

(Amdt.) Bill

[Mr. Deputy-Speaker]

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1—Short Title

Amendment made:

Page 1, line 4,—

for "1980" substitute "1981" (2)
(Shri Mallikarjun)

MR. DEPUTY SPEAKER: The question is:

"That clause 1, was amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 7,—

for "Thirty-first" substitute
"Thirty-second" (1).

(Shri Mallikarjun)

MR. DEPUTY SPEAKER: The question is:

"That the Enacting Formula as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, was amended, was added to the Bill.

The Title was added to the Bill.

SHRI MALLIKARJUN: I beg to move:

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

MR. DEPUTY SPEAKER: The question is:

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

The motion was adopted.

17.18 hrs.

KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRIES OF RAILWAYS, EDUCATION AND SOCIAL WELFARE AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): The Khuda Bakhsh Oriental Public Library, Patna was built out of the vast and valuable personal collections of Arabic and Persian manuscripts and books of the late Maulvi Muhammad Bakhsh Khan, father of Maulvi Khuda Bakhsh. In 1891, Maulvi Khuda Bakhsh executed a Deed of Trust appointing the then Bengal Government (now Government of Bihar) as trustees for the management of the Board.

In December, 1969 the Government of India declared the Library as an Institution of National Importance vide Khuda Bakhsh Oriental Public Library Act, 1969. Under the same Act, the Government of India also constituted an autonomous Board to carry out the administration and management of the affairs of the Library. The Governor of Bihar is the Chairman of the Board.

Section 27(1) of the Act empowers the Central Government to make Rules to give effect to the provisions of the Act. Section 27(3) of the Act provides that the Rules so made shall be laid before each House of Parliament. The requisite rules pertaining to the Khuda Bakhsh Oriental Public Library, Patna were notified in July, 1970. Copies of these Rules have already been laid before both the Houses of Parliament.

Section 27(3) is proposed to be amended through this Bill. Section 28 (1) of the Act empowers the Board to frame Regulations with the previous approval of the Central Government, to enable them to discharge their functions under the Act. There

is, however, no provision in the existing Act for laying of the Regulations before the Parliament.

In its 7th Report the Committee on Subordinate Legislation had desired that like Rules, Regulations framed by subordinate bodies under delegated powers as authorised by the concerned Act of Parliament should also be laid before Parliament and there should be a provision to this effect in the relevant Statutes. The Government have accepted this recommendation of the Committee on Subordinate Legislation. It is, therefore, proposed to amend the Act by further adding Clause 4 to Section 28 of the Act. The said Clause will meet the requirement of the Committee on Subordinate Legislation. Accordingly a Bill namely Khuda Bakhsh Oriental Public Library (Amendment) Bill, 1979 was introduced in the Rajya Sabha on 28th March, 1979. The amendments contained in the Bill are in consonance with the recommendations made by the Committee on Subordinate Legislation to the effect that regulations framed under different Statutes shall be published and laid before the Parliament. I, therefore, move that the said Amendment Bill further to amend the Khuda Bakhsh Oriental Public Library Act, 1969 be taken into consideration.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to amend the Khuda Bakhsh Oriental Public Library Act, 1969 be taken into consideration."

Mr. Satyagopal Misra.

SHRI SATYAGOPAL MISRA (Tamluk): Mr. Deputy Speaker, Sir, there is no controversy about the Bill and I support it. There is no doubt that the Khuda Bakhsh Oriental Public Library at Patna is of national importance. This Library has got valuable manuscripts and books in Persian Arabic, Urdu and Hindi languages.

Therefore, I emphasise that adequate care should be taken for the preservation of the manuscripts and I also urge upon the Government to see that modern library science is used for the preservation of these manuscripts. Many valuable manuscripts are lying scattered throughout the country. Government should take care to collect and preserve these manuscripts.

Sir, many manuscripts find their way to some foreign countries and there also Government should pay adequate attention to stop it. Sir, the accommodation facilities in this Khuda Bakhsh Library should be extended. Unless you have a good hostel adjacent to the main library, the scholars coming from the different parts of the world cannot make proper use of the library. The present condition of the building also needs improvement. In clause 5 of this Act there is provision that the Governor of Bihar will be *ex-officio* Chairman of this Library. I would suggest that a scholar of eminence should be given the Chairmanship of this Library.

My last suggestion is that one representative of the employees should be associated with the conduct of affairs of the library because the employees have been working there for a long time and they have rich and valuable experience, which should be utilised. With all this, I support this Bill.

श्री मूलचन्द झागा (पाली) उपध्यक्ष महोदय, पहले जब मंत्री महोदय ने जवाब दिया तो उन्होंने यह भी नहीं कहा कि हमारी गलती हुई है। कुछ भी नहीं कहा। मैंने कहा कि यह आप आज क्यों लाए हैं? 25 साल के बाद आज यह अमेंडमेंट लेकर वह आ रहे हैं...

MR. DEPUTY-SPEAKER: This is a new Bill.

श्री मूलचन्द्र डागा : इस के अन्वर सवाल यह था कि फर्स्ट लोक सभा ने यह रेकमेंडेशन की थी कि जो ऐक्ट के नीचे क्लर्क रेगुलेशन्स बाइ-लाज और नोटिफिकेशन्स निकलें उनको गजट में किया जाय और सदन की मेज पर रखा जाय। 1955 में जब ऐक्ट बना था उस समय यह बात कही गई। उस के बाद मैंने पार्लियामेंट्री अफेयर्स मिनिस्टर को लेटर लिखा। उन्होंने जबाब दिया कि मैंने सारे डिपार्टमेंट को यह कह दिया है कि जो क्लर्क रेगुलेशन्स वर्ग रह निकलें because they have got statutory backing they must be laid on the Table of the House.

