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Friday,
5th August, 1955



PARLIAMENTARY DEBATES

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OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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LOK SABHA

Friday, 5th August 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker : Questions. Shri M.L. Dwivedi.

Shri M. L. Dwivedi : 462.

Mr. Speaker : The hon. Minister of Works, Housing and Supply—not here. We shall take it up later on. Next Question—Shri Radha Raman.

Fertilizer Factory at Nangal

*463. **Shri Radha Raman :** Will the Minister of Production be pleased to refer to the reply given to Starred Question No. 2379 on the 19th April, 1955 and state whether any final decision for the setting up of a fertilizer factory in the Bhakra Nangal area has since been taken?

The Minister of Production (Shri K. C. Reddy) : It has been decided to establish a fertilizer factory in the Bhakra-Nangal area, with a capacity to produce about 2,00,000 tons of ammonium nitrate per year.

Shri Radha Raman : This was the answer given by the hon. Minister on the first occasion. What progress has been made since then?

Shri K. C. Reddy : We have taken steps to acquire the necessary land for this project in the Bhakra-Nangal area and I think the Punjab Government have notified two plots of land for this purpose. We are in touch with certain consultants with a view ultimately to selecting the proper consultant, and all necessary further preliminary action is being taken. We have recently appointed a Project Officer to be in charge of this project.

Shri Radha Raman : When does he think the factory will make a start?

235 LSD.—1

Shri K. C. Reddy : We shall have to get the project report in the first instance and then we have to consider the project report. We cannot say definitely when we will be able to start.

Shri Gopala Rao : What will be the cost of production per ton? Will it be cheaper than Sindri fertilizer?

Shri K. C. Reddy : Certain estimates have been prepared and I would like to have notice to give the actual figure to the hon. Member.

Mr. Speaker : Shri Barman.

Shri M. L. Dwivedi : 462 may be taken up now, Sir.

Mr. Speaker : Yes.

The Minister of Commerce (Shri Karmarkar) : I am sorry, Sir, I was late.

जापान में प्रविधिक मिशन पराधिकारी

*४६२. श्री एम० एल० द्विवेदी : क्या निर्माण, आवास और सम्भरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या जापान में भारतीय प्रविधिक मिशन के प्रधान श्री एस० सी० डे० की मृत्यु के सम्बन्ध में जो जापान में कामायशी में फांसी पर लटके हुये पाये गये थे, कोई जांच की गई है ; और

(ख) यदि हां, तो उसके क्या कारण थे ?

वाणिज्य मंत्री (श्री करमरकर) :

(क) इस सम्बन्ध में कामायशी (जापान) की स्थानीय पुलिस तथा टोकियो के भारतीय दूतावास ने जांच की है। जापान सरकार से रिपोर्ट भेजने की प्रार्थना की गई है और उसके प्राये की प्रतीक्षा की जा रही है।

(ख) जो सूचना मिली है उससे यह मालूम होता है कि यह फांसी लगा कर आत्म-हत्या कर लेने की घटना है।

श्री एम० एल० द्विवेदी : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि आत्म-हत्या की जो खबर मिली है, वह किस सूत्र से मिली है ?

श्री करमरकर : करने की नहीं मिली है, बाद में मिली है।

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूँ कि वह खबर किस सोर्स से मिली है ?

श्री करमरकर : होटल में उनके एक साथी से सुबह साढ़े सात बजे उनकी मेड-सरवेन्ट कमरे में गई, तब मालूम हुआ। उसी वक्त पुलिस वहाँ आ गई और सब लोग आये।

श्री एम० एल० द्विवेदी : जापान की सरकार जो जांच-पड़ताल कर रही है, उसकी हिसिला हमको कब तक मिल जायेगी ?

श्री करमरकर : अब तक जो सूचना हमको मिली है, उससे पता चलता है कि यह आत्महत्या का केस था।
On the earlier day he was all right.

Mr. Speaker : We will go to the next question.

Shri M. L. Dwivedi rose—

Mr. Speaker : It is no use pursuing this question.

Shri M. L. Dwivedi : I am not pursuing the question. I wanted to know by what time we are likely to receive a report after the investigation by the Japanese Government.

Mr. Speaker : What is the good ? Next question.

State Industrial Undertakings

*464. **Shri Barman :** Will the Minister of Production be pleased to refer to the reply given to Starred Question No. 148 on the 2nd March, 1955 and state :

(a) the cadre of services or other sources through which the managerial posts in the State Industrial Undertakings are filled in ; and

(b) whether a decision had since been taken regarding the Constitution of an Indian Managerial Service under Government to man such posts by giving proper training in appropriate institutions ?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Recruitment to managerial posts in State Industrial Undertakings managed departmentally are made in accordance with rules and regulations governing appointments in Government Services through, or in consultation with, the Union Public Service Commission. As regards such posts in undertakings managed through autonomous or semi-autonomous bodies, the Boards of Directors/Management make the selection from among the best available talent in the country, whether in Government Service, Trade, Industry or Commerce.

(b) The matter is under consideration and a decision is likely to be taken shortly.

Shri Barman : Is it a fact that in one of our biggest industrial undertakings because of absence of managerial experience of the managing director, two valuable years have been lost due to the fact that the experts who were sent from outside could not do the job efficiently ?

Shri Satish Chandra : The question is too abstract. The hon. Member has not named the industrial undertaking.

Shri Barman : I meant the Vizag shipyard.

The Minister of Production (Shri K. C. Reddy) : He may put a separate question about the shipyard. I think that would be appropriate time to answer that question.

Shri Barman : Is it a fact that the absence of any expert managerial staff in the Government has proved a clog to progress in socialisation of industries ?

Shri Satish Chandra : Government appreciates the difficulty and steps are being taken to form a cadre of managerial personnel and a cadre of technical personnel. I have said that the matter is being actively pursued and these cadres will come into being very shortly.

Shri T. S. A. Chettiar : May I know whether the Government is arranging, in consultation with Universities, to start courses in business management in Universities so that young men can be recruited for the services ?

Shri Satish Chandra : These young men will come out of the Universities after getting proper education. They will have to receive practical training in the factories.

Shri T. S. A. Chettiar : He has not understood my question. I was talking about business management courses in Universities.

Shri Satish Chandra : That suggestion will be borne in mind, but the initial recruits will be selected only if they are properly qualified.

Shri L. N. Mishra : May I know whether it is a fact that persons who are in these managerial posts have not got adequate power to take initiative decisions in certain matters and our experience has been that we have suffered on that account?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : All these questions are of high importance and we are constantly considering this matter about training etc., and also the other matter about greater discretion being given to these people. It is not so much a question of training people in lecture rooms. We find that training only goes a very small distance. It is practical training that counts.

N.E.F.A.

*465. **Shri D. C. Sharma :** Will the Prime Minister be pleased to refer to the reply given to Unstarred Question No. 891 on the 19th April, 1955 and state :

(a) the outline of the scheme formulated by Government to establish schools in N.E.F.A.;

(b) the total amount earmarked by Government for this purpose; and

(c) the figures of initial and annual recurring expenditure ?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) : (a) The main idea of the scheme is to have the basic system of education in NEFA. Steps for the implementation of the scheme are already in hand. 8 basic schools have been started, while the Teachers' Training Institute has been converted to the basic system. Thirty tribal trainees have been recruited for basic training in the Training Institute at Margherita. Steps for the propagation of Hindi as well as to encourage tribal dialects have also been taken in hand. The programme is to double the existing number of schools within the next 5 years and to train as many tribal teachers as possible.

(b) and (c). Rs. 13,49,400/- has been earmarked in this year's budget for educational schemes in the Agency. An estimated

expenditure during the 2nd Five year Plan on educational schemes is as follows :—

	Rs.
1956-57	11,33,594
1957-58	13,48,978
1958-59	18,89,820
1959-60	20,34,950
1960-61	27,06,726

Shri D. C. Sharma : May I know if any special committee was set up to devise a suitable curriculum for these schools, and if so, who were the Members of that Committee ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : I cannot give the names of the Members. This matter was considered by our advisers there, — the Governor in charge with experts taken over from the educational side. I cannot give the names.

Shri D. C. Sharma : May I know if any new approach has been adopted towards the education of these persons which is different from the approach adopted in other parts of India ?

Shri Jawaharlal Nehru : Yes, Sir. Stress has been laid on the educational system being adapted to the special needs of those tribal areas, and not merely to copy something which exists elsewhere. It will be, of course, the basic system, but laying stress on those special needs.

Shrimati Khongmen : What is the medium of instruction in these schools, whether it is Assamese or the major tribal dialects ?

Shri Jawaharlal Nehru : In the primary schools I believe it is the tribal language. Of course, at some stage Hindi comes in.

Shri B. S. Murthy : May I know whether any non-official organisations have been requested to help in the task of educating and culturally uplifting these tribes ?

Shri Jawaharlal Nehru : If the hon. Member is talking about education, I think that some eminent representatives of the Talimi Sangh of Wardha, Mr. Ariyanayakam and others, were invited to advise us on this subject.

Shri Chattopadhyay : Will the schools proposed to be started in the N.E.F.A. be run on traditional lines, or will they have a vocational or technical bias suitable to the tribal genius ?

Shri Jawaharlal Nehru : I just stated that that would be adapted to the tribal customs and genius. And we have specially laid stress on a vocational bias, and also I hope the hon. Member would be interested in learning—on preserving and encouraging their arts and dancing and singing etc.

चतुर्थ श्रेणी कर्मचारी संस्था

*४६६. डा० सत्यबाबी : क्या निर्माण, आवास और सभररा मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि चतुर्थ श्रेणी कर्मचारी संस्था ने सरकार से नई दिल्ली और दिल्ली के चतुर्थ श्रेणी कर्मचारियों के क्वार्टरों में जल और विद्युत, बच्चों के लिये मनोरंजन पार्क तथा सफाई की दशा में सुधार करने की व्यवस्था करने के सम्बन्ध में ग्रन्थ्या-दवेन किया है ; और

(ख) यदि हां, तो इस मामले में सरकार द्वारा क्या कार्यवाही की गई है ?

वारिण्य मंत्री (श्री करमरकर) :

(क) जी, हां ।

(ख) चतुर्थ श्रेणी के कर्मचारियों के क्वार्टरों में इन सुविधाओं को प्रदान करने का कार्य केन्द्रीय निर्माण विभाग ने हाथ में ले लिया है और काम काज चालू है ।

डा० सत्यबाबी : यह काम लगभग कितने दिनों में पूरा हो जायेगा ?

श्री करमरकर : मैं बतलाना चाहता हूँ कि हर एक क्वार्टर के लिये अलग अलग पानी का नल लगाने का काम कुछ दिनों में पूरा हो जायेगा, बिजली लगाने का काम भी शायद सितम्बर तक खत्म हो जायेगा और सीसा वगैरह खेल की चीजें लगाने का काम मार्च, १९५६ के आखीर तक हो जायेगा । ड्राई लैट्रीन्स को वाटर बोर्ड लैट्रीन से रिप्लेस करने का काम भी हमारे विचाराधीन है ।

Shri N. B. Chowdhury : May I know whether Government have received any complaint that the water rate charged from the class IV staff is rather too high ?

Shri Karmarkar : Not to my knowledge at the moment.

Shri V. P. Nayar : May I know whether it is not a fact that many quarters occupied by class IV employees in Delhi do not have electricity although they have been in occupation for three or four years,

while on the other hand officers' quarters have been given supplies of electricity long before the officers have been put in possession ?

Shri Karmarkar : It is a very confusing question. But I answered in my Hindi reply earlier that we have taken up the question of electrifying all the quarters, and the electrification is hoped to be finished by the end of September 1955.

Mr. Speaker : Next question, Q. No. 467.

Shri Kamath : Q. No. 493 also may be answered along with this.

Shri V. P. Nayar : That is a different question.

Mr. Speaker : Is it convenient to the hon. Member to reply to that also ?

The Minister of Production (Shri K. C. Reddy) : Yes.

Second D.D.T. Factory

*467. Shri Bishwa Nath Roy : Will the Minister of Production be pleased to refer to the reply given to Starred Question No. 600 on the 7th March, 1955 and state :

(a) whether any decision about the site of the second D.D.T. Factory has since been taken ; and

(b) what will be the estimated annual capacity of production and cost of the factory ?

The Deputy Minister of Production (Shri Satish Chandra) : (a) The factory is proposed to be established near the chemical works belonging to the Fertilisers & Chemicals (Travancore) Ltd. and the Travancore-Cochin Chemicals Ltd. in Alwaye from which the factory will draw certain of its raw materials. The precise site is expected to be selected shortly.

(b) Annual capacity—1400 tons of D.D.T. Technical.

Estimated cost—Rs. 79 lakhs.

डी० डी० टी० कारखाना

*४६३. श्री नवल प्रभाकर : क्या उत्पादन मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली स्थित डी० डी० टी० कारखाने का मासिक उत्पादन कितना है ; और

(ख) इस कारखाने द्वारा देश को डी० डी० टी० सम्बन्धी आवश्यकताओं के कितने प्रतिशत भाग की पूर्ति होती है ?

उत्पादन मंत्री (श्री सतीश चन्द्र)

(क) मार्च, १९५५ के अन्तिम सप्ताह से कारखाने में उत्पादन प्रारम्भ हुआ जो कि अप्रैल, मई तथा जून में क्रमशः १०, ६ तथा १७ टन था। आशा है कि पूर्ण उत्पादन जो ७०० टन प्रति वर्ष होना चाहिये १९५६-५७ तक हो सकेगा।

(ख) कारखाने में तैयार किये गये कीटाणु-नाशक द्रव्य (पदार्थ) मलेरिया के विरुद्ध चल रहे माल्दोरोन की १४ प्रतिशत आवश्यकताओं को पूरा कर सकेंगे। कारखाने का विस्तार करके उसकी वर्तमान उत्पादन क्षमता को दुगुना करने की योजना बनाई गई है।

Shri Bishwa Nath Roy: May I know whether after full production in the new factory in the south, the country would be self-sufficient regarding D.D.T.

Shri Satish Chandra: The requirements of insecticides in the country have been estimated by the Ministry of Health to be 5,000 tons per year, out of which about 2,000 tons of benzene-hexachloride will be manufactured in the private sector and the rest i.e. 3,000 tons D.D.T. is proposed to be manufactured in the public sector.

Shri Bishwa Nath Roy: May I know when production will start in the new factory?

