeat that while I support the motion now put

before the House, I voice the feelings of all Members that are here and that are outside that they have a serious complaint that our Government's policy has been too weak, too halting and that it has not satisfied the public so far.

Shri Brajeshwar Prasad rose—

Mr. Deputy-Speaker: I find a number of Members rising. I call upon Mr. Kapoor.

Shri Jaspal Roy Kapoor: Sir, I am grateful to you for calling upon me to speak on this subject; and I hope my hon. friend Mr. Brajeshwar Prasad will not accuse me of having abducted his time.

Sir, I welcome this Bill because I am in full sympathy and complete agreement with the objects underlying it, and the reasons therefor. But even then I think this Bill, if it is to serve its purpose, needs considerable improvement. I am afraid, Sir, the Bill in its present form, is not likely effectively to serve the purpose it is intended to, and it may even lead to results which, I am sure, its sponsors do not desire.

Sir, I had given notice of an amendment to the effect that this Bill be referred to a select committee so that its various provisions could be thoroughly analysed and scrutinised there. But then I have given up the idea of moving that amendment when I found that hon. Shri N. Gopalaswami Ayyangar had tabled a number of amendments which I think go a considerable way to meet the view-point of many of us who would like this Bill to be suitably amended and improved. I hope, Sir, that my hon. friend Shri N. Gopalaswami Ayyangar would not stop at that, but that during the course of this discussion, he would find it possible to accept some other amendments also that may be moved. He is always sweetly reasonable, and I hope he will continue to be reasonable in spite of any provocation that any speeches that may be delivered here may give him.

Sir, the object of this Bill is to recover and restore abducted women and children who were abducted during the course of the communal disturbances in the year 1947. As we take our minds back to the period immediately following partition, we begin to shudder. Many a heinous crime was committed, many an inhuman atrocity was perpetrated, which should make us hang our heads in shame. True it is that the atrocities and the crimes committed in the other dominion were of a much greater magnitude, they were of a worse type. Only this morning we were told by the hon. mover that in the case of abducted women of Kashmir, they were paraded in the streets and they were sold to the highest bidder. But, Sir, that is hardly any satisfaction for us, that the crimes committed elsewhere were greater in magnitude and were more heinous. So far as we are concerned, we have got to admit that our people in some parts of the country also behaved in a manner in which

they should not have. I therefore submit that the object of this Bill is laudable and one which every Member of this House will surely agree. It is also apparent from the fact that the two previous speakers, though they vehemently criticised the various provisions of the Bill, have lent their wholehearted support to the objects underlying this Bill.

We know that the crimes committed were crimes against humanity. Providence will never forgive those who have been guilty of them and we must do everything that lies in our power to restore the abducted women and children to their relations. We must also do everything in our power to rouse public opinion against such offenders. The least that the offenders could now do to expiate their sin and crime (for it is both a sin against God and a crime against

[Shri Jaspal Roy Kapoor]

humanity) is to voluntarily restore the abducted women and children who are still in their custody. So we must rouse public opinion in that direction. The parents, guardians and relations of the abducted women and children are languishing and pining to have back their dearest and nearest relations. Imagine for a moment how great and overwhelming must be the joy of those persons whose nearest and dearest relations had been snatched away from them when they are now restored back to them. What unspeakable and inexpressible joy must it be of those persons who have been virtually under confinement for over two years when they are restored to their own families. So we must do everything in our power to bring that joy and happiness to those persons.

This morning Shri Gopalaswami Ayyangar referred to the noble band of social workers who have been doing a great and humanitarian service in this direction. He bestowed well deserved praise on them. No praise would be too great to be bestowed on that noble band of workers and I associate myself with all that has been said about those workers by Shri Gopalaswami Ayyangar. I see sitting over there the noble lady, sister Mridulaben Sarabai and I would like that we must record here our appreciation of the very valuable service which she has rendered to humanity. It may be that some . . .

Pandit Hirday Nath Kunzru (U.P.: General): On a point of order, Sir, is any Member of this House entitled to refer to any person sitting in a gallery of this House?

Shri Jaspal Roy Kapoor: I am sorry, Sir, if I have erred in this respect. I am prepared to take lessons in parliamentary practice from my more experienced friend Dr. Hirday Nath Kunzru.

Shri M. Tirumala Rao: Is not a person entitled to refer to any other person by name, though in the gallery?