मगर ये सारे रेगुलेशन्स बन गए और उनको इन्होंने सदन की मेज पर नहीं रखा। इस तरह हमारे अधिकारियों का हनन किया। एग्जीक्यूटिव एजेंसीज ने क्लर्क बना दिए और उसके अनुसार काम करने लग गए जब कि इनका ऐक्ट कहता है इस बात के लिए। This Act says:

"In the discharge of their functions the Board shall be bound by directions and they shall frame rules and regulations as they like".

They have placed it on the Table of the House yet.

श्री आज सातवीं लोक सभा में यह बात आई है। मैं कह रहा हूँ कि पहली लोक सभा ने यह रेकमेंडेशन की थी, उसके बाद से आप ने डिपार्टमेंट में किसी को दोषी ठहराया कि अभी तक वह इसको काम में क्यों नहीं लाए इसके अनुसार उन्होंने अमल क्यों नहीं किया?

अब इस लाइब्रेरी के क्या फंक्शंस हैं क्या काम यह कर रही है, इसके बारे में मुझे एक रिपोर्ट मिली है 1979 की। उसी उन्होंने बताया है कि इसके अंदर केवल एक काम किया गया:

"There are 226 Members of the lending Section of the Library during the year under report".

226 किताब मैम्बर्स को दी गई। यह साल भर का काम है। अब कितना रुपया खर्च हुआ वह देखें तो 6 लाख रुपया खर्च किया गया और काम यह किया कि इतने आदमियों को किताबें दी गई।

This is the work which they have done.

न तो कोई रिसर्च स्कालर आया न इस कोई और उपयोग किया न इस का कोई डेवलपमेंट किया। इस के अलावा सदन की मेज पर उन्होंने रिपोर्ट नहीं रखी। वह कहते हैं कि रखी लेकिन आज भी मैं लाइवरी में पूछ कर आया हूँ। उन्होंने कहा कि मेरे पास कोई रिपोर्ट नहीं है।

And that is a mandatory provision that they must lay it on the Table of the House.

इस तरह खुदाबखश लाइब्रेरी का विकास करना तो दूर रहा इसके क्लर्क रेगुलेशन्स के बारे में जो ऐक्ट की कम्प्लायेंस होनी चाहिए थी वह भी नहीं हुई है और इस के लिए जब बार बार कहा गया, कोई सात आठ बार लिखा तब इन्होंने उसको कम्प्लायेंस किया। इसलिए मैं यह कहना चाहता हूँ कि इस तरह से जो एग्जीक्यूटिव एजेंसीज हैं, व्यूरोक्रेसी है वह हमारी पायर्स को न ले ले। ये क्लर्क हमारे सामने आने चाहिए, जब तक हम उन को एग्जामिन न कर लें तब

तक वह उस से काम न लें। हम ने पावर जो दी है वह इसलिए दी है कि

Within the scope of the Act they can frame rules and regulations and then we will be in a position to examine them and see whether the delegated powers have been properly used or misused.

श्री: इस प्रश्न पर वह बिल आप लेकर यहाँ पर आए हैं: इस लाइसेन्सी का विभाग नहीं होगा है। देश में अगर ऐसी समस्याओं का विभाजन होगा तो उस से देश का चरित्र ऊँचा होगा और देश के लोगों के ज्ञान में वृद्धि होगी। लेकिन दुःख जो बात यह है कि लाइसेन्सी की ओर कोई ध्यान नहीं देना है। अब हमारे नए शिक्षा मंत्री जो आए हैं, शायद वे वहाँ पर जाकर देखें कि क्या काम वहाँ पर हो रहा है, उस में क्या कमियाँ हैं और उस में क्या सुधार किए जा सकते हैं तो मैं समझता हूँ बहुत अच्छी बात होगी।

17.31 hrs.

HALF-AN-HOUR DISCUSSION

BAN ON HUNTING OF BIRDS

MR. DEPUTY-SPEAKER: The House will now take up the discussion on the points arising out of the answer given to Starred Question No. 2 on 23rd Nov. 1981 regarding ban on hunting of birds.

SHRI R. P. GAEKWAD (Baroda): Mr. Deputy-Speaker, Sir, I would like to thank you for allowing me to raise this half-an-hour discussion. This country enjoys a lot of wild life in

its territory and the question of preserving it is very important for this country and for any country for that matter. As the answers given to my Starred Question No. 2 on 23rd November, 1981 were not found satisfactory, hence my request for this discussion.

From the answers given one could make out that the attention given by the different State Governments to his matter is not adequate. The programmes that have been undertaken to preserve the diminishing species of wild life are not being implemented properly. There are mainly, I think, two reasons direct and indirect which are responsible for the diminishing species of wild life.

We start with the indirect reasons. Wild life prevails mostly in forests. These forests which are situated in many parts of the country are being cut down for industrial development and several other reasons. I would give you an example. In the northern part of the country in the Himalayas specially, there are a lot of exotic birds which habitate there. There is a certain type of tree, known as the cerpine. These pines are used for getting resin which in turn is used for making turpentine and cosmetics. Turpentine to the tune of 400 thousand tonnes is manufactured in this country and a large amount of resin is needed for manufacturing turpentine and cosmetics, and hence you can imagine how much resin must be extracted from these trees for the manufacture of turpentine. There is nothing wrong in that, but various smaller countries, which do not have such extensive surplus land, as we have, have regulations that whenever one tree is felled, five new sapplings have to be planted. Not only that if a tree is felled without permission, there is a very big penalty for that. Why can't we have such stricter measures