Shri Satish Chandra: If he means the Delhi, factory, there production has started already.

Shri Bishwa Nath Roy: I mean the new factory to be installed in the south.

Shri Satish Chandra: It is expected that production in Alwaye factory will start in 1957-58.

Shri C. R. Narasimhan: May I know the names of the States that have made proposals for D.D.T. factories under the Second Five Year Plan, and whether there will be more room for such factories in the context of these insecticide factories?

Shri Satish Chandra: As I have already stated, the factory in Delhi is being expanded, and a new factory is being set up at Alwaye. These projects are included in the Second Five Year Plan, and there is no necessity to expand the production further.

Shri A. M. Thomas: May I know whether Government have got any estimate with regard to the employment potential of the new factory and if so, what it is?

Shri Satish Chandra: About 200 men will be employed at Alwaye.

Shri Mohiuddin: Is it a fact that mosquitoes are reported to acquire immunity by the repeated use of D.D.T.?

Shri Satish Chandra: That question should be put to the Minister of Health.

Shri Kamath: Are Government aware that in spite of extensive D.D.T. operations in Delhi itself, there is no abatement in the nuisance, or may I say, even the menace of mosquitoes by day and flies by night?

Shri Satish Chandra: My experience is different from that of the hon. Member.

Shri Ramachandra Reddi: May I know whether the present off take from the existing factory is satisfactory, or there are any undisposed of stocks? May I also know whether the Government institutions take their requirements from this factory?

Shri K. C. Reddy: I do not think there are any undisposed of stocks, but to answer the question more definitely, I would like to have notice.

Power Projects

*469. **Shri Ibrahim:** Will the Minister of Irrigation and Power be pleased to state the total expenditure incurred upto March, 1955 on the following Projects viz:—

- (i) Bhakra Nangal;
- (ii) Damodar Valley; and
- (iii) Hirakud?

The Deputy Minister of Irrigation and Power (Shri Hathi): (i) Bhakra Nangal—Rs. 107.68 crores.

(ii) Damodar Valley—72.17 crores.

(iii) Hirakud—Rs. 42.53 crores.

These figures are subject to adjustments in the final accounts.

श्री इब्राहीम : उन योजनाओं के अन्दर जो हाइड्रोइलेक्ट्रिक स्कीमें हैं उन पर अब तक क्या खर्च हुआ है।

श्री हाथी : अभी उनका अलग अलग आंकड़ा नहीं दे सकते

Dr. Ram Subhag Singh: May I know whether there is any proposal before Government to make the charges for the power generated by these different power projects, uniform throughout the country?

Shri Hathi: It will not be possible to have a uniform rate for all the power projects throughout the country. That depends upon the cost of generation in each project.

Shri Bhagwat Jha Azad: May I know by what percentage the expenditure has gone up over the original estimate in respect of the three projects that have been mentioned in the question?

Shri Hathi: That varies from 40 per cent to 100 per cent depending upon the enlargement of the scope of the projects, and other considerations.

Shri N. M. Lingam: May I know the percentage of progress in respect of each of these projects in terms of physical targets as well as financial outlay?

Shri Hathi: So far as the financial aspect is concerned, the estimated cost at present for Bhakra-Nangal is Rs. 158 crores out of which Rs. 105 crores have been spent; for Damodar, it is Rs. 100.49 crores, out of which Rs. 72 crores have been spent; and for Hirakud, the first stage estimate is Rs. 70.78 crores, out of which Rs. 42 crores have been spent.

As regards physical targets, Hirakud, has got nearly 80 per cent of the work done and it will be ready by 1956. In respect of Damodar, as the House knows, the Bokaro thermal plant, the Tilaya and the Konar are complete, and Maithon and Panchet Hill are on the way of completion. Bhakra will be completed by 1959-60.

श्री नवल प्रभाकर : मेरा जो प्रश्न ४६८ नम्बर का था, उसको आपने नहीं पुकारा ।

Mr. Speaker: I think it was called and the Minister replied.

Some Members: No.

Mr. Speaker: All right. Question No. 468.

दिल्ली में विस्थापितों की बस्तियां

*४६८. **श्री नवल प्रभाकर :** क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में विस्थापितों की ऐसी कितनी बस्तियां हैं जहां अब तक जल और विद्युत की व्यवस्था नहीं है ; और

(ख) ऐसी कितनी बस्तियां हैं जहां ये सुविधायें शीघ्र ही दी जाने वाली हैं ?

पुनर्वास उपमंत्री (श्री जे० के० भोंसले) :

(क) दिल्ली में विस्थापितों की दस बस्तियों में पानी और बारह बस्तियों में विद्युत की व्यवस्था नहीं है ।

(ख) थोड़े समय में दो बस्तियों में पानी और चार बस्तियों में विद्युत की व्यवस्था की जायेगी ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि जिनमें विद्युत और पानी की व्यवस्था की जायेगी, उन बस्तियों के क्या नाम हैं ?

श्री जे० के० भोंसले : उन बस्तियों के अलावा जहां कि पानी और बिजली की व्यवस्था है, मोतीनगर, रमेशनगर, इन्द्र नगर, गांधी नगर, भारत नगर और तिहार की बस्तियों में पानी की व्यवस्था की जा रही है और बिजली की व्यवस्था रमेशनगर, तिहार गांधी नगर और भारत नगर में की जा रही है ।

श्री नवल प्रभाकर : जो बाकी बस्तियां हैं उन में पानी और बिजली कब तक सप्लाई किया जा सकेगा ?

श्री जे० के० भोंसले : यह जो चार बस्तियों के नाम मैंने बताये, उनके सम्बन्ध में एस्टीमेट सी० पी० डब्लू० डी० की तरफ से १५ दिन में आयोग और उसके आने के बाद वह काम शुरू हो जायेगा ।

Penicillin Factory

*471. **Dr. Ram Subhag Singh:** Will the Minister of Production be pleased to refer to the reply given to starred question No. 19 on the 22nd February, 1955 and state:

(a) whether the Penicillin Factory at Pimpri has gone into production;

(b) if so its present average monthly output of penicillin; and

(c) whether there is any proposal to extend the productive capacity of the factory?

The Deputy Minister of Production (Shri Satish Chandra): (a) Yes.

(b) The average monthly rate is about 700,000 mega units of penicillin per month and it is hoped that production will increase to about double this quantity progressively within a few months.

(c) Yes, It is proposed to expand the installed capacity of the Penicillin Factory by about 60%.

Dr. Ram Subhag Singh: May I know what is the cost involved in the expansion programme of this factory, and when this factory will go into full production?

Shri Satish Chandra: It has gone into commercial production since last month. As regards the cost of the expansion programme I will require notice. I think the details are being worked out.

Shri A. M. Thomas : May I know whether Government have any scheme to manufacture any other anti-biotics in this factory, and if so, what are they?

Shri Satish Chandra: There is proposal to manufacture streptomycin in this factory.

सठ गोविन्द बास : क्या जितनी आवश्यकता हमको इस देश में पेंसिलीन की है, उतनी कब तक पूर्ति होने की आशा है और क्या सरकार के पास इसबात की भी कोई शिकायत आई है कि जो पेंसिलिन हमारे यहां तैयार होती है, वह जो बाहर से आने वाली पेंसिलिन है, उससे कुछ निम्न कोटि की है ?

The Minister of Production (Shri K. C. Reddy): The factory was originally planned to produce about 9 million mega units per year, but it is now expected to produce 15 to 20 million mega units of penicillin. It is proposed to increase it by 60 per cent, as already answered. That will come to 32 million mega units per year, and it is hoped that it will suffice for our requirements, in addition to production in some private units.

सठ गोविन्द बास : क्वालिटी के बारे में मुझे कोई उत्तर नहीं मिला ?

श्री सतीश चन्द्र : जहां तक क्वालिटी का सम्बन्ध है, उस पर जो अब तक लेबोरेटरी टेस्ट हुये उनसे यह सिद्ध हुआ है कि यहां की पेंसिलिन की क्वालिटी इम्पोर्टेड पेंसिलीन से किसी तरह कम नहीं है। कुछ

सैम्पल्स अब अमरीका, इंग्लैंड और सेंट्रल ड्रग रिसर्च इंस्टीट्यूट को भेजे गये हैं और उन से इस बात की पुष्टि हो जायेगी।

Shri Rama Chandra Reddi: May I know why sufficient publicity for this product is not given so far, why Government institutions are not insisted upon to use this penicillin and when the process of supplying this in the form of tubes will commence?

Shri Satish Chandra: The initial step towards production was taken in December, and the production commenced in March. There was a trial run for two or three months. Regular production on a commercial scale started only last month. Agents are now being appointed. Government hospitals have been asked to indent their requirements and it is expected that supplies will start shortly in an organised manner.

नेपाल को सहायता

*४७२. श्री विभूति मिश्र : क्या प्रधानमंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारतीय वायु सेना के विमानों द्वारा अप्रैल, १९५५ में नेपाल के रामचाप के पहाड़ी क्षेत्रों में खाद्य पदार्थ गिराये गये थे ;

(ख) यदि हां, तो कौन कौन से पदार्थ गिराये गये और उनकी मात्रा क्या थी ; और

(ग) वे कितने मूल्य के थे और क्या वे निःशुल्क दिये गये थे ?

बैद्यधिक कार्य मंत्री के सभा-सचिव (श्री सावत अली खान) : (क) से (ग). नेपाल सरकार की प्रार्थना पर भारतीय हवाई सेना के एक हवाई जहाज ने रामचाप के आसापास ३०० टन चावल गिराया था। यह चावल नेपाल सरकार द्वारा दिया गया था।

श्री विभूति मिश्र : नेपाल सरकार की सूचना मिलने के कितने समय के अन्दर भारत सरकार ने यह खाद्य-पदार्थ वहां पर सप्लाई की ? |

Mr. Speaker: How soon after the demand by Nepal it was supplied?

श्री सादत अली खाँ : २४ घंटे के अन्दर हमने हवाई जहाज का इन्तजाम किया और यह चावल वहां गिराया ।

श्री रघुनाथ सिंह : इसका दाम लिया गया या फ्री दिया गया

Mr. Speaker: Order, order.

श्री विभूति मिश्र : अब तक भारत सरकार ने गल्ले से, कपड़े से और रुपये से इन अकालग्रस्त क्षेत्रों में कितने की मदद दी है ?

श्री सादत अली खाँ : इसके लिये नोटिस चाहिये ।

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : कपड़े की तो नहीं कह सकता, लेकिन गल्ले तो वहां बहुत भेजा । करीब दस हजार टन गल्ला वहां भेजा ।

Small Scale Industries

*473 **Shri Bhagwat Jha Azad:** Will the Minister of Commerce and Industries be pleased to state:

(a) whether there is any proposal for the setting up of a multi-purpose institute of technology for small scale industries at Sindri; and

(b) if so, whether it will be a Central or a State Scheme?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). It is understood that the Government of Bihar have such a proposal.

Shri Bhagwat Jha Azad: May I know whether the Bihar Government has asked for any assistance from the Central Government in this matter?

Shri Kanungo: Yes. The Bihar Government had asked for financial assistance and a sum of Rs. 1 lakh and odd has been granted.

Shri Bhagwat Jha Azad: Could Government tell us what would be the strength of this institute and how far it will be able to cope with the demand for trainees for industries in the whole country?

Shri Kanungo: I could not tell that, because details have not been worked out by Bihar as yet, except in a broad way. But the site has been chosen in the vicinity of a college which has got workshop facilities for mechanical and electrical engineering; and it is assumed that facilities for more trainees will be available there than would normally be in a separate institute.

Shri Bhagwat Jha Azad: May I know if the Bihar Government has indicated what is the strength of the institute?

Shri Kanungo: No, they have not given the details.

श्री अचल सिंह : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि कौन कौन स्माल स्केल इंडस्ट्रीज सिन्ध्री में चलाई जा रही हैं ?

श्री कानुनगो : लुहारी का काम, बड़ई का काम, ताला बनाने का काम और दूसरी छोटी छोटी मशीनें बनाने की कोशिश की जा रही है ।

European Jute Manufacturers' Federation

*474. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state;

(a) the names of the countries which have formed European Jute Manufacturers' Federation; and

(b) how far this federation has affected the Indian jute goods in the world markets?

The Minister of Commerce (Shri Karmarkar): (a) France, Holland, Belgium, Germany, Italy, Austria, Spain, Portugal and Switzerland.

(b) The exports of Indian jute goods have not been affected by the formation of this federation.

Shri S. C. Samanta: May I know which of the countries mentioned by the hon. Minister are expanding jute goods manufacture?

Shri Karmarkar: The object of this organisation is to stabilise the industry in these countries which are members of the federation.

Shri S. C. Samanta: May I know whether the consuming countries have reduced their imports from us in 1955?

Shri Karmarkar: I have not got the break-up of the countries which have imported jute goods from us, but I find that as against 842, 800 tons we exported in 1954, from January to May 1955, we have exported 359,000 tons.

Shri Barman : May I know how far Indian jute goods will be affected in the world market in the recent devaluation of the Pakistan currency ?

Shri Karmarkar : That has to be watched. We are not in a position to say that now.

सशस्त्र सेना चलचित्र

*४७५. **श्री भक्त बर्षान :** क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) सशस्त्र सेना सूचना कार्यालय द्वारा अब तक भारतीय सशस्त्र सेना सम्बन्धी कौन कौन से चलचित्रों का निर्माण किया गया है ; और

(ख) उन्हें कहां तक लोकप्रियता मिली है ?

सूचना और प्रसारण मंत्री (डा० केसकर) : (क) सेना विभाग के अधिकारी अलग से कोई फिल्म नहीं बनवाते । फिल्म विभाग दूसरे विषयों की भांति सेनाओं के बारे में भी डीक्यूमेंटरी फिल्में बनाता है । अभी तक जितने डीक्यूमेंटरी बनाये गये हैं उनकी सूची लोक सभा की मेज पर रख दी गई है । [बैठिये परिशिष्ट ३, अनुबन्ध संख्या ५७]

(ख) जनता ने इन डीक्यूमेंटरी चित्रों को पसन्द किया है ।

श्री भक्त बर्षान : यह जो सूची सदन पटल पर रखी गई है, उससे मालूम होता है कि अब तक १६ चित्र बन चुके हैं । मैं जानना चाहता हूँ कि इन विषयों का निर्वाचन किस प्रकार से होता है और इसमें रक्षा मंत्रालय से परामर्श लिया जाता है या यह चित्र उसकी सलाह पर बनाये जाते हैं ?