Mr. Deputy-Speaker: But he need not point to any person sitting in the gallery.

Shri M. Tirumala Rao: He has given the name only.

Shri Jaspal Roy Kapoor: I am obliged to my friend Mr. Tirumala Rao. I had pointed to nobody: I had only named the person. I thought of the noble service which she and her devoted comrades have been rendering in this cause. I can only wish well of her and her band of good workers. May all success attend their efforts.

But, Sir, neither the good services of this noble band of workers nor those of others can be successful if we merely sit expecting the abductors to return the women and children. To help this noble band of workers we must enact the necessary but reasonable legislation. But while attempting to enact legislation on this subject we must proceed with caution and care. This matter of enacting the proper legislation is beset with difficulties, it bristles with impediments and it is also a delicate affair. We will therefore have to proceed with great care and caution in this matter. In our enthusiasm to do the right thing we should not go off our head. Let not our enthusiasm to do the right thing get the better of our judgment. While we must be anxious to make a legislation which will effectively serve the purpose in view we must also see that we are not at the same time hard on anybody else. The legislation must be fair, just and equitable. Judged from this standard I find that this legislation is very defective and therefore it is necessary to suitably amend it

The object of this legislation is to recover abducted women and children and restore them to their relations. The object is to free women and children

from their virtual confinement and set them at liberty, so that they may once again live the life of free persons. While this is the object we find that the Bill has been so framed that it virtually ignores the views and wishes of those on whom liberty and freedom are sought to be conferred.

What do we find in this Bill? We find that after release they will have absolutely no say in the matter of the place where they are to live, in the matter of their companions with whom they are to live, in the matter of the Dominion where they would like to live and in the matter of the custody of their children, viz., with whom such females would like to leave their children who were born after the 1st March 1947. In the matter of place of residence, choice of companions for life, in the matter of custody of children these women have been given no voice or say.

As has been pointed out by the previous speakers, what is the procedure laid down in this Bill with regard to the recovery and restoration of abducted women? It may enter into the head of an assistant sub-inspector or for aught we know, of a mere constable, who may be authorised by the provincial government, that he must enter a particular house and he is authorised to enter it at any hour of the day or night and catch hold of any woman whom he thinks is an abducted person. The woman is not entitled to have any say in the matter. No enquiry is to be made by the police officer, the other inmates of the family will have no say in the matter; perhaps if they say anything they will immediately be hauled up as offering obstruction to a police officer in the due discharge of his duties. Immediately thereafter that woman is to be sent over to a camp, as if the police officer had recovered some stolen property which was to be restored to the rightful owner. These women under the Bill are going to be treated as mere goods and chattels, like stolen goods, because immediately after recovery they are to be sent over to the camp. What is to happen to them in the camp? They may be there for some time, it may be for a day or even a few minutes. There is no limitation or restriction with regard to time after which the woman is to be handed over by the camp commander or person in charge to some other person who may be considered duly authorised in this behalf by the provincial government. That particular person to whom the woman is handed over has thereafter to send her away out of India. The woman will have absolutely no say in the matter. She is to be given over to her relatives if there be any. But if there are no relatives of her what is to happen? Even then she is to be sent out of India to Pakistan, or it may be even to Timbuctoo. For it is not laid down in the Bill that she is to be sent to Pakistan—she may be sent to any part of the world where she may not have any relation whatsoever. She will be forcibly and bodily sent out of India to meet such fate as may await her there.

Of course it may be said that I am arguing theoretically and in a hypothetical case, but it is never going to happen, that a Muslim woman is sent beyond Pakistan. Possibly it may be so; certainly it will be so. Even so who is there to look after her in Pakistan if she has no relations? She may be quite comfortable and happy here and anxious to live here. I admit there may not be a very large number of such cases. But even if there are some cases—and there are surely some, we know there have been such cases, and there will surely be a good many hereafter—even in such cases those women are to be forcibly and bodily removed to Pakistan. Their entreaties, wailings and sobs will be absolutely of no effect if the provisions of this Bill are allowed to remain as they are. I ask in such cases shall we be doing any good to the recovered women, shall we be conferring liberty and freedom on her if we deny to her the right to choose the place where she would live, the persons with whom she would like to live, and the right to

[Shri Jaspal Roy Kapoor] decide as to where her child is to be kept, with her or with the person whom she might have married? In our Constitution we have guaranteed Freedom and Liberty to women as much as to men. I ask is this the way in which we are going to bestow Liberty and Freedom to the recovered women? I would particularly appeal to you, Sir, and to the lady Members to come to the rescue of such rescued women who would like to stay in this country and who would like to stay on with the companions of their own choice in this country but who will be prevented by the provisions of this Bill from doing so.

Sir, it is a matter of no little surprise to me that this Bill should contain such provisions when it has been sponsored and has originated from the Ministry of External Affairs which is presided over by our hon. Prime Minister Pandit Jawaharlal Nehru who is an ardent advocate of the liberty and freedom of women—an ardent advocate to such an extent that he would risk his Government if the Hindu Code Bill is not passed in the manner he would like. I wish the hon. Prime Minister may not only help Hindu women to secure divorce from their husbands but that he may at the same time help recovered Muslim women to have the freedom to select the place where they would like to live and the persons with whom they would like to live.

Shri Alga Rai Shastri (U.P.: General): And also secure the release of Hindu women in Pakistan.

Shri Jaspal Roy Kapoor: So far as that is concerned, our hon. Prime Minister might plead his inability or difficulty.

Shri Alga Rai Shastri: Why should he?

Shri Jaspal Roy Kapoor: My honourable friend Shastriji might put that question to the hon. Prime Minister as to why he should plead his inability. I am trying to give an answer on behalf of the hon. Prime Minister to the best of my ability.

Then there is one point with regard to children which may have been born of the so-called abducted women after 1st March 1947.

Mr. Deputy-Speaker: Can we not take up these matters when we come to the various clauses? I think enough discussion has taken place. May I suggest one course? A number of hon. Members are anxious to take part in this debate. There are a number of clauses to the Bill and there are various amendments that have been tabled. As and when a clause is taken up or an amendment is taken up I shall so arrange that those who have not taken part in the discussion are given preference so that on the whole all Members who want to take part in the debate on this Bill will have a chance. Otherwise if at the preliminary discussion itself a number of hon. Members speak and once again come in during the course of the discussion on the several clauses there may not be sufficient time and we will have to get hustled. I have given preference to those three hon. Members who had tabled motions for reference of the Bill to Select Committee. If the House is willing I shall conclude the general discussion with this and put the motion for consideration to vote. (*An Honourable Member:* No.) I am only making a suggestion subject to the approval of the House. Then, as we take up the different clauses, it will be open to any Member to speak on the clauses, and he need not confine himself to the issue of that particular clause. All that I am concerned is that it should be within the four corners of the Bill and may refer to any matter which is relevant so far as this Bill is concerned. And I will try to allow an opportunity to all Members who are interested in this Bill. That means, if the House agrees.

will close the general discussion at this stage and while considering the different clauses also I will allow a general consideration of the provisions of the Bill.

Prof. Subban Lal Saksena: May I submit that we have the general discussion first and then the clauses may be discussed in greater detail later?

Mr. Deputy-Speaker: Of course, that is the ordinary course.

Shri Ajit Prasad Jain (U.P. : General): I submit that the general discussion may be allowed now but no reference to particular clauses may be made, because if you allow general discussion when particular clauses are being discussed, it will set up a precedent.

Mr. Deputy-Speaker: Very good. I shall allow hon. Members to go on. But at least one thing may be observed, that is in the course of the general discussion individual clauses need not be referred to.

Shri Jaspat Roy Kapoor: Sir, I will fully respect your ruling. With your permission I would, however, submit that I ventured to go into a little detail because I may assure you that it is not my intention to move all the large number of amendments which I have tabled, and I think many other Members also would not be moving all the amendments that they have tabled. There was a sort of understanding on the subject and I think much of the time which might otherwise be taken in moving those amendments would be saved. I would be very brief hereafter and I would only refer to one matter to which attention had been drawn by my hon. friend Shri Gopaldaswami Ayyangar this morning. He said that this Bill is the outcome of an agreement arrived at between the two Dominions. Let us see whether in the agreement that was arrived at between the two Dominions there was anything which can warrant the procedure which has been laid down in this Bill the implication of which is that recovered women will have absolutely no say in the matter. May I with your permission refer to two clauses in the agreement arrived at between the two Dominions on the 11th November 1948? Clause 5 of that agreement says:

"In the case of women recovered in one Dominion unwilling to proceed to the other Dominion, the S. P. of the recovery squad of the Dominion in which the woman was recovered may permit the relatives of the recovered woman to visit her in the camp located in Lahore or Jullundur, as the case may be."