डा० केसकर : यह जाहिर है कि डिफेन्स मिनिस्ट्री की सलाह से जो विषय हैं वह चुने जाते हैं । हमारा तरीका यह है कि जो डीक्यूमेंटरीज बनती हैं, यदि उसका विषय किसी तरीके से किसी मंत्रालय से सम्बन्ध रखता है, तो उसकी सलाह से कर ही डीक्यूमेंटरी बनाई जाती है

श्री भक्त बर्षान : यह जो वृत्त चित्र तैयार किये गये हैं, वह केवल अंग्रेजी भाषा में ही होते हैं या हिन्दी व दूसरी प्रादेशिक भाषाओं में भी उन के वर्णन तैयार किये जाते हैं ।

डा० केसकर : हमारी जितनी डीक्यूमेंटरीज बनती हैं वह कम से कम पांच भाषाओं में तो जरूर बनती हैं, अर्थात् हिन्दी, अंग्रेजी, बंगाली, तामिल और मलयालम में और आज कल जो पंचवर्षीय योजना के बारे में चित्र बन रहे हैं, वह सभी रीजनल भाषाओं में बनाई जाती हैं ।

श्री भक्त बर्षान : क्या इस समय जो नेशनल वालेन्टियर फोर्स की नई योजना जारी की गई है उसके बारे में कोई चित्र बनाया जाने वाला है, या बन रहा है ?

डा० केसकर : अगर माननीय सदस्य फेहरिस्त को देखेंगे तो उनको मालूम होगा कि १९५३ में भी नेशनल कैडेट कोर के बारे में एक फिल्म है और १९५४ में भी है । और आगे भी जैसी जरूरत होगी, वैसे वह बनाई जायेंगी ।

Artificial Diamonds

*477. **Shri Nanadas :** Will the Minister of Commerce and Industry be pleased to state :

(a) whether any Indian concern is planning to start a factory for the manufacture of artificial diamonds at Pykara;

(b) whether any agreement has been reached with a foreign firm in this regard; and

(c) if so, the terms of the agreement ?

The Deputy Minister of Commerce and Industry (Shri Kanungo) : (a) I take it that the Honourable Member is referring to the scheme for the manufacture of rough synthetic stones. If so, yes.

(b) Yes, Sir.

(c) Sanction has been given for capital issue for 35 lakhs on the basis of 51% for the Indian interests and 49% for the foreign participation.

Shri Nanadas : May I know whether any Government, State or Central is going to take shares in this company ?

Shri Kanungo: No State Government has taken shares in the company as yet but negotiations are going on with the Madras Government.

Shri Nanadas: May I know the value of the annual requirements of artificial stones in the country and to what extent we depend on imports?

Shri Kanungo: 50 tons is the estimated requirement of the country and the entire requirement is imported.

Shri Nanadas: I want to know the value of it in rupees.

Shri Kanungo: I have not got the figure now.

Shri Chattopadhyaya: May I know if Government have taken the trouble to ascertain whether there would be adequate demand for these synthetic stone in our country or is it the Government's intention to create such a demand in conformity with the ideal of the socialistic pattern?

Shri Kanungo: There is an existing and potential demand of 50 tons; and, at the rate at which we are going to produce meters and other precision instruments the requirement of these stones will be higher.

Foreign Services

*478. **Pandit D. N. Tiwari:** Will the Prime Minister be pleased to state whether it is a fact that knowledge of Hindi has been made compulsory for officers in the Foreign Service and especially for those posted in the Indian Embassies abroad?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Yes. Knowledge of Hindi has been made compulsory for new recruits to the IFS. They have to pass a departmental test in Hindi. Senior officers also who do not know Hindi are advised to learn the Language.

पंडित डी० एन० तिवारी : श्री माननीय पार्लियामेंटरी सेक्रेटरी साहब ने बतलाया कि नये रिक्तस के लिये हिन्दी सीखना लाजिमी हो गया है। लेकिन जो पुराने लोग सर्विस में हैं और जो भारतीय एम्बेसीज में हैं वह हिन्दी सीख चुके हैं या नहीं, अगर नहीं, तो उनको हिन्दी सिखाने के लिये कोई व्यवस्था की गई है या नहीं?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : यह उनकी उम्र पर मुह्सर है।

पंडित डी० एन० तिवारी : जब हमारे यहां के लोग कोरिया वगैरह में जाते हैं तो हमारे प्रधान मंत्री उनको शिक्षा देते हैं कि वह आपस में हिन्दी में ही बात करें, तो क्या ऐसी कोई हिदायत फारेन एम्बेसीज में काम करने वालों को भी दी जाती है?

श्री जवाहरलाल नेहरू : जी हां, दी जाती है। और सब हिन्दी सीखने की कोशिश कर रहे हैं। लेकिन जाहिर है कि कुछ उम्र के बाद सीखना जरा कठिन हो जाता है।

Shri Dhusia: May I know whether the promotion of those officers who do not pass the examination shall be stopped or whether they shall be disqualified for promotion?

Shri Jawaharlal Nehru: In so far as the new entrants are concerned in the competitive examinations, Hindi is not the medium of examination or a compulsory subject. That is to say, if on entry into the service a person does not know Hindi, he does not suffer any disqualification. Otherwise it would be unfair to the non-Hindi knowing people. But on having entered after passing that examination, he has to pass a compulsory test in Hindi and so long as he does not pass it he is not formally there; he cannot make any progress at all. So far as the old members of the services are concerned, there is no bar about it. We are encouraging them to learn it more and more.

Rural Electrification

*479. **Shri Hem Raj:** Will the Minister of Planning be pleased to state:

(a) the amount asked for by the Punjab Government for rural electrification schemes for the year 1955-56; and

(b) the amount given last year and the amount spent out of that so far?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). A loan assistance of Rs. 60 lakhs was approved for rural electrification works under Uhl power development scheme to meet the expenditure in 1954-55 and 1955-56. Of this Rs. 30 lakhs have been taken by the Punjab Government in 1954-55 and spent fully during that year leaving a balance of Rs. 30 lakhs to be spent in 1955-56. The Punjab Government have recently approached the Planning Commission for increasing the loan assistance in the current year to Rs. 55.1 lakhs. This request is still under consideration.

Shri Hem Raj : May I know if the Engineering Seminar held in 1954 and also this year 1955 has recommended that the States should be granted subsidies as well as loans ? Has the Government considered their recommendation and what is the decision of the Government ?

Shri Hathi : It is true that the Seminar has recommended that subsidies should be given for rural electrification schemes. It is still under consideration of government.

Shri Hem Raj : May I know whether this Engineering Seminar also recommended that the cost of rural electrification should be reduced ? What steps has Government taken to implement that recommendation of the seminar ?

Shri Hathi : They have not actually said that the cost of rural electrification should be reduced. What they have said is that subsidy should be given by Government for rural electrification. That question is under consideration by Government.

Racial Discrimination

*480. **Dr. Rama Rao :** Will the Prime Minister be pleased to state :

(a) whether it is a fact that the Indian Commissioner and his staff in the Central African Federation are being discriminated against by the white population of the colony; and

(b) whether the Government of India have taken any action in the matter ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes, Sir.

(b) The attention of the local authorities has repeatedly been drawn to instances of discrimination but so far without positive results from the European community. The attitude of the Government of the Federation of Rhodesia and Nyasaland has, however, been helpful and the Prime Minister, Lord Malvern, recently made a public statement condemning the discriminatory treatment meted out to representatives of India and Pakistan.

Dr. Rama Rao : May I know what shape this discrimination is taking ?

Shri Sadath Ali Khan : Well, Sir, it takes peculiar shapes, such as ban on entry into cinemas, entry into hospitals, entry even into public lifts, admission to trains and buses and discrimination in the matter of accommodation at hotels and so many other things.

Dr. Rama Rao : May I know whether this Federation has got a diplomatic representative here and whether we have drawn the attention of that representative to this state of affairs ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : There is no representative of the Federation here. But, as stated in the reply to the question, attention has repeatedly been drawn to it in vigorous language. All that the Government of the Federation say is that they regret that this is happening and they say they are doing their best but these are private individuals or private organisations that are behaving in this manner.

Shrimati Renu Chakravarty : In view of the fact that we shall shortly be discussing our Citizenship Bill, I want to know what is the status of the Central African Federation ; are they part of the Commonwealth or have they some separate status ?

Shri Jawaharlal Nehru : I suppose the hon. Member knows that they are part of the Commonwealth. What their exact status within the Commonwealth is, I cannot perhaps clearly define. But it is certainly a part of the Commonwealth as is South Africa.

Shri Joachim Alva : Is Government aware of the disturbing report which appeared in a responsible section of the Press in Bombay of three African students being ejected from the Bombay Law College Hostel, and will Government go out of their way and see that African students are accommodated in the hostels ?

Shri Jawaharlal Nehru : That has nothing to do with Rhodesia. There is a distance of about 10,000 miles between the two, but I would just like to say that the facts are not quite as stated by the hon. Member. They have been challenged and denied—I do not know exactly. Anyhow, this fact has been denied.

Murder of an Indian in U.S.A.

*481. **Shri Eswara Reddy :** Will the Prime Minister be pleased to state :

(a) whether Government are aware that an Indian Catholic priest Rev. Father John Chiramal of Kumbalanni, Travancore-Cochin State was murdered under mysterious circumstances in Chicago, U.S.A. ; and

(b) whether Government have made any enquiries into the cause of the death ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes.

(b) Immediately the news of the murder was known, the Consul-General of India in New York made urgent enquiries about the incident through the Chicago Police authorities and the British Consulate Gen.

eral in Chicago. From the information received from these sources, however, there was little that could be learnt beyond what had already been published in the newspapers. At the Cornei's inquest held on June 24, 1955, the verdict of "murder by persons unknown" was given.

Shri Eswara Reddy : For what purpose did the priest go to the United States and what were his activities there ?

Shri Sadath Ali Khan : The Rev. Father John Chiramal went to the U. S. A. for advanced studies at the Fordham University in New York. Later he was associated with the Boy's Town, Cochin, of which he became the founder director, and for which he raised funds in the U.S.A.

Shri V. P. Nayar : It was reported in the Press that the purpose of his visit to the U. S. A. was for raising funds to establish an organisation, something like the Boys' Town of Nebraska. May I know whether this fact has been known to the Government ?

Shri Sadath Ali Khan : What has Government to do with it. He went for the purpose of studies and he belongs to that association.

Panch Shila

*484. **Shri Kamath :** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 1780 on the 2nd April, 1955 and state whether Government propose to enter into bi-lateral or multilateral agreements or alliances with the countries who have signified their support to the five principles of *Panch Shila*.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : No. Government have no such intention.

Shri Kamath : Since the 2nd April, 1955, when the last question was answered, how many more countries or nations, States in Asia, Africa, Europe and America have signified their support to the *Panch Shila* ?

Shri Jawaharlal Nehru : As the hon. Member perhaps knows, the Panch Shila was somewhat extended at the Bandung Conference into ten—another five were included—so that the countries associated with the Bandung Conference accepted this. Apart from this, the other countries are, speaking from memory—China and India were the first two countries—Burma, Indonesia, Soviet Union, Yugoslavia, Poland, Egypt—Egypt attended the Bandung Conference—and apart from these I cannot remember. Here is a reference in my papers. The countries

are Burma, China, India, Laos, Nepal, the Democratic Republic of Viet Nam, Yugoslavia, Egypt, Comodi a, Soviet Union and Poland.

Shri Kamath : With regard to the third principle of the Panch Shila, non-interference in each other's internal affairs, is it a fact that the original document, that is the Nehru-Chou En-lai declaration or agreement on this basis, did not contain this qualification or modification, namely, "for any reasons of an economic, political or ideological character" ? Was it inserted subsequently, and if so, why and at whose instance ?

Shri Jawaharlal Nehru : That is true. These words did not occur in the original India-China draft, but that is only a verbal matter and the meaning was exactly the same. It was said 'non-interference' and it was clearly meant that it included that. In later drafts it was considered better to be more specific and these words were put down.

Shri Kamath : Could it be rightly said that a country or a nation—State which has signified its support to the principles of the Panch Shila orients or attempts to orient its relations with India only on that basis, or does it attempt to direct and regulate its external or foreign policy generally on that basis, and if so, after the recent talks with Marshal Bulganin and the joint Nehru-Bulganin pronouncement in Moscow has the Soviet Union given any indication that it will change its policy and attitude towards the Cominform, East Germany, and East European States generally ?

Shri Jawaharlal Nehru : The hon. Member wants me to answer on behalf of other countries. If we come to agreement with another country, it is between that country and us. It is true that the agreement itself affects the wider policies of both. I can say on my behalf and on behalf of India that that principle of Panch Shila applies to all countries. I can say that on behalf of India ; I cannot speak on behalf of other countries. But I can say this : once a country accepts this principle, inevitably it affects its relations with other countries, even though it may not tie itself down to that.

Shri Kamath : One last question.

Mr. Speaker : Let it be a short one.

Shri Kamath : Yes, Sir ; less than 50 words. Considering the first principle of Panch Shila, that is, respect for each other's territorial integrity and sovereignty, have all these countries which have signified their support to the Panch Shila—to take a problem of national and international concern—declare that Goa is an integral part of India ?

Shri Jawaharlal Nehru : The question has never come up before them in the form.

Raw Silk

*485. **Shri Thimmaiah** : Will the Minister of Production be pleased to state :

(a) the basis on which the imported raw silk is distributed; and

(b) the name of the agency which distributes it ?

The Minister of Production (Shri K.C. Reddy): (a). On the assessment by the Central Silk Board of the needs of State Government Co-operative Organisations and other indenting authorities. In the case of individuals, their bonafides and their actual past consumption are taken into account.

(b) the Central Silk Board and its agencies.

Shri Thimmaiah: Would the hon. Minister tell us the quantity of raw silk distributed between handloom owners and powerloom owners ?

Shri K. C. Reddy: I want notice to answer that question.

Shri Thimmaiah: May I know the amount of raw silk that remains undistributed ?

Shri K. C. Reddy: I think about 1,00,000 pounds of this silk has been distributed and the rest in stock.

Shri Thimmaiah: Has any State represented that this raw silk should be distributed to the State Governments ?

Shri K. C. Reddy: I have already said that this is distributed to State Governments to co-operative organisations and to individual actual users also. If a State Government makes a request that such and such a quantity should be allotted to it, certainly the Central Silk Board will take that into account.