Yet again, in clause 8 of that agreement we find it mentioned that:

"After the recovered woman is brought to the Provincial Transit Camp at Lahore or Jullundur each doubtful or resisting case will be enquired into and resolved by the S.Ps. of the two Dominions jointly."

So, this agreement envisaged that there may be many unwilling and resisting cases and obviously, according to the implications of these clauses, such women shall not be forcibly sent away to the other Dominion or out of the Dominion from which they have been recovered. I admit that this agreement will continue to be observed but my submission is that these clauses or something akin to these clauses should have been incorporated in the Bill itself so that it could have had a mandatory effect.

Sir, while on the question of the agreement, I would submit that as has already been pointed out, while our country enacted legislation immediately after this agreement was entered into, in the month of January 1949, so far as the Pakistan Government was concerned they slept over the whole affair for five months. Five months is a long period; it may not appear to be a long period to my hon. friend Mr. Gopaldaswami Ayyangar, but may I ask whether this situation will last for years and years together? The earlier stages of this

[Shri Jaspal Roy Kapoor]

question are of greater importance, of more vital importance than the subsequent stages. For full five months the Pakistan Government slept over the whole affair. ~~Not only that~~ If we trace the history of this question and in particular ~~be~~ the figures that were given to us this morning by the hon. Mover, we will easily come to the conclusion that the Pakistan Government has not been playing the game and has not been doing its duty and its attitude has been throughout unhelpful. When I looked at the agreement with reference to the figures which the hon. Mover gave us, I was at once convinced as to the reason why Pakistan has been changing its attitude from time to time. It was pointed out this morning by the hon. Mover that in the early period, that is up to February 1948, the recovery from Pakistan was of a very satisfactory nature. What was the reason for it? I find the reason in the minutes of one or two of the Inter-Dominion Conferences that were held. As my hon. friend Sardar Hukam Singh pointed out, the original agreement was that the military of one Dominion shall be operating in the other Dominion for purposes of recovery. Probably this went on up to 15th March when there was again a conference between the representatives of India and Pakistan. The stand which the Pakistan Government took on that date was to the effect that the military squads of one Dominion shall not be allowed to operate in the other. What was the reason for that? Obviously, the reason as we find from the figures given by the hon. Mover was that up to the end of February recovery from Pakistan was very satisfactory. Obviously the Pakistan Government got alarmed at this that such a large number of abducted women and children had been recovered because of the presence of the troops of the other Dominion. They said, "No, hereafter it shall not be open to the troops of one Dominion to operate in the other Dominion". What do we find is the result of it? Thereafter the process of recovery became very slow. But then even while this arrangement was given up of troops operating, one other thing at least was agreed to, that the police of one Dominion could operate in the other. This arrangement went on up to October 1948 and we find that in the subsequent period, that is after March 1948; though the results were not very satisfactory yet they were not absolutely bad. Then the Pakistan Government found that this arrangement was not convenient to it and therefore we find that in the month of November they insisted on a new arrangement to which our Government had to agree. It was agreed that the responsibility for the recovery of abducted women will thereafter be that of the police and the civil authorities of the Dominion in which the abducted women were known to be residing.

[At this stage, Mr. Deputy-Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairman).]

Sir, from all these facts and from the different positions which Pakistan Government took in respect of this question from time to time, it is absolutely clear that the intention of the Pakistan Government was not an honest one. I am sorry to have to use these rather hard expressions, but then there are occasions when nothing short of such hard expressions can adequately express one's views and feelings in the matter. So, it is apparent that the intention of the Pakistan Government was not honest from the very beginning. Otherwise there is no reason why the arrangement which at one time was satisfactory and led to satisfactory results should have been given up at another time and why even a modified arrangement which led to results though not satisfactory but were still not very bad, should have been given up. The result is that now we find there is hardly any recovery from Pakistan. May I ask why for all these five months the Pakistan Government did not promulgate the Ordinance?

Even when they did promulgate it in the month of May, what do we find to be the result? Thereafter only about 900 women have been recovered from Pakistan though we have been able to recover as many as 700. That shows that we are particular and zealous in the matter, and rightly too. Our enthusiasm is as it ought to be, but we find that the Pakistan Government is not at all playing its part. We must take note of it and devise ways and means to put pressure on Pakistan Government to take necessary steps to recover and restore Hindu and Sikh women and children.

Sir, I will take only a couple of minutes more to draw the attention of the hon. Mover of the Bill to the fact that the scope of this Bill has been considerably widened. The Ordinance enacted in the month of January 1949 was not made applicable to the United Provinces or the United States of Rajasthan, but in the subsequent Ordinance promulgated in the month of June these two units were also brought under the purview of the Ordinance. There seems to be absolutely no justification for it. From the figures which have been supplied, we find that only about ten women were recovered from any portion of India other than Eastern Punjab during over a year and half. May I respectfully enquire from the hon. Mover as to why in this present Bill also U.P. and Rajasthan should be included. It is not that I do not want abducted women from U.P. and Rajasthan to be recovered, but then when we know that there has been no abduction from those places, why should the sword of Damocles be hanging over the head of U.P. and Rajasthan?

I would not refer to any other question excepting one which has already been referred to by my hon. friend Pundit Thakur Das Bhargava, and that is, with regard to the taking away of these questions from the jurisdiction of the law courts. That is a subject which we must not lightly treat. For some time past, we have been finding a tendency on the part of the Government to remove many a thing from the jurisdiction of the law courts and vest the executive with all sorts of powers. That is a very unhealthy thing. That is a thing which we should not tolerate and must protest against. What, after all, are our law courts there for? They are meant to decide what may be referred to them according to the law of the land and I see absolutely no reason why, in season and out of season we should be laying down in various legislations that law courts shall not have jurisdiction over various matters. That is a thing to which we should not agree. Of course, I admit that the hon. the Mover has by his new amendment to article 8 tried to take away partially the stings of this provision, but then I would very much wish that the amendment of my hon. friend Mr. Mahavir Tyagi seeking deletion of article 8 may be accepted. With these words, I support this measure.

Shrimati G. Durgabai (Madras: General): Sir, I rise to give my wholehearted support to the Bill under consideration. It seeks to provide for the continuance of the recovery activity of abducted women and children. It also aims at providing for a legislation of a more permanent type. The House is aware that an Ordinance of the Government is going to expire and this legislation is going to take its place. I plead for the continuance of the recovery activity, not only because of the fact that the Ordinance is going to expire and therefore a law has to be made but because this legislation aims at restoring the status to the woman which she had before the partition and the disturbances and which she lost thereafter—whether she be a Hindu or a Muslim, whether she be a citizen of India or of Pakistan. I plead for the unanimous support of the House for this Bill, because its aim is humanitarian, it is based on humanitarian grounds and I do not want this Bill to be treated as a political issue, but it should be placed above power politics and inter-Dominion bickerings. I plead for support to this Bill merely on humanitarian grounds.

[Shrimati G. Durgabai]

I heard it argued by certain Members that our Government is weak and that Pakistan is not going to give back the women to us and therefore why should we give Muslim women back?

An Honourable Member: Nobody said that.

Shri Krishna Chandra Sharma (U.P.: General): The meaning was that.

Shrimati G. Durgabai: The argument advanced is—I have heard it—why should we not keep the women that we are able to recover until we get an equal number from Pakistan in exchange? I ask you: is this policy of tit for tat, of retaliation, good or in the interests of this nation?

Sardar Bhopinder Singh Man (East Punjab: Sikh): Certainly.

Shrimati G. Durgabai: Does it enhance the prestige of this country? Whither does it take us? (*Interruption.*) I plead for the protection of the Chair to go on uninterrupted. The hon. Members will have their chance.

Sjt. Rohini Kumar Chaudhuri: I seek your protection.

Shrimati G. Durgabai: Yes, I will give you.

It is true that it is now two years since the original crimes were committed. It is also true that much time has been taken in negotiations and conferences at high level. But we know the value of the time involved in this work. I wish to associate myself with the sentiments expressed by the hon. Members in regard to the courage and patience shown by those social workers who have taken up this work. But for their patience, I think we would not have been able to achieve these results, of which we are proud. I also pay my humble gratitude on behalf of the Women's Movement of this country to the Government for having taken up this humanitarian work and also for having provided facilities for this recovery work to be carried on effectively.