Shri M. S. Gurupadaswamy: In view of the fact that there is not much demand for raw foreign silk in India at present, will the Government take steps to ban further imports from China ?

Shri K. C. Reddy: I cannot accept the assumption of the hon. Member. It is not correct that there is not much demand for this kind of silk in this country, but we have got to regulate the imports, keeping in view the interests of the indigenous silk industry.

पूरुतगाली बस्तियों के लिये पाकिस्तानी चावल

*४८६. श्री रघुनाथ सिंह : क्या प्रमान मंत्री यह बताने की कृपा करगे कि क्या यह सच है कि पाकिस्तान ने भारत स्थित पूरुतगाली बस्तियों को चावल भेजा है ?

बैदेशिक कार्य मंत्री के सभा सचिव (श्री सावत बली खाँ) : खबरों से पता चला है कि गोवा में पुर्तगाली अधिकारी अपनी आवश्यकता के लिये पाकिस्तान से चावल खरीद रहे हैं ।

श्री रघुनाथ सिंह : और कौन कौन से देश हैं जो उनको सहायता दे रहे हैं ?

श्री सावत बली खाँ : यह हमको पता नहीं है ।

Shri Bhagwat Jha Azad: May I know whether it has come to the knowledge of the Government that Pakistan currency is also in circulation in Goa ?

Shri Sadath All Khan: No, Sir,

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We do not know.

Broadcasting of Film Music

*488. **Sardar Iqbal Singh**: Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Starred Question No. 400 on the 2nd March, 1955 and state :

(a) the number of film-producers with whom Government have arrived at an agreement so far in regard to broadcasting of film music; and

(b) the terms of the agreement arrived at ?

The Minister of Information and Broadcasting (Dr. Keshkar): (a). One hundred and fourteen producers have so far written to Government withdrawing their termination of contracts and expressing their desire to renew them.

(b) The terms of the agreement would be :-

(i) The payment by All India Radio of Re. 1/- per song per broadcast to the producer.

(ii) Credit to the artist and the film at the time of broadcast.

Sardar Iqbal Singh: May I know whether there is any uniform policy to approach all the producers or is discrimination made between producer and producer ?

Dr. Keshkar: There is no question of discrimination. Contracts are always being signed with individual producers; they are not signed with a group together. Every producer is at liberty to approach and sign a contract on terms that might be mutually satisfactory.

Sardar Iqbal Singh: May I know whether the Government is aware of the fact that the producers have got some associations and whether they are approached through those associations or individually? For instance there is the Indian Motion Pictures producers Association or the Indian Producers, Guild.

Dr. Keskar: I am aware that there are a number of film producers' associations of different strength and variety.

Shri M. S. Gurupadaswamy: May I know whether it is fact that the Minister has refused to negotiate with the biggest film association and also whether he refused even to interview the President of that body?

Dr. Keskar: Both the things are incorrect. Firstly, there is no question of negotiating with anybody. My hon. friend knows this controversy and he was himself the author of many questions on the subject before. He is well aware that the producers as a protest against that they felt was passing of a judgement on their songs withdrew their contracts and carried on the controversy with the All India Radio. They themselves want that we should renew the negotiations with them. What we have told them is that if they felt like that they were quite at liberty to renew the negotiations. Satisfactory agreements have been arrived at with those of them who had come forward to negotiate with us. Others are quite at liberty to do so.

Sardar Iqbal Singh: May I know whether Government has conducted any listeners' survey to assess the popularity of the film music and if so, with what results?

Dr. Keskar: This question has been answered many times.

River Gauges

*49. **Shri Sarangadhar Das:** Will the Minister of Irrigation and Power be pleased to state whether river gauges have been installed in the important rivers of the country for determining the flow of water in different seasons of the year?

The Deputy Minister of Irrigation and Power (Shri Hathi): Yes, Sir.

Shri Sarangadhar Das: May I know if there were not sufficient data for the river Brahmani which has caused trouble to the Rourekela steel plant?

Shri Hathi: Now we have two stations on the river Brahmani.

Shri Sarangadhar Das: For how many years had the data been collected?

Shri Hathi: I do not know exactly for how many years the data had been collected but at least for the last three years we are having the data.

Shri V. P. Nayar: May I know whether the installation of these river gauge is a part of a very comprehensive scheme to collect the necessary hydrological data for the entire country or is it an individual project?

Shri Hathi: Really there were some stations but we have in mind the programme of collecting the data for the whole country. This forms part of that scheme now.

Kashmir

*490. **Shri M. L. Agrawal:** Will the Prime Minister be pleased to state:

(a) whether any it is a fact that the Pakistan Government has sent a communication in connection with the recent speech of the Home Minister regarding Kashmir; and

(b) whether reply has been sent to Pakistan?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Yes, Sir. A reply has been sent.

Shri M. L. Agrawal: May I know what was the complaint of Pakistan and what was the reply of the Government of India?

Shri Jawaharlal Nehru: It is not customary to discuss confidential communications.

Shri M. L. Agrawal: May I know if the speech of the hon. Home Minister was in conformity with the views and policy of the Government of India on the Kashmir issue.

Shri Jawaharlal Nehru: I have said that we can hardly discuss confidential correspondence here.

Mr. Speaker: His question is whether the speech of the hon. Home Minister was consistent with the policy of the Government or was it a little different?

Shri Jawaharlal Nehru: I think it was consistent. The Home Minister in none of his statements said that we wanted to bypass or put an end to our old commitments. The old commitment stands. What the Home Minister said was that many events had happened in the last six-seven years which have to be taken into consideration in considering this matter; we cannot ignore the changing world. So, we stand by our commitments and we must also take into consideration all that has happened during this period.

Shri Kamat : Has Government's attention been drawn to the Pakistan High Commissioner's statement or speech sometime back in Madras that the reply sent by the Prime Minister was of a personal nature and not of an official character.

Shri Jawaharlal Nehru : Yes, I saw a news paper report to that effect.

Shri Kamath : Was it really personal or official ?

Mr. Speaker : We go to the next question.

Heavy Water Plant

*491. **Shri D. C. Sharma :** Will the Prime Minister be pleased to state:

(a) whether it is a fact that an Experts Committee has been appointed to formulate a scheme for the setting up of a Heavy Water Plant ; and

(b) if so, what are its recommendations ?

The Prime Minister and Minister of External Affairs : (Shri Jawaharlal Nehru : (a) and (b). A scheme was already formulated by the Atomic Energy Commission last year and has been accepted by Government.

An Expert Committee has been appointed to process the technical details .

Shri D.C. Sharma : May I know if on that technical committee there are some foreign experts also ?

Shri Jawaharlal Nehru : I hope not; if the hon. Member wants the name to be read out, the Chairman is Mr. Nagaraja Rao, Chief Industrial Adviser to the Government of India. Then there is Mr. K. C. Sharma, Sindri Fertilizers and Chemical Ltd. Shri C. R. V. Rao, Tata Chemicals and the Project Officer, Shri N.P. Prasad, Department of Atomic Energy, Bombay and Dr. Kane, Development Wing of the Ministry of Commerce and Industry. These four persons have been appointed.

Shri D.C. Sharma : May I know if the approximate cost of this factory has been worked out ?

Shri Jawaharlal Nehru : This matter is connected with the Fertilizer project near Bhakra-Nangal about which some questions were put. It is a joint project—Fertilizer *and* heavy water—and my colleague the Production Minister gave a reply. He could not give the cost because it has

probably not been calculated by the committee. I suppose some approximate figure might be mentioned but it will not be helpful.

Shri D.C. Sharma : Is it not a fact that some land has already been acquired for the new fertilizer factory and the heavy water factory and that some villagers in the Hoshiarpur district have been given notice to that effect ?

Shri Jawaharlal Nehru : I cannot say but I hope it is so because we have been asking the Punjab Government to proceed with this matter.

चतुर्थ श्रेणी के कर्मचारी

*४९२. डा० सत्यबाबी : क्या निर्माण आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सचिवालय के चतुर्थ श्रेणी के कर्मचारियों के लिये एक कमरे वाले फ्लेट बनाने की नीति में कोई परिवर्तन किया गया है ; और

(ख) यदि हां, तो किस प्रकार का ?

वारिष्ठ्य मंत्री (श्री करमरकर) :

(क) जी नहीं ।

(ख) सवाल पैदा ही नहीं होता ।

डा० सत्यबाबी : क्या सरकार ने इस बात पर गौर किया है कि चतुर्थ श्रेणी के मुलाजिमों के लिये एक कमरे का क्वार्टर नाकाफी है, क्योंकि ग्राम तौर पर उनकी शौलाद ज्यादा होती है ?

श्री करमरकर : इस विषय में जब हमने सोचा था, तो शौलाद के बारे में नहीं सोचा—हमने कम्फर्ट्स के बारे में सोचा था । हम जानते हैं कि एक कमरे से दो कमरे अच्छे होते हैं । हमने जल्दी से जल्दी ज्यादा कोठियां बनानी हैं, इसीलिये हमने यह रास्ता प्रस्तियार किया है । जब हम काफी बस्तियों का निर्माण कर लेंगे, उसके बाद माननीय सदस्य यह प्रश्न पूछ सकते हैं ।

WRITTEN ANSWERS TO QUESTIONS

Former French Settlements in India.

*470. **Shri Krishnacharya Joshi** : Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No 1130 on the 14th December, 1954 and state :

(a) whether it is a fact that the Government of France have finalised the formalities for *de jure* transfer of the French Establishments in India ;

(b) whether the Financial Commission and the Joint Commission on Education have completed their work ; and

(c) if so, when the *de jure* transfer will take place ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) to (c). The work of the Joint Financial Commission is practically over. As regards the Education Commission, a few important points still remain to be settled but it is hoped that this Commission will also complete its work soon.

With a view to initiate discussions for *de jure* transfer, the Government of India have already presented a draft *de jure* treaty to the French Government. This draft is presently being studied by the French Government, and it is hoped that discussions on *de jure* transfer will start soon.

Textile Industry

*476. **Shri Jethalal Joshi** : Will the **Minister of Commerce and Industry** be pleased to state ?

(a) whether it is a fact that the Textile Industry in Saurashtra is affected adversely on account of high prices of coal prevailing there; and

(b) if so, whether Government propose to fix uniform prices of coal ;

The Deputy Minister of Commerce and Industry (Shri Kanungo) : (a). No, Sir.

(b) Does not arise.

फ्रांसीसी सिक्के

*473. **श्री के० सी० सोबिया** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत के उन क्षेत्रों में जो कुछ समय पूर्व ही फ्रांसीसी राज्य क्षेत्र थे, फ्रांसीसी सिक्के विधिप्राप्त मुद्रा नहीं रह गये हैं ;

(ख) यदि हां, तो किस तारीख से ;

(ग) क्या फ्रांसीसी सिक्कों के लिये सरकार को फ्रांसीसी सरकार को क्षतिपूर्ति के रूप में कोई राशि देनी पड़ी ; और

(घ) यदि हां, तो कितनी ?

वैदेशिक कार्य मंत्री के सभा-सचिव (श्री सावत अली खान) : (क) से (घ). फ्रांसीसी भारत के शासन ने अपने कोई सिक्के जारी नहीं किये थे और पांडिचेरी में पहले ही से केवल भारतीय सिक्के प्रचलित थे। लेकिन फ्रांसीसी शासन ने अपने नोट जारी कर दिये थे जो अब भारतीय सिक्कों में बदले जा रहे हैं।

भारत-फ्रांसीसी समझौते के अनुसार फ्रांसीसी सरकार, जो चालू नोट वापस आते हैं उनका मूल्य भारत सरकार को अदा करेगी।

Small Industries

*487. **Shri Vishwanatha Reddy** : Will the **Minister of Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1486 on the 22nd December, 1954 and state :

(a) the nature of the recommendations of the Ford Foundation International Planning Team on Small Industries that have been accepted so far by Government ; and

(b) the steps taken to implement them ?

The Deputy Minister of Commerce and Industry (Shri Kanungo) : (a) and (b). A statement is laid on the Table of the House. [See Appendix III, annexure No. 58].

Indians in Ceylon

Shri Krishnacharya Joshi :
Shri Raghunatha Singh :
 * **Shri Bishwa Nath Roy** :
Shri R.S. Tiwari :
Shri M.S. Gurupadaswamy :
Shri M. Islamuddin :

Will the **Prime Minister** be pleased to state :

(a) the total number of applications for Ceylon Citizenship from persons of Indian origin that has been accepted by the Government of Ceylon from the 1st January to 30th June, 1955; and

(b) the total number rejected during the same period?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) 146 applications were accepted by the Government of Ceylon from January to the end of May, 1955.

(b) 11,916.

Rubber and Tea Plantation

***495. Shri Bibhuti Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) the names of foreign planters who have undertaken plantation of rubber and tea in the various States;

(b) the total acreage of these plantations; and

(c) the total number of Indian and foreign workers employed, separately?

The Minister of Commerce (Shri Karmarkar): (a) to (c). Information is not available.

Ebonoid Blocks

***496. Shri S. C. Samanta:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the programme of work for the pictorial services of the Ministry during the fourth year of the First Five Year Plan;

(b) whether the amount provided for the ebonoid blocks making Service has been spent; and

(c) if so, the items on which it has been spent?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). A statement is placed on the Table of the House. [See Appendix III, annexure No. 59].

Compensation to Displaced Persons

***498. Shri Gidwani:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that the members of Co-operative Housing Societies for displaced persons with verified claims for their properties left in West Pakistan were invited to file compensation applications during the year 1954;

(b) if so, the number of such applications filed till December, 1954; and

(c) the number of such applicants who have been paid compensation till the 30th June, 1955?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) 5407

(c) 1095, excluding figures relating to Dehra Dun, Saharanpur and Agra circles of the U. P. region.

Border Police

***500. Sardar Iqbal Singh:** Will the Prime Minister be pleased to state:

(a) the number of Frontier Patrol Personnel (Police or Military) who have been kidnapped or forcibly taken away by the Border Police of East and West Pakistan since the 1st January, 1955;

(b) whether they have been safely repatriated; and

(c) if not, how many of them are still in Pakistan's custody?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) to (c). According to the information available with the Government of India, two members of the Indian Border Police have been forcibly taken away by Pakistan nationals since the 1st January, 1955. Of these, one person was released on the 20th June, 1955 and has since returned to India. The other person is still in detention in Pakistan.