We have reason to believe that the results which we have achieved so far in our Dominion are very satisfactory. Of course, it is natural that when the results are not quite complimentary on the other side, doubts should arise in our minds: Why should we take up this activity? Is the responsibility that we have undertaken worth our while? Questions are also asked: Since these women are married and settled here and have adjusted themselves to the new environment and to their new relatives here, is it desirable that we should force them to go back? It is also argued: These women who have been able to adjust themselves to their new surroundings are refusing to go back, and when they are settled, is it desirable to bring suffering and misery on them by asking them to go back? These are the questions we have to answer. May I ask: Are they really happy? Is the reconciliation true? Can there be a permanent reconciliation in such cases? Is it not out of helplessness, there being no alternative, that the woman consents or is forced to enter into that sort of alliance with a person who is no more than the person who is the murderer of her very husband, her very father or her very brother? Can she be really happy with that man? Even if there is reconciliation, is it permanent? Is this woman welcomed in the family of this abductor? In many cases, is it not true that this abductor has got many wives and if not many wives but one wife, and many children? (*An Honourable Member:* No.) Is she not the victim of every day quarrel in that house? The social workers associated with this work know the psychology of these abducted recovered women fully well. They can testify to it that such a woman only welcomes an opportunity to get back to her own house.

Sir, we the social workers who are closely associated with the work are confronted with many questions when we approach a woman. The woman says: "You have come to save us; you say you have come to take us back to our relatives. You tell us that our relatives are eagerly waiting to receive us. You do not know our society. It is hell. They will kill us. Therefore, do not send us back." This is the argument which we have heard whenever and wherever we have approached a woman and requested her to go back to her relatives.

Those who are aware of the constant, continuous and efficient effort that has been made, will recognise that they have brought forth very good results. It is true that when there is a change of heart on the part of her relatives, when she is convinced, and when she is brought face to face with her relatives, she is a changed person. The so called refusal to go back of which much has been made.....

Shri Algu Raj Shastri: Will some enthusiastic workers go to Pakistan to recover our sisters and mothers and their children?

Shri R. K. Sidhva (C.P. and Berar: General): Already they are doing that.

Shrimati G. Durgabai: Sir, it may be that she has refused to go back. But on what grounds is this refusal based? The refusal is based on a fear complex, on the fear of social customs and on the fear that her relatives may not welcome her back.

It is said, Sir, that in many cases the women are married and settled down and have got children. Why, it is asked, should they be sent back? I ask you, Sir, "Is it not true that in many such cases the woman has become a victim of the domestic quarrels?" The first wife does not like her. The woman may have changed hands many a time. Is this not true that she is sold? Is it not true that she is used only for commercial purposes? I ask "What right has this abductor to keep the child?" The child has got to go with the mother. Is it not true that the woman is afraid that if she takes back the child the child and she will not be welcome in the family. If one were to analyse and understand he will find that these are the reasons why women who are recovered refuse to go back. Their refusal could only be explained on this ground.

Sir, politics has been imported into this matter. I have already explained that matter. If only Pakistan does not act like us, if they have not kept their machinery in full swing, if their social workers are not of our mind, if there is no change of heart and change of policy on their part, is there any reason why we should adopt a similar policy? I have already answered that question. Let us not look at this matter from that spirit of retaliation. Let us look at this matter from this angle: if there is one woman here to be restored, this activity must continue and our Government must come forward to her aid and get her restored to her relatives.

Again, Sir, it is asked that there is the ordinary law of the land which is quite sufficient to deal with this matter. Why should you create a machinery of this type? But, Sir, I say that the recovery activity is a complicated one. The crime of abduction of innocent women and children is a serious one and as such should be punished severely. From that point of view this Bill is a very harmless one. It does not try to punish even the criminal abductor, the reason being that thereby we would be defeating the very objects we have in view, namely rescuing of abducted women. The abductor adopts all sorts of tricks to hide the women; he tries to see that the woman is not sent back. He tries to take shelter under the ordinary law of the land by converting himself to the religion of the woman. Sometimes the woman is hidden in a place. We have, therefore, necessarily to provide safeguards for all this. It is very

[Shrimati G. Durgabai]

necessary that the Police should have some kind of powers to go into the house where they have reason to believe that the abducted woman is hidden. The hon. Minister has agreed to some amendments, but I should point out that no major changes should be made in the Bill, because it is designed on the basis of the proposals contained in the agreement.

Sjt. Rohini Kumar Chaudhuri: On a point of information, Sir, May I ask the hon. Member to tell us in a calmer moment whether she refuses us to disbelieve every woman when she says that she does not want to go back to Pakistan?