Rubber and Tea Plantations

***501. Shri Bibhuti Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government propose to nationalise rubber and tea plantations in India owned by foreigners; and

(b) if so, when?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) Does not arise.

Salt Wells

***502. Sardar Iqbal Singh:** Will the Minister of Production be pleased to state the nature of the schemes which Government propose to carry out for the expansion and improvement of salt wells in different parts of the country?

The Deputy Minister of Production (Shri Satish Chandra): A statement explaining the position is laid on the Table of the House. [See Appendix III, annexure No. 60].

Rural Electrification

215. Shri Karni Singhji: Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Government of Rajasthan has submitted a proposal for the electrification of its rural areas consequent on the availability of hydro-electricity from Bhakra Nangal;

(b) if so, the number of the villages and the names of the districts to be covered; and

(c) the approximate cost per unit of energy that is to be charged?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes Sir.

(b) Twenty seven towns and villages with population of upto 10,000 each will be electrified in Bikaner, Ganganagar, Churu, Sikar, Jhunjhunu and Nagore Districts.

(c) For lighting—About annas four per unit.

For Power—0.75 to 1.4 annas per unit, depending upon size of the industry.

Managerial Posts

216. Shri Barman: Will the Minister of Production be pleased to state the total number of managerial posts in the State industrial undertakings under the control of the Ministry?

The Minister of Production (Shri K. C. Reddy): The necessary information is being collected and will be laid on the Table of the Sabha.

Booklet 'Goa and Ourselves'

**217. { Shri Punnoose:
Sardar Iqbal Singh:**

Will the Prime Minister be pleased to state:

(a) whether Government are aware that the book 'Goa and Ourselves' recently published in Bombay is full of anti-Indian propaganda; and

(b) if so, the action Government propose to take in the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): A book entitled 'Goa and Ourselves' by Shri Boman Behram was printed by the Examiner Press owned by the Archdiocese of Bombay. Though the author claims that the book is an attempt to explain the 'Goa viewpoint', it is in

fact Portuguese propaganda as contained in Portuguese Government handouts, communiques etc. The Manager of the Examiner Press, in a statement published in 'The Examiner' dated the 2nd April expressed regrets for having undertaken the printing of this book without reading the script and has admitted that it was a biased version of the controversial problem of Goa. In an editorial comment 'The Examiner' further expressed the view that the book was intended to confuse opinion on the issue of Goa and that it was the outcome of a biased pen. In view of these statements by the Manager of the Examiner Press, the Government do not propose to take any action.

विज्ञापन

२१८. डा० सत्यवादी : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) विभिन्न मंत्रालयों द्वारा १९५४-५५ में समाचार पत्रों में विज्ञापन देने पर पृथक् पृथक् कितनी राशि व्यय की गई है; और

(ख) उसमें से अंग्रेजी तथा देशी भाषा के समाचार पत्रों में दिये गये विज्ञापनों पर कितनी कितनी राशि व्यय की गयी है ?

सूचना और प्रसारण मंत्री (डा० कौसकर) : (क) रेलवे मंत्रालय को छोड़ कर भारत सरकार के अन्य मंत्रालयों की ओर से आकर्षक (डिस्प्ले) विज्ञापन सूचना और प्रसारण मंत्रालय की विज्ञापन शाखा द्वारा दिये जाते हैं। १ अगस्त, १९५४ से रेलवे मंत्रालय को छोड़कर अन्य सभी के वर्गीकृत विज्ञापन भी विज्ञापन शाखा द्वारा ही दिये जाते हैं। नीचे की तालिका में विज्ञापन शाखा द्वारा १-४-५४ से ३१-३-५५ तक विभिन्न मंत्रालयों की ओर से जारी किये गये विज्ञापनों का व्यय दिया गया है और वर्गीकृत विज्ञापनों का व्यय १-८-५४ से ३१-३-५५ तक का दिया गया है।

तालिका

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कुल योग	रुपये १४,३३,५७७-७-६	

(ख) अंग्रेजी समाचार पत्रों और पत्रिकाओं को १०,२१,६२८-५-३ के और भारतीय भाषाओं के समाचार पत्रों और पत्रिकाओं को

४,११,६४६-२-६ के सामान्य और वर्गीकृत विज्ञापन दिये गये।

Motor Cars

219. Shri Ibrahim: Will the Minister of Commerce and Industry be pleased to state the difference in percentage between the purchasing and selling prices of motor cars imported in 1954-55?

The Minister of Commerce (Shri Karmarkar): The import of built-up motor cars on a commercial scale for stock and sale purposes is not allowed. Consequently the question of purchasing and selling them does not arise. However, the percentage difference between the ex-factory prices of motor cars partially manufactured and assembled in India and their maximum retail selling prices is 17½ per cent.

Salt

220. Shri Ibrahim: Will the Minister of Commerce and Industry be pleased to state the quantity of salt exported to East Pakistan during the period January to March, 1955?

The Minister of Commerce (Shri Karmarkar): 166 tons.

International Conferences

221. Shri Ibrahim: Will the Prime Minister be pleased to state:

(a) the number of International Conferences held in India during the year 1954-55; and

(b) the benefits derived by India therefrom?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The required information is being collected and will be placed on Table of the Lok Sabha as soon as it is ready.

D.V.C. Staff

222. Dr. Ram Subhag Singh: Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that a representation has been received by Government from the Damodar Valley Corporation Staff Association regarding the absorption of surplus employees of that Corporation; and

(b) if so, whether Government have taken any action in the matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) Efforts are being made to absorb the surplus staff of the D.V.C. in other Projects and Govt. undertakings, through Employment Exchanges and circulation of lists of such personal.

यूरेनियम

२२३. श्री रघुनाथ सिंह : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि पंजाब के शिकारपुर नामक स्थान पर उच्चकोटि का यूरेनियम प्राप्त हुआ है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : सरकार को इस के बारे में कोई खबर नहीं है।

Handloom Fabrics Marketing Co-operative Society

224. Shri Nanadas: Will the Minister of Commerce and Industry be pleased to lay on the Table of the House a copy of the Memorandum of Association etc., of the All-India Handloom Fabrics Marketing Co-operative Society and state the basis of representation on which the Board of Directors has been constituted?

The Deputy Minister of Commerce and Industry (Shri Kanungo): A copy of the By-laws of the All-India Handloom Fabrics Marketing Co-operative Society is attached. [Placed in the Library. See No. S-235/55].

The Board of Directors of the Society has been appointed on an *ad hoc* basis by the Government of India in consultation with the Chairman of the All-India Handloom Board, according to By-law 12(1) of the Society's By-laws.

Former French India Government Officers

225. Shri A. K. Gopalan: Will the Prime Minister be pleased to state:

(a) whether there have been any cases of Officers of the former French Settlements in India being posted for work in the Indian Union;

(b) if so, the details thereof;

(c) whether as a result thereof, there has been any reduction in their emoluments; and

(d) if so, to what extent

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Some employees of the former French post offices in Pondicherry State have been posted to work in the various offices of the Indian Posts and Telegraphs Department in the Indian Union.

(b) 10 clerks, 6 postmen, 2 daily paid porters, 1 office attender and 1 daily paid writer. Except one all the employees are posted in the offices of the Indian P & T Department in Pondicherry State.

(c) and (d). Initially they were granted Indian rates of pay which were less than those admissible to them under the French Administration. They have now been given rates of pay which were drawn by them before *de facto* transfer.

Corrugated Iron Sheets

226. Shri Rishang Keishing: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that control still exists on corrugated iron sheet in Manipur and it is sold at Rs. 94/- per bundle; and

(b) if so, the reasons therefor?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. Corrugated iron sheets are a controlled item. The current controlled price for sheets at Imphal is Rs. 84/- per bundle of two Cwts.

(b) Control continues in order that sheets which are in short supply, may be equitably distributed at controlled prices.

फ्रांसीसी सिक्के

२२७. श्री के० सी० सोबिया : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय पांडिचेरी के क्षेत्र में किस प्रकार के सिक्के प्रचलित हैं ;

(ख) ये सिक्के किस धातु के बने हुये हैं ; और

(ग). इस समय वहां पर प्रचलित फ्रांसीसी सिक्के का अनुमानतः कितना मूल्य है ?

प्रधान मंत्री तथा वित्त मंत्री (श्री जवाहरलाल नेहरू) : (क) से (ग). फ्रांसीसी भारत के शासन ने अपने कोई सिक्के जारी नहीं किये थे और पांडिचेरी राज्य में पहले ही से केवल भारतीय सिक्के प्रचलित थे। लेकिन फ्रांसीसी शासन ने अपने नोट जारी कर दिये थे। ये अब भारतीय सिक्कों में बदले जा रहे हैं। अब तक चालू फ्रांसीसी नोट का कुल मूल्य ४६,००० रुपये है।

Rehabilitation of Muslim Displaced Persons

228. Shri M. L. Agrawal: Will the Minister of Rehabilitation be pleased to state:

(a) the steps taken for the rehabilitation of Muslim families which had left their homes and lands in Pepsu due to fear of communal disturbances; and

(b) the details thereof?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). Information is being collected and will be placed on the Table of the Lok Sabha.

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Friday, 5th August, 1955

The Lok Sabha met at Eleven of the Clock

(MR. SPEAKER in the Chair)

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

BUSINESS ADVISORY COMMITTEE

TWENTY-SECOND REPORT

Shri M. A. Ayyangar (Tirupatt):
Sir I beg to present the Twenty-second Report of the Business Advisory Committee

LAW COMMISSION

The Minister of Law and Minority Affairs (Shri Biswas): Sir, with your leave I should like to make an announcement about the Law Commission.

Suggestions have been made from time to time, both in Parliament and outside, that a Law Commission should be appointed for revising our statute law and suggesting ways and means of improving the system of judicial administration in the country. A few months ago we had a discussion in this House on a resolution to that effect moved by Shri Thimmaiah. On that occasion, the Prime Minister accepted the resolution in principle and stated that Government were considering what exactly the terms of reference to the Law Commission

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should be, what should be its personnel, and various other details.

The Government of India have now decided to appoint a Law Commission consisting of the following members:

- (1) Shri M. C. Setalvad, Attorney-General of India (Chaman),
- (2) Shri M. C. Chagla, C Justice of the Bombay High Court,
- (3) Shri K. N. Wanchoo, C Justice of the Rajasthan High Court,
- (4) Shri G. N. Das, Retired Judge of the Calcutta High Court,
- (5) Shri P. Satyanarayana Rao, Retired Judge of the Madras High Court,
- (6) Dr. N. C. Sen Gupta, Advocate, Calcutta,
- (7) Shri V. K. T. Chari, Advocate-General, Madras,
- (8) Shri Narasa Raju, Advocate-General, Andhra,
- (9) Shri S. M. Sikri, Advocate-General, Punjab,
- (10) Shri G. S. Pathak, Advocate, Allahabad, and
- (11) Shri G. N. Joshi, Advocate, Bombay.

The terms of reference to the Commission will be—firstly, to review the system of judicial administration in all its aspects and suggest ways and means for improving it and making it speedy and less expensive; and secondly, to examine the Central Acts of general application and importance, and recommend the lines on which they should be amended, revised, consolidated or otherwise brought up-to-date.

[Shri Biswas]

With regard to the first term of reference, the Commission's inquiry into the system of judicial administration will be comprehensive and thorough, including in its scope—(a) the operation and effect of laws, substantive as well as procedural, with a view to eliminating unnecessary litigation, speeding up the disposal of cases and making justice less expensive; (b) the organisation of courts, both civil and criminal; (c) recruitment of the judiciary; and (d) level of the bar and of legal education.

With regard to the second term of reference, the Commission's principal objectives in the revision of existing legislation will be—(a) to simplify the laws in general, and the procedural laws in particular; (b) to ascertain if any provisions are inconsistent with the Constitution and suggest the necessary alterations or omissions; (c) to remove anomalies and ambiguities brought to light by conflicting decisions of High Courts or otherwise; (d) to consider local variations introduced by State legislation in the concurrent field, with a view to reintroducing and maintaining uniformity; (e) to consolidate Acts pertaining to the same subject with such technical revision as may be found necessary; and (f) to suggest modifications wherever necessary for implementing the directive principles of State policy laid down in the Constitution.

In order to perform its task expeditiously and efficiently, the Commission will function in two sections. The first section consisting of the Chairman and the first three members will deal mainly with the question of the reform of judicial administration, while the second section consisting of the other seven members will be mainly concerned with statute law revision on the lines indicated above. The two sections, however, will work in close co-operation with each other under the direction of the Chairman.

The Chairman of the Commission may at his discretion co-opt as members one or two practising lawyers of

a State in order to assist the Commission's inquiries in that State.

The Commission is appointed in the first instance up to the end of the year 1956. Its headquarters will be at New Delhi.

STATE BANK OF INDIA (AMENDMENT) BILL

Mr. Speaker: We will now proceed with the clause-by-clause consideration of the State Bank of India (Amendment) Bill. There is no amendment to clause 2 and I will put it to the Vote of the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment of section 6, etc.)

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move:

Page 1, line 20,

after "may be enforced" insert "or acted upon".

This is just a verbal amendment to provide for certain contingencies. These words will cover cases when the Bank actually acts upon the basis of grant and does not seek to enforce it as against any other person. It makes no material difference in the purpose of the clause. It is only to provide for certain contingencies that this amendment is sought to be made.

Mr. Speaker: The question is:

Page 1, line 20,

after "may be enforced" insert "or acted upon".

The motion was adopted.

Mr. 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.

Clauses 4 to 9 were added to the Bill.

Clauses, the Enacting Formula and the Title were added to the Bill.

Shri A. C. Guha: I beg to move:

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

Mr. Speaker: Motion moved:

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

Shri Bansal (Jhajjar-Rewari): By this Bill we are attempting to remove a small lacuna that remained, may be inadvertently, while the State Bank of India Bill was being enacted in this House. I am glad that loop-hole is being plugged and the activities of the branches of the Imperial Bank in foreign countries are being brought within the scope of this Act that this House passed a few months ago. While we are on this important question of the regulation of the activities of the branches of the Imperial Bank in foreign countries, it is quite relevant to ask as to what steps are being taken by the Government of India to see that the foreign exchange banking business which has been conducted in this country is gradually taken over by the State Bank and by the various private banks of this country.

[Mr. DEPUTY-SPEAKER in the Chair]

As you know, our export and import trade runs into a colossal figure of Rs. 800 crores to Rs. 1,000 crores per year. I do not have the exact figures. Actually they are not available, but I believe that about 70 to 80 per cent of all these transactions pass through the foreign exchange banks which are operating in this country. There have been some attempts in the recent past, on behalf

of the Indian banks, to enter the foreign exchange banking business, but those attempts have not made much of a headway. In spite of the fact that one or two banks are devoting more and more of their energies to take over exchange banking business, this solid phalanx of foreign banks which have been operating in this country for centuries, refuses to yield with the result that even now, after so many years of independence, a bulk of the foreign exchange business is in the hands of foreign banks. As you know, the cream of any banking is in foreign exchange banking, and I think the Government of India must pay greater attention to see that as much of foreign exchange banking as possible comes into the hands of indigenous banks and the State Bank. I would like to know from the hon. Finance Minister who is piloting this Bill as to whether the Government of India have issued any directives to the Reserve Bank of India that they should facilitate this process. It is my information that for one reason or the other, the Reserve Bank of India do not find it very convenient to either ask or bring pressure on the Indian banks and even the State Bank to take up more and more of the exchange banking business. I should have thought that now that the Reserve Bank is completely nationalised, now that the biggest bank in the country is nationalised, more and more exchange banking business will come in the hands of the purely indigenous banks.

There is another side to this question. The Government of India themselves are the single largest importers of commodities and articles from foreign countries. The Ministry of Works, Housing and Supply purchased goods from foreign countries to the tune of Rs. 60 crores to Rs. 80 crores. In the post-war period we were importing foodstuffs to the tune of crores of rupees. In fact, in one year, we imported as much as Rs. 250 crores worth of foodgrains. Although happily the import of foodgrains has stopped, the import of other vital materials, machinery, etc., that the Government of India need for their developmental

[Shri Bansal]

work is still being carried on by Government.

Mr. Deputy-Speaker: All this is very interesting, but do they arise out of this short Bill which only wants to say that wherever in the foreign countries they do not recognise the State Bank as different from the Imperial Bank, some steps had to be taken? So, we are not going into the general discussion of the whole thing.

Shri Bansal: I am only restricting myself to one point, namely, the indigenous banking system should also have a fair share of the foreign exchange banking. That is my short point.

Mr. Deputy-Speaker: We are on a general principle as to what the bank ought to do and that is in respect of the State Bank of India Bill. The only amendment now made is, wherever they do not recognise the State Bank, some transactions will have to be carried on in the name of the State Bank and gradually the State Bank will come into existence and the Imperial Bank will disappear.

Shri Bansal: I thought this was the proper opportunity to refer to the points that I made.

Mr. Deputy-Speaker: This is only an amending Bill. I now call upon the hon. Minister.

Pandit Thakur Das Bhargava (Gurgaon): May I put one question to the hon. Minister? So far as the foreign exchange and foreign investments are concerned, there was a complaint that the Imperial Bank's working was inefficient and that it was not quite up to the mark. I would like to know from the hon. Minister what are the prospects for foreign exchange and foreign investment business so far as the State Bank is concerned. Now, there has been some delay also, in respect of the starting of branches. We thought that from the 1st July, 1955, all the branches would be working. I do not know how this delay and this change from Imperial Bank to State

Bank will affect the business of foreign exchange, etc. I would rather like to know what are the prospects of foreign investment and deposits and also exchange for the State Bank of India.

Shri A. C. Gaha: I think the Chair has ruled that those questions are not quite relevant to this Bill. I need not go into them and give any elaborate reply, but still, on some other occasions this question has come up, namely, that the Indian banks should take more part in the foreign exchange work of India. The Government also fully shares this view and we are trying to help the Indian banks, but it depends on the capacity of the Indian banks also to compete with the exchange banks, that is, the foreign banks, operating in India. It should be remembered that the material resources of the Indian banks, compared to the exchange banks operating in India are almost negligible. The Lloyds Bank, I think, has deposits of about Rs. 1,600 crores, whereas the biggest of the Indian commercial banks, the Imperial Bank, had a deposit of only a little above Rs. 200 crores. Other commercial banks have very much less by way of deposit amounts. The foreign exchange banks have got branches all over the world, whereas the Indian banks have very few branches outside India. There are some other conditions also which are putting some handicap for the Indian banks in the way of taking larger shares in the foreign exchange business.

One relevant question was raised by Shri Bansal, as to why the Government transactions in foreign exchange should not be handled by the Indian banks. A major portion of these are already done by Indian banks. As for the rest, I can say that we are examining this question. If there is no practical handicap in this matter, i.e., no handicap due to the capacity or otherwise of the Indian banks handling this thing, there could not be any objection on the part of the Government of India to transfer the government transactions to the Indian banks. But the

same difficulty would arise, namely, if the Indian banks would be able to handle this kind of work, what would be the cost for the Government of India *vis a vis* the commission that is now incurred by them on the work which is now being carried on through the foreign banks. So, I think it would involve some more expenditure for the Government of India. Anyhow, this question is still under examination.

My friend Pandit Thakur Das Bhargava has raised the question of the assets and liabilities and the deposits of the Imperial Bank and the State Bank in foreign countries. I think I had given some figures yesterday. I can tell him now that the Imperial Bank has been earning some profits from foreign business through its branches in foreign countries. During the half-year ending 30th June, 1955, it earned a profit of Rs. 06 lakhs in the United Kingdom, Rs. 6.39 lakhs in Pakistan, Rs. 1.04 lakhs in Ceylon and Rs. 1.46 lakhs in Burma. The total earning of the Imperial Bank during the last half-year was Rs. 8.95 lakhs. Yesterday I gave figures regarding advances and deposits and how these have been transferred to the State Bank. I do not know what other information the hon. Member requires.

Mr. Deputy-Speaker: Have there been any large withdrawals since?

Shri A. C. Guha: No; only the Imperial Bank accounts are being transferred to the State Bank. The Imperial Bank account on the 1st July was Rs. 13.62 crores and on 22nd July that amount has come down to Rs. 13.35 crores. Now that there is nothing further about this matter, I think that the Bill may be passed as amended.

Shri Mohiuddin (Hyderabad City): In foreign countries, are the accounts of the Imperial Bank transferred to the State Bank with the consent of the respective Governments?

Shri A. C. Guha: Here of course the accounts and everything are transferred automatically. In foreign countries we shall have to follow the

laws operating in those countries and in some cases it should be with the consent of the borrowers. Some of them may say, we do not want to transfer our accounts to the State Bank; rather we would get it transferred to some other Bank. Anyhow, I think according to the laws operating in most of the countries, it must be with the consent of the parties concerned.

Shri Mohiuddin: Yesterday the hon. Minister mentioned that the assets were reduced in a month's time from Rs. 14 crores to Rs. 7 crores. Is that due to the reduction of assets in foreign countries?

Shri A. C. Guha: What I stated was about advances and deposits. If the hon. Member is referring to fixed assets, they have remained the same. This is a separate feature. The fixed assets would be Rs. 51.84 lakhs.

Shri Mohiuddin: What would be the procedure by which the fixed assets—building, furniture etc.—would be transferred from the Imperial Bank to the State Bank?

Shri A. C. Guha: I think in different countries we have to follow different methods. I think that a considerable amount of stamp duty also may be involved; but I cannot give any definite formula. We are trying to follow different methods in different countries and we shall also have to see that we do not incur a large amount of expenditure for simply transferring the assets from the Imperial Bank to the State Bank.

Shri Mohiuddin: One point has not been clarified. The point is whether the foreign governments concerned have given permission for the establishment of the branches of the State Bank in those countries.

Shri A. C. Guha: Surety. I have mentioned it yesterday. Any bank wishing to open a branch in any foreign country must obtain the permission of that Government. Even in India, any foreign bank wishing to open a branch will have to take the permission of this Government.

Shri Mohiuddin: I want to know whether the permission has been granted by those Governments.

Shri A. C. Guha: Yes; the branches of the State Bank have already been opened in those countries.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

CITIZENSHIP BILL

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

"That the Bill to provide for the acquisition and termination of Indian citizenship, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely,—I shall give the names presently and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 16th November 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee".

The Bill to which this motion relates is of an important character. The subject not only relates to citizenship, but it has also wider bearings. While the citizens of this land will be acquiring all the rights and privileges which flow from this status which is cherish-

ed highly everywhere, the Bill also allows others, in special circumstances, to acquire a similar status. All rights in the State flow from citizenship, and it has far-reaching consequences. So, the Bill which prescribes the methods of acquisition and renunciation, termination and deprivation of citizenship rights deserves very careful consideration. I would appeal to the House to give it a very serious thought, so that if there are any defects in it, they may be removed and the Bill may be as perfect as it can possibly be.

The right of citizenship so far as we are concerned, has started only with the advent of independence. In the olden days when we were under foreign rule, we had virtually no such right; we were governed nominally and ostensibly by the British Citizenship and Alien Rights Act of 1914. That Act was modified later and it was repealed in 1948. But under that Act we could only be the subjects of a foreign Crown, with the result that we were subject to all liabilities which are associated with subjection, but enjoyed hardly any privilege. That continued to be the position, as I said, till 1947.

In our own country we had no law of citizenship. Only an insignificant Act relating to naturalisation was passed in 1928 which was meant more for the benefit of persons coming here from abroad than for our own. Apart from that, no law relating to registration or naturalisation or otherwise was ever adopted in our own country. So, when we started with a clean slate on the accomplishment of independence, we had no law of citizenship. The Constituent Assembly looked into this matter and for days and days the question was considered by the authors of the Constitution very carefully and very closely. As a result of such consideration, Part II of the Constitution which consists of clauses 5 to 11 was enacted. Under those clauses a person could acquire the right of citizenship if he was born in India, if either of his parents was born in India or if that person had resided in India for five

years or more provided such person had fulfilled the conditions of domicile. That was the main clause. But it was primarily concerned with the people who had come from Pakistan. So, the provision was made that persons whose parents or grand parents had been born in the territory which was included in Pakistan would be given the status of citizenship of India if they came to India before 19th July, 1948. So, large numbers of displaced persons were given this right. Persons who had come after 19th July, 1948, provided they belonged to Indian origin, were also to be deemed to be citizens of India, but they had to register themselves as such but they should have, before such registration, stayed here for at least six months. There was another provision under which persons migrating from Pakistan under a certificate allowing their permanent stay in India, provided such persons were of Indian origin, could also be registered as citizens of India. Besides these, persons living in other countries but either of whose parents, grandparents or great grandparents had been Indian citizens, were entitled to seek registration at the Indian Consulate and to be treated as such. These were the provisions incorporated in the Constitution. But they were not comprehensive and they related mainly to the date of the commencement of the Constitution.

The Constitution itself, in article 10 and by virtue of Entry No. 17 in the Union List, contemplated some legislation of the type that we are now attempting to get passed by the Parliament. Under the Constitution, Parliament was not only authorised, but expected, to pass the law—and elaborate and complete one for regulating the subject of acquisition and termination of the rights of citizenship. Since then, there has been some delay. We have been living almost in a vacuum. Many children have been born in the country and large numbers have also come from Pakistan who have to be given the status of Indian citizenship. There has been some delay, but it has not been as great as was the case in

America. When the American Constitution was passed, the word "citizen" was used in the Constitution, but there was no definition of the word, nor was any provision made for acquisition of citizenship. It was many years later, in 1868, that by the Fourteenth Amendment in that Constitution provision was made for the acquisition of citizenship either by birth or by registration. So, considering the difficulties that we had to face because of the ceaseless flow of our fellow-patriots from Pakistan and other problems, if there has been a little delay, one can easily understand the reasons and see that it would not have been politic and advisable to take any step earlier. Now things have almost settled down and we can frame appropriate law for this very vital subject.

As I indicated, the law of citizenship covers four points ordinarily: acquisition of citizenship, renunciation of citizenship, termination of citizenship and deprivation of the rights of citizenship. Our present Bill deals with all these. It provides for acquisition of the rights of citizenship in five ways. It may be acquisition by birth, acquisition by descent, acquisition by registration, acquisition by naturalisation or acquisition by incorporation of territory. Every person who is born in India acquires the right of citizenship, whether his father is a citizen of India or not. The mere fact of birth in India invests one with the rights of citizenship of India. That is a catholic provision, and it gives the opportunity to everyone who is born in this country to serve this country. We have only one exception, and that is the exception which is applicable to such cases everywhere and all over, i.e., the persons in diplomatic service who are not subject to the ordinary normal jurisdiction of the country are excluded from this privilege. That is the practice everywhere. This provision is akin to that we find in the British Nationality Act.

As to acquisition of right by descent, any person who is born outside this country, of a father who is a citizen of India will have acquired the rights of citizenship. If the father has

[Pandit G. B. Pant]

acquired such a right by descent, then in that case the father should have been registered as a citizen in the Indian Consulate. That is the provision for the acquisition of the right of citizenship by descent.

The third provision relates to the acquisition of the right by registration. Now, persons of Indian descent, i.e. either of whose parents, grand-parents or great-grand-parents was a citizen of India, may be registered as citizens of India if they are living abroad. Similarly, those persons may also be registered, who belong to other Commonwealth countries who have accepted the principle of reciprocity, and who have agreed and decided to admit Indians as citizens in their own country. In so far as other countries are concerned, even if they belong to the Commonwealth, their citizens cannot be registered as citizens of India under any circumstances whatsoever. Persons who are registered as citizens, their wives too, or persons who are of Indian origin, if they marry one outside, then their wives too, can be registered as citizens. These are the main provisions, and I do not consider it necessary to go into further details about this registration.

About naturalisation, the conditions are given in the Third Schedule. A person should have lived in India at least for seven years, and of these seven he must have spent not less than four years exclusively in this country. He should owe allegiance to the Indian State. He should take an oath of allegiance. He should also fulfil some other conditions. He should be familiar with one of the fourteen languages mentioned in our Constitution; and there are also some minor conditions.

When a territory is incorporated in India, then the people living there would perhaps automatically become the citizens of India. I hope the people of Goa will have the opportunity of acquiring the citizenship of India before long.

These are the main provisions about the acquisition of citizenship.

Then, this citizenship may also be renounced if a person of Indian origin has double citizenship. If he becomes the citizen of another country exclusively, or wants to be so, then he may renounce the citizenship of India. This provision had to be made because of certain difficulties that had arisen with regard to Ceylon and also certain other countries. The citizenship can be terminated under certain conditions; if a person who has been registered as a citizen or who has been otherwise allowed to enjoy this privilege does certain things or omits certain things, then his rights of citizenship can be terminated. The citizenship can also be revoked if a person has obtained that right by means of fraud, or if he had been convicted and sentenced in a criminal case to more than one year's imprisonment. If he is found to be disloyal to the Government of India, or otherwise fails to fulfil certain conditions, then also his citizenship can be revoked.