Shrimati G. Durgabai: I think the hon. Member who has made the point perhaps believes that generally the women are such and their nature is such that they are to be distrusted, not only by men, but mutually also. That is not the case—not that I believe or disbelieve in this case. I have already explained the matter and when a woman says that she refuses to go, I have already given the reason why she does so, and on what grounds her refusal is based. (*An Honourable Member:* Not in every case). Therefore, her refusal is not to be taken as her determination not to go back. If favourable conditions are created, if she is convinced that she would be welcome in her original home and that she would be restored to her original status, she would be only too willing to go.

Sir, I do not want to refer to the various other details, because the Chair has already made a suggestion that those Members who have given amendments will have another opportunity. In this connection I feel that no time factor should enter in regard to these matters. The abducted and recovered woman is such, her psychology is such that she behaves in a semi-mad condition. So sometime must lapse before she is restored to her normal senses. Sometimes she makes conflicting statements. Sometimes she changes her opinions constantly. So no time limit should be prescribed, as public opinion has to be created for her relatives to accept her and welcome her back to her home. I have put in an amendment to this effect which I propose moving when the time for it comes. My amendment would be that it would be in force till the 31st March, unless extended by a resolution of Parliament. When I move the amendment I shall fully explain the reasons for it.

I do not think that hon. Members would have any objection to accord a unanimous support to this Bill. Sir, I would again urge upon them not to raise any obstacles, but to view this matter not in a spirit of retaliation, but on humanitarian grounds and humanitarian grounds alone.

Shrimati Purnima Banerji: Sir, I am very pleased to note that this Bill has not aroused any opposition on the ground that results from Pakistan regarding the recovery of women from that part of the country are not in the same proportion as is taking place in India. Sir, after the partition of this country, one of the most heinous crimes, and one of the darkest chapters of our history, has been the abduction of women and the troubles which have come upon their heads which were not of their seeking. Sentiments have been expressed in the House that woman is entitled to the protection of her country and her countrymen, and this Government, even though it may be helpless to enforce any very strong measures regarding the recovery of women from Pakistan, should make no bones about this matter and should declare its firm decision on the subject and see that this issue is one in which there could be no compromise. I do not wish to rouse any ill feelings between two neighbouring countries but I think we have a right to expect of ourselves firm action, as also from Pakistan.

Sir, there has been a question with which my esteemed colleague, Shrimati Durgabai, has dealt and I also would like to deal with that aspect of the matter myself. We are all agreed that women who have been abducted under the most hateful circumstances by men who have killed their husbands, their families, would under no circumstances agree to set foot in that family, or be asked to be absorbed in it. All such women must be rescued. That is the intention of the present Bill; but I would like to bring to your notice a different type of case which needs our special attention and I would like to suggest that after the lapse of full two years, there may be cases—and there have been cases—when girls of the tender age have been abducted or rescued by young men of the same age. Time had passed and in between they have lived in association with one another and developed mutual attachment as young couples. They deserve sympathetic consideration and such girls should not be made to go back to countries to which they originally belonged merely because they happen to be Muslims or Hindus and merely because the circumstances and conditions under which they had been moved from their original homes could be described as abduction. I am sure my friend, Shrimati Durgabai, will have no objection to such cases receiving sympathetic treatment and consideration from the Tribunal which is going to sit in judgment and decide upon these cases.

Sir, I fully support the objections taken by my colleague, Pandit Thakur Das Bhargava, regarding the wide powers given to the police under this Bill. I feel though I do not know what social workers who are in actual charge of the work feel, and much depends on their views, but nevertheless I feel that after the lapse of two years when the fever and fret of disturbances caused has subsided, perhaps the situation is such, when we can use the normal channels of the law with greater effect in dealing with abduction cases of this nature that, in my opinion would give greater safety and liberty to the individuals who are brought under the clutches of that law but who may not be offenders. I feel, Sir, that to indemnify police officers and to allow even Asst. Sub-Inspectors to effect arrests without warrant, these are very wide powers which no legislature should freely give to any police authority very freely. I will not press that point very much because at the amendment stage, there is still an opportunity to deal with necessary amendments.