These are the main provisions. Besides these, there are certain other clauses, but they deal with matters of procedure, and therefore I need not dwell upon them. We have adopted a liberal attitude in framing this law. In some countries, no person, whose father is not himself a citizen of the country, even if born in that country, can acquire that right. In some others, dual citizenship is not allowed in any shape or form. We have tried to frame a law which, while fully serving the needs of our country and ensuring the status of dignity which Indian citizenship will carry with it, will also give opportunity to others by registration and naturalisation to acquire these rights. But all these can be done only with the approval of the State, so far as registration and naturalisation are concerned.

There is one important point which we have to bear in mind. Many of our people who had gone to Pakistan or who had to leave Pakistan, though they had been residing there, have come here during this interval. They

have to be registered before the next election and it is necessary that the Bill should be passed so that they may be able to exercise and enjoy the full rights of citizenship.

I have tried to give the House, in brief, the summary of the provisions of this Bill and also of allied matter contained in the Constitution, in so far as it bears on the subject of citizenship. I commend this motion to the acceptance of this House. It will be referred to a Joint Committee, and after this motion has been adopted by the Upper House, we will be able to start with the consideration of the Bill in the Joint Committee. It is not at all a party measure, it is a Bill which affects everyone in this land and we have to approach it in that spirit, and to examine it in a dispassionate and detached way, with a determination to improve it, if we can possibly do so.

These are the names—Shri Kotha Raghuramiah, Shri P. T. Thanu Pillai, Shri K. G. Wodeyar, Shri K. T. Achuthan, Shri Ahmed Mohiuddin, Shri Nibaran Chandra Laskar. If you will permit me, I would like to revise this list and see if some of the people whom we would like to be put there have not been left out.

Mr. Deputy-Speaker: I will place the motion formally without the names and I will announce the names some time later. Evidently, the hon. the Home Minister wants to revise the list.

Shri Kamath (Hoshangabad): According to rules, that is not in order.

Mr. Deputy-Speaker: With the permission of the Chair, anything can be done. The general discussion does not turn upon X, Y, Z being in the Joint Committee.

Dr. Krishnaswami (Kancheepuram): But X, Y, Z may not get a chance to speak.

Mr. Deputy-Speaker: I will allow those persons who are there to speak until.....

Shri S. S. Mero (Sholapur): That will be unfavourable to those who are

not on the Joint Committee, because taking advantage of this lacuna, Members who are already on the Joint Committee may exploit the time and be sharers.

Mr. Deputy-Speaker: I am not going to allow a discussion on this. Hon. Members are fully aware that even in the case of a Member who is on the Joint Committee, it is open to the Chair, if it considers that it is in the interest of proper debate that he should participate, to allow him to do so. But normally there won't be any discrimination.

Motion moved:

"That the Bill to provide for the acquisition and termination of Indian citizenship, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely—the names will be given presently—and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 16th November 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

Shri Vallatharas (Pudukkottai): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1955."

[Shri Vallabharas]

This is a measure, a legislative measure, is quite welcome under the circumstances. Nearly four years have elapsed since the Constitution had been passed, and quite at leisure, preparations have been made in connection with this Bill, and it is now brought forward for further consideration.

So far as the general aspect of the Bill is concerned, it is needless to emphasise that it is a great improvement on many of the existing provisions in different parts of the world so far as the citizenship of those respective countries is concerned. Though the Constitution had stated who are citizens and who can become citizens, yet further things in respect of the termination of citizenship and further measures by which citizenship law may be improved all these have been left to Acts of Parliament. Though there are provisions in the Constitution, yet Parliament has got the sole right to enact what is necessary for the purpose of enforcing a very prosperous and resourceful citizenship in this country. It is needless to state that in all aspects, the present tendency is to have a socialistic State or, in a limited sense, a State of socialistic pattern. Such of those who are not, in any way, influenced by the various theories now existing in the political world and cannot come to a conclusion as to which is better and which is worse, have chosen to adopt an intermediary way. So far as this nation is concerned, the inclination goes to conceive a socialistic pattern. A socialistic pattern, is a thing which surpasses imagination and description. All should be happy; that is the general wish. And if all cannot be made happy, there is no use in a government existing. So also the question can be put: if all are not to be made happy, if the state of happiness is not to be envisaged with some definiteness or some precision, what is the use of conferring citizenship on the people of this country? Citizenship, of course, is primarily and *prima facie* treated with some sort of, not indifference,

but, a certain lack of enthusiasm. Though this Bill has been published sometime ago and the provisions of the Constitution have made plain what citizenship is, and the entire nation is based upon the conception of citizenship, yet the public enthusiasm has been very little. The enthusiasm in the intellectual quarters and also in the business world has been very little. After this Bill has been published, there is not much reaction, either in the way of favouring or in the way of criticising it. So it is a normal thing which has come as an ordinary matter for consideration at present. As I have already said, citizenship is the basic factor on which a national government or a government, the form of which people have to choose, has to be formed. That is a very important factor. I do not find myself much competent to deal with this subject in an extensive manner. On the other hand, as a member of the mass, the general people, of this country, I will have to place some aspects before the House.

Nearly one thousand years of known historical life have aided us to discard certain preliminaries and to start from a certain point from where alone progress can be thought of and progress can be aimed at. All the history leading to citizenship in England, in America or in various other countries need not worry us much. Of course the framers of our Constitution are to be congratulated on the vast scope of their resourcefulness and the trouble they had taken to bring about a uniform understanding of all the aspects of the aspirations of the national people, and the way in which these aspirations have to be regulated and finally realised. It is a very difficult matter. Originally the conception of citizenship in olden days did not at all arise. There was a monopoly by certain interested classes who behaved as the promoters of the social welfare and the individual's rights. As time passed, and trade and commerce expanded; the world atmosphere has been envisaged as the only forum wherein humanity

has to move on a general basis; the idea of world citizenship came up; after all these had come up, the conception of citizenship arose in such a manner that there has been a separation of the three constituent elements which now constitute citizenship: civil, political and social: Civil: concerning the man's freedom, freedom of speech and security of person and the like; political: the man being a member of society on an equal basis with others, having full right to participate in the administration and the exercise of political power; and social: that means being entitled to all amenities for a decent living, with, of course, the right to work, the right to earn and the right to command other conveniences as does everybody else in the community. These three things took their own time in developing in the western countries. But, in the 20th century these became too prominent. Even in 1950 when the western politicians have been troubling themselves to evolve a fundamental theory of the conception of a world citizen, they could not come to a normal understanding. Why? Because all their minds had been swayed by a sense of militant nature. Being armed to the full, being physically able to overawe and being able to kill as many as possible on the other side, that was considered to be the paramount condition precedent for the existence of an independent sovereign nation. The conception of the welfare of other people, the conception of living in a spirit of co-existence with others, the conception of sharing with all other sections of the people and their welfare were all of secondary importance. I can say, they were not thought of. So capitalism had made a stronghold in the shaping of the society and also in the shaping of citizenship.....

Mr. Deputy-Speaker: How is all this relevant to the Citizenship Bill?

Shri Vallatharas: Of course, I can sit down by saying that the Bill is good, that citizenship is defined; it can be acquired and that it can be terminated, without going into the history of citizenship as to how it has an impact

on social inequality and all that. If citizenship is not going to have any influence in evolving a socialistic society it is not worth while having it. It is only in so far as my capacity can go, I am trying to show what impact there is between citizenship and.....

Mr. Deputy-Speaker: Order, order. The hon. Member can easily say it is useless to remain in this society as citizens unless this becomes a communistic State. Am I to allow that? Or he can say that capitalism should be thrown out lock, stock and barrel because it is not a pattern of society and therefore citizenship is useless? This is what the hon. Member is driving at. Who are possible citizens, whether citizenship can be had by birth or by acquisition, what are the grounds of termination of citizenship, whether we should have reciprocal basis and admit any others and whether there can be dual citizenship; these are all matters on which it is expected one would speak. Particularly with regard to the amendment that has been moved by the hon. Member, I thought he would speak on what benefit would result by sending it for eliciting opinion, who are all the persons who are likely to give information, whether such information is not already in possession of the Government and why it should be circularised and not sent to a select committee. These are all the matters which are to be placed before the House. All this talk of new status, the history of citizenship law and there is no use of taking this citizenship unless the whole face of society is changed and all that, I am not going to allow.

Shri Vallatharas: I am not proceeding on that aspect.

Mr. Deputy-Speaker: I think the hon. Member has raised the question of a capitalistic society and all that.

Shri Vallatharas: There should be some little toleration. Nothing which you have been pleased to conceive has been within my concept and I am not pleading for an entire change of

[Shri Vallatharas]

society or the capitalistic society being abolished or a communistic system being introduced. I was just making a reference to the rights of the people in the capitalistic system that existed and I am not at all going to say what the hon. Deputy-Speaker is going to infer.

Mr. Deputy-Speaker: Order, order. We are not going into the rights of citizens, what are their rights, whether they are attractive, whether they can be enforced and maintained and lost. We are now referring to these rights following from the status of citizens, who are competent to be citizens, what are the qualifications what are the methods of acquiring and maintaining that etc. It is not any other thing or every other Act that could be brought in. The hon. Member is a lawyer and he knows what is relevant and what is not relevant.

Shri Gadgil (Poona Central): There is a difference in the rule of relevancy, Sir.

Shri Vallatharas: I have attached much value to the precious time of the House. If my mind is convinced that even a minute of this precious time of the House is wasted, I would not proceed with the speech.

Mr. Deputy-Speaker: Others have also to decide.

Shri Vallatharas: Sir, I am an ordinary man and I come from a corner of this country. Several Members here including those who occupy the Chair are experienced people with decades of experience. I cannot be a match for them. I cannot conceive the status of being a student taking a question paper for an examination and trying to secure 33.13 per cent for a pass. I think my mind should roam about even though it is indefinite and I must be given freedom of speech. What is the freedom of speech here?

Mr. Deputy-Speaker: I am not going to interrupt the hon. Member. He can proceed with his speech. Whenever I see that he roams about, I will not allow him to roam about.

Shri Vallatharas: But, anyhow, I would like to be encouraged in my approach. I may humbly request the Chair to be an encouraging element to speakers like me so that we can speak. If a higher standard is expected, if that is the conception, certainly it is very difficult for me or for any other Member to rise to it. If I am to be given an opportunity.....

Mr. Deputy-Speaker: All right; the hon. Member may go on.

Shri Vallatharas: Anyway I am yet to see how Members are going to demonstrate themselves and get the appreciation or approval of the Chair. I was saying that the ordinary worker and the ordinary peasant were totally denied the opportunity to vote in the elections under the previous Government. The conception then was not that every man born in this country is entitled to vote; but he must have the capacity to vote. So, a graduate or somebody who had got land and was paying some kist could vote. There was not the people's government. There was no government of the man-in-the-street or the man-in-the-village. After one or two centuries of alien rule the general masses, the ordinary labourer and the peasant were not able to get their rights to participate in the political administration of this country. After independence was achieved, there was a provision in the Constitution that all who are born in this country are entitled to vote. They are citizens and the construction of citizenship was so liberal and so extensive that there was absolutely no limitation at all for any person of Indian origin to become a citizen of this country. Articles 5 to 10 have been incorporated. They are the basic foundation on which the other things, the Directive Principles and the Fundamental Rights are to be conceived. That is why I submitted at the outset that to bring happiness to the people a government must exist. So also, the conception of that citizenship and the implementation of that conception in this country should be able to lead to the happiness. Some of

the important elements that are necessary for the formulation and appreciation of citizenship are that every one in this country should feel that he has the fullest power as a citizen, that he must be able to contribute his mite to the financial and all other needs of the nation; and that every able-bodied man must be in a position to serve the country when emergency requires it, that is, when a necessity requires it, he must be able to come up as a military man to save the country from alien attack or from any dangerous situation. Now, poverty has been the watch-word or the prevalent word in this country—not only poverty; poverty may be defined as one wherein a man or a family is not able to find work and also cannot find earning because there are no resources and there are no opportunities. But indigence i.e. destitution is another factor in which a family is not able to have a decent living in a manner in conformity with the environments. Whatever that may be, the general mass of people have been subject to great strains of poverty. How to lift them up is the question. When the people in general are given the right to vote or participate in the exercise of political power and in the shaping of the economic structure of the country, every citizen must have a sort of responsibility, so that the rendering of the further situation may be made easier still. In the course of that I solicit that the attempts of the Government so far as the uplift of the so-called masses of the people is concerned, be earnest and serious. There is an attempt in the course of the entire Constitution to provide them with education and with work, remove unemployment and make them decent people and there are provisions for health and so many other things. If you go into the history of these things, certainly it is a welfare State, and in a welfare State all things that are necessary are provided. To say that India has been brought to this level and the people of India are made citizens in 1955, I must submit, is a great thing. It is not a great thing by itself. There must be a resourceful future

thinking. Now trade and commerce have so far improved and extended throughout the world; every nation has come in close contact with the other nations; and the destinies of one nation have been made to depend upon the export or import policies and success therein of a particular nation. In that way, several international conventions have come even in the way of education, medical assistance, health.....

Mr. Deputy-Speaker: I am afraid I must ask the hon. Member to stop at this stage, and I have no other alternative. The hon. Member has not been speaking either on his amendment or the motion moved by the hon. Minister. I now will call upon other Members.....

Shri Vallatharas: I would submit...

Mr. Deputy-Speaker: I am not going to allow this indulgence. He has strayed away far and he is far off the mark. That may be all very good, but not relevant to the purpose here now. I will call upon another Member.

Pandit G. B. Pant: The names of the Members of the Joint Committee are as follows:

Shri Kotha Raghuramaiah, Shri P. T. Thanu Pillai, Shri K. G. Wodeyar, Shri K. T. Achuthan, Shri Ahmed Mohiuddin, Shri Nibaran Chandra Laskar, Shri Surendra Mohan Ghose, Shri T. Sanganna, Pandit Krishna Chandra Sharma, Shri Raghubar Dayal Misra, Shri Lotan Ram, Shri Rajeshwar Patel, Shri Liladhar Joshi, Shri Narendra P. Nathwani, Shri Birakisor Ray, Shrimati Ansuyabai Kale, Shri Hari Vinayak Pataskar, Shri Manikya Lal Varma, Sardar Ranjit Singh, Dr. Ram Subhag Singh, Shri Anandchand, Shri Hirendra Nath Mukerjee, Shri Mangalagiri Nanadas, Shri Sarangadhar Das, Shri Hari Vishnu Kamath, Shri P. N. Rajabhoj, Dr. Lanka Sundaram,

[Pandit G. B. Pant]

Shri Raghbir Sahai, Shri Uma-charan Patnaik and Shri Balwant Nagesh Datar.