Before I close, I would like to add a word about the Tribunal which you are to constitute. I believe that Superintendents of Police from both Dominions are to sit on this Tribunal. I fully agree that a high official of that nature, knowing the conditions, the police conditions, of the two Dominions should be consulted, who would know also the circumstances under which women had been abducted and the circumstances under which they should be released. Along with them, to accommodate such human cases where people have developed genuine attachment and do not want to leave each other, I believe that in this Tribunal there should be associated an elderly matronly person, like Shrimati Rameshwari Nehru who has worked very well in this Department. I believe Sir, Shrimati Rameshwari Nehru takes this view of abducted persons of this category and if a person like her has any difference of opinion with the procedure we have adopted in this Bill, I personally feel that her point of view should be respected. My point is that there should be persons on the Tribunals who would give sympathetic treatment to cases of genuine attachment, cases in which two persons would wish to continue to live as man and wife. With this qualification, I fully support this legislation and would desire that every woman who has been abducted should be taken back to her home. There is no question of retaliation; there is no question of how many people Pakistan has recovered and how many people India has recovered. It is absolutely the right of every woman to go back to her original home. Sir, I support the Bill and I hope that the wide powers given to the police will be amended suitably when the clause by clause consideration takes place.

Mr. Chairman: Before I call upon another Member to speak, I would like to know whether Members would wish to continue till 6 o'clock. The House knows we are pressed for time.

Shri H. V. Kamath (C.P. and Berar: General): We have a Committee meeting after five.

Mr. Chairman: If the majority is willing to continue, we will continue.

Shri Brajeshwar Prasad (Bihar: General): Sir, I had no intention to take part in this debate, but certain observations made by friends here have driven me to give expression to my own ideas on this subject. My friend, Mrs. Purnima Banerjee, is of opinion that in cases where there is a natural attachment between the abductor and the abducted woman, special consideration should be accorded to her. May I ask whether the law recognises, the Government of India recognises, any such marriages. The law does not, and so if she continues here, she will continue here only as a prostitute and a concubine. Does anybody want them to continue here merely as concubines and prostitutes? In my own mind, I am clear that those ladies should be sent back to Pakistan where they will be accorded, I am certain, a place of honour. Our society is constituted on a different basis and is different from Muslim society. My friends, Pandit Thakur Das Bhargava and Mr. Jaspal Roy Kapoor, made the suggestion that the children of such abducted women should not be allowed to go back to Pakistan. May I know whether these children are regarded as legitimate children in the eyes of the law? They are illegitimate children in the eyes of the law. The law will not recognise these children and therefore these children will remain illegitimate children. Our Hindu society has no place for illegitimate children. This is a standing blot on Hindu society?

Sir, I do not know how a child born of a man and a woman can ever become illegitimate. This is a notion which I have not been able to grasp, but still knowing full well the attitude of the present Government, knowing full well the attitude of the Hindu society, we have to take the facts as they are and the illegitimate children if they are to live in India, they will remain as dogs, as beasts.

Shri Ajit Prasad Jain: There are thousands of abducted Hindu women and children in Pakistan who have been or are being brought back to India. Is it your contention that they will not be welcome or given a decent place in the Hindu society.

Shri Brajeshwar Prasad: I do not know how this Bill has anything to do with that. It does not deal with that question. If that question is also brought before this House, probably I will be in a position to give an answer to this question as well. I have got nothing in my mind at present as to what steps we should take with regard to persons who might come here from Pakistan. That is purely an extraneous issue and I cannot go beyond the limits of the present Bill.

Sir, I feel that the abductors should also be sent to Pakistan, because they should have no place in the Hindu society. He is a potential danger to civilization and he belongs to a classless society. Given an opportunity he will abduct Hindu women.

Sardar Bhopinder Singh Man: 50,000 Muslims will come to India by that argument.

Shri Brajeshwar Prasad: There are four crores of Muslims in this country. It will not matter much to me; at least I hope it will not matter to our Pandit Nehru if four lakhs of Muslims come to this country.

مولانا محمد سعید مسعودی : وہ ۵۰ ہزار جو وہاں سے انہیں کے انکے ساتھ
 وہ ایبٹنگٹرس جو ہونگے انکو یہاں کے ۴ کروڑوں کے ساتھ ملانا یہاں کے رہنے والوں کی،
 توہین ہے -

Maulana Mohammad Sayeed Masoodi (Kashmir State): To link those 50 thousand including the abductors, with the four crores living here is to insult the latter.

Sri Brajeshwar Prasad: As far as I am concerned, I have made this observation. I regard a Hindu and a Muhammadan as one.

Mr. Chairman: The House stands adjourned till 10-45 A.M. tomorrow.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Friday, the 16th December, 1949.