Mr. Deputy-Speaker: Not the Mover?

Pandit G. B. Pant: No, he is not a Member of this House.

Mr. Deputy-Speaker: I shall now place the complete motion.

Motion moved:

"That the Bill to provide for the acquisition and termination of Indian citizenship, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely: Shri Kotha Raghuramiah, Shri P. T. Thanu Pillai, Shri K. G. Wodeyar, Shri K. T. Achuthan, Shri Ahmed Mohiuddin, Shri Nibaran Chandra Laskar, Shri Surendra Mohan Ghose, Shri T. Sanganna, Pandit Krishna Chandra Sharma, Shri Raghubar Dayal Misra, Shri Lotan Ram, Shri Rajeshwar Patel, Shri Liladhar Joshi, Shri Narendra P. Nathwani, Shri Birakisor Ray, Shrimati Anusyabai Kale, Shri Hari Vinayak Pataaskar, Shri Manikya Lal Verma, Shri Ranjit Singh, Dr. Ram Subhag Singh, Shri Anandchand, Shri Hirendra Nath Mukerjee, Shri Mangalagiri Nanadas, Shri Sarangadhar Das, Shri Hari Vishnu Kamath, Shri P. N. Rajabhoj, Dr. Lanka Sundaram, Shri Raghbir Sahai, Shri Uma Charan Patnaik and Shri Balwant Nagesh Datar, and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the 16th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

Shri Vallatharas: I would just refer to two sections and close my speech.

Mr. Deputy-Speaker: I am sorry to interrupt the hon. Member. As all hon. Members know, we have allotted ten hours for this Bill and many hon. Members have expressed a desire to speak on it.

Shri Gadgil (Poona Central): For the whole Bill?

Mr. Deputy-Speaker: This is only a reference to Select Committee. I do not know what the hon. Member means by whole Bill.

Shri Vallatharas: The question of dual citizenship is very important and the Select Committee will be able to consider it in a very enlightened manner. So far as the Commonwealth countries are concerned, there is a system of dual citizenship. In view of the fact that countries have come closer together, there may be a conception of this type of dual citizenship, wherein one citizenship will be confined to the welfare and interests of one's own country and the other confined to the welfare of the society as a whole in the world. That is a very important aspect and necessary provisions which will lead to the formulation of dual citizenship throughout the world on this basis may be preferable. The power of the Government to appoint a committee of enquiry when a citizenship is to be terminated should be vested in the courts of law, however eminent and efficient the committee to be appointed by the Government may be. Anyway, better sense would prevail only when the regular courts of law in this country have been allowed to exercise their jurisdiction over that aspect. In that case, there will be a logical revision of not only everything but also of the various constitutional objections by the parties concerned.

[SHRI BARMAN in the Chair]

There is another question that may be taken into consideration. This is a Bill which comes for the first time. People do not know the import of citizenship or why it is introduced as the law. The common man must know it. Merely the general appreciation of a few intellectuals would not be sufficient. The Select Committee is competent to go into this matter. On the other hand, there is no urgency for passing this Bill under any circumstances. It is now placed before the House after four years. The public should have been provided with an opportunity to offer their own opinion as to how improvements can be made and they must be made to understand also in what way they have the citizenship of this country. The provincial Governments have not been asked to submit their opinions or suggestions as to whether these clauses could be improved upon, what other rights can be conferred by citizenship and in what other manners citizenship can be terminated. Because it is not an urgent matter, I submit that this Bill deserves to be circulated for eliciting public opinion.

Mr. Chairman: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1955."

Now, discussion will go on both on the original motion and on this motion for circulation.

Shri Asoka Mehta (Bhandara): This is a great moment in the life of this Parliament because we are called upon to consider a law of fundamental importance. It is a matter of pride to be a citizen of this country and it should be a matter both of honour and of sacred privilege. To have opportunities at home and to get respect and protection abroad is invariably the ambition of every person of this land. There has been a movement all over the world but nowhere dramatised as effectively as in our country of passive subjects transform-

ing themselves into active participants or citizens participating in the processes of the government in an ever accelerating manner. It is this dramatic fact which is being brought out and on which attention is sought to be focussed today. In the past, a man sought protection from a feudal lord and his allegiance would remain unchanged; it was indelible. But in the world of today we have realised that a man is a free being. While a nation is a great entity, there should still be opportunities for him to get out of it or to get into it. That is why in the House of our nation we are anxious to provide both exits and entrances.

We are primarily concerned with the Bill as it has been placed before us and we find that as we had provided in our Constitution we are basing our citizenship not on relationship of blood, as is the case in the neighbouring country of Burma, but on other considerations. It is suggested in this Bill that our citizenship will be governed by the principle of *jus soli*. In the Constitution under article 5 there is the further need for domicile. A person has to be born in India and he is also to be domiciled in India. But under the Bill the principle of *jus soli* will operate without any kind of other considerations. I am not sure—I am merely expressing a doubt because the whole question is to go to the Select Committee—should we have an unrestricted operation of the principle of *jus soli*? Would it not be better if a child is born to a foreign family and if the child is to become an Indian citizen, to have either a provision that some kind of registration should be there or the child may be an Indian citizen but will be able to exercise the rights of Indian citizenship only after it comes of full age and makes an avowal to that effect? This question was discussed in England very carefully and the British authorities decided that the principle of *jus soli* should operate in an unrestricted fashion. I know that this Bill has been to some extent influenced in its shaping and drafting by similar

[Shri Asoka Mehta]

statutes in the Commonwealth countries. But it would be useful for the Select Committee to consider whether the operation of *jus soli* should be unrestricted or some kind of restriction may be put at any time. We also accept the principle of *jus sanguinis*. A person can become a citizen by descent. Under article 5(b) of the Constitution, a man can become a citizen because his father was an Indian citizen or because his mother was an Indian citizen. I find that while citizenship can come to a person through his father, it could not come to him through his mother. I know he can become a citizen by registration but citizenship by descent evidently could not come to him through his mother and I wonder whether this kind of distinction between the two sexes should be made at all. It was not made when the article 5(b) was drafted.

Then again the next question that is raised is: should it be for one generation or more than one generation? We have answered that question and the last question that is raised in this connection is: should it be automatic or by registration? There also we have given a reply that it would be automatic as far as the first generation is concerned; it would demand registration for the second generation.

The next important question that we have to consider is of dual citizenship and the last question in this connection which is of importance is the nationality of married women. Before we take up these two questions, it is also necessary to consider very briefly the provisions that are made about naturalisation.

Naturalisation denotes both the act as well as the process of admitting an alien to the possession of privileges of our citizenship. Now, I find that the authorities try to explain the act and the process of naturalisation in the following words. Wherever general laws establish a right of the aliens to be naturalised its exercise involves

proceedings essentially judicial in nature. We have followed the British pattern and the authority that will be empowered to consider the question of naturalisation will be our executive—the Central Government. In the United States of America it is a judicial process; it is done by the courts. In Belgium it is a legislative process; it is done by the legislature. I listened very carefully to the speech that was made by the Mover and unless I have made a mistake I do not think he said or tried to explain to us why the executive should be authorised to handle this question of naturalisation.

Pandit G. B. Pant: I did not feel that it called for any explanation.

Shri Asoka Mehta: May be. I am just trying to point out that there are other kinds of provisions in other countries. If we look at the Bill, section 6 is, I believe, concerned with naturalisation and section 5 with citizenship by registration and section 14, gives plenary powers to the Government in the exercise of the provisions of sections 5 and 6. This is how section 14 reads:

"The prescribed authority or the Central Government may in its discretion, grant or refuse an application under section 5 or 6 and shall not be required to assign any reasons for such grant or refusal. The decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court."

A large number of persons in Pakistan today are of Indian origin and a number of persons living in countries overseas possess the qualifications of becoming Indian citizens by registration. If an Indian citizen marries a foreign woman, she is also to become a citizen by registration. In all these matters plenary powers are given to the Government. The Government is not called upon to give

any reason nor is there any appeal on the decision given by the Government. I wonder if it is wise and proper to give such plenary powers to the Government with no kind of judicial check whatsoever.

Then again when we take up the question of the nationality of married women, I find that we have struck a right balance and I have no complaints whatsoever. This question of nationality of married women has been a very controversial question and the world over it has received a considerable amount of attention.

The important question that we have to answer is should the basis of citizenship be a family or an individual? What should be the unit of citizenship? There was for a long time the doctrine of unity of family. The unity of family or the identity of interests was popular and prevalent and it was generally believed that the principle that should guide the citizenship of a woman and a wife should be that of her husband. As you know the wife's domicile is that of her husband; she has no separate domicile unless she is separated. As far as domicile is concerned it is axiomatic that a wife's domicile follows that of her husband. As far as nationality is concerned, should we say that nationality also should follow the principle of 'follow the husband'. I believe that in this age when the women are claiming equality it would not be fair on our part to adopt such a principle. Indian women should be entitled to retain their citizenship even after they marry foreigners and foreign women should also be entitled to retain their citizenship after they marry Indians. Indian women can become citizens of foreign countries by a voluntary act on their part; foreign women also can accept our citizenship only by a voluntary act on their part. As far as this is concerned, a proper balance has been struck and generally I welcome the provision that has been made. But I do not know whether some kind of a parallel provision should not be made

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for foreign males who marry Indian citizens. In other countries of the world the two are more or less kept on a par though the qualifying period of residence is a little longer. In Mexico for instance—and also in Japan—the qualifying period is two years; in India there is no qualifying period in the case of a foreign woman married to an Indian; she can apply immediately. But we find that in the case of a foreign male married to Indian citizen, and who does not belong to any of the Commonwealth countries, that person would have to wait for 7 or 8 years before he would be qualified to become an Indian by naturalisation. The hon. the Home Minister knows that there are Indian women now who are marrying foreigners. Whether we like it or not, that is a tendency which is developing and some of them want to settle in this country also. I know of some cases and I have brought one or two to the attention of the Home Minister also. Some of them desire to settle in this country and, I believe, when we are enacting this piece of legislation we should consider whether the two cases, foreign women and men marrying Indian male and female citizens, should be considered on a different footing or they should be considered on an equal footing; and if any difference should be made, what should be the difference. I find the Bill has not taken this aspect into consideration.

The next question of importance is dual citizenship. Here again the Mover seems to have accepted the idea of dual citizenship or dual nationality more or less axiomatically. India, if I am not mistaken, is a signatory to the Hague Convention of 1930. That Convention has specifically provided that, as far as possible, the general principle that should be followed is that a person should have a single nationality. At the same time care is to be taken that the danger of a person becoming stateless is averted. Under the provisions of our Bill and under the provisions of our Constitution also full care has been taken that there

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shall be no danger of statelessness. That is welcome. But, as far as dual nationality is concerned, the Mover, I am sure, knows very well that it is a very complicated and complex question. I know that at the Hague Convention it was decided that in case a person enjoys dual nationality then the principle of "master nationality" is to be followed. The principle of "master nationality" tells us that a man is to be considered a citizen of that country where he generally resides or with which he has the most intimate connection. Even if a person enjoys dual citizenship the principle of "master nationality" will ultimately determine, in periods of conflict and in times of crisis, as to which particular nationality is to be the predominant one. There was also a Protocol signed in 1930. It was a Protocol relating to military obligations. There it is said:

"If a person of more nationalities, possesses the effective nationality of one of them, he shall be exempt from all military obligations in the other country or countries subject to the possible loss of nationality in those countries."

These are some of the provisions to get over the difficulties that are created because of dual nationalities; but I am sure that the Mover knows that dual nationality created a large number of problems both during the First World War and the Second World War. I am not opposed to the principle of dual nationality. What I want the Select Committee to do is to go thoroughly into it,—and not take things for granted—go into its implications and find out the possible dangers; because, after all, when we are accepting these far reaching principles it is necessary that we should explore all their implications, understand them and find out what are the dangers. Some of those dangers we might have invited knowingly, and deliberately. We must know what are the difficulties and whether we

can provide against some of them. Here again, I feel, from the speech that was made by the Mover, that these aspects have either not been explored, or he has not thought it necessary to place before us the results of his explorations. I would like the Joint Committee to look into this question more carefully.

Then we come to the question of de-naturalisation or of deprivation of citizenship. As far as renunciation and termination are concerned renunciation of citizenship is by a voluntary act and the termination of citizenship is a consequence of a voluntary act. I have nothing particular to say about them. But, when we come to deprivation of citizenship, there are one or two points that deserve serious consideration. In clause 10 (2) (b) it is said:

"that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by law in India;"

I do not know what is the meaning of "Government established by law in India". While explaining it the Mover of the resolution used the words "Government of India". If it means the Government of India then the naturalised citizen or a citizen by registration, or a citizen who has become a citizen under article 5(c)—that means mostly people from Goa—they would be deprived of their citizenship if by speech or by action they prove themselves or show themselves to be disloyal or disaffected towards the Government. The Government has the right, the Government has the power to take away their citizenship. Sir, I do not think similar provisions exist in any country of the world. In the Commonwealth countries it is His Majesty not His Majesty's Government.

Pandit K. C. Sharma (Meerut Dist.—South): That means Government.

Shri Asoka Mehta: I am sorry if I have not been able to make the distinction between His Majesty and His

Majesty's Government. I would like to know from the Mover whether he is thinking of State, which has nothing to do with the Government. To any citizen of India, once he is a naturalised citizen, the fundamental right guaranteed to him by the Constitution that he can be disaffected towards the Government. I shall explain the position. People coming from East Pakistan will become citizens of India by registration. Thousands of them come here and they are being looked after by the Government. Supposing their problems are not being attended to,—I hope that never happens—supposing that contingency arises, then what happens? They take out a procession and they begin demonstrations. It can be pointed out that they are being disaffected or disloyal to the Government of India. I want this question to be seriously considered for this reason that the man would later have no redress. For his case will be referred to a committee consisting of three persons one of whom will be a person of 10 years' judicial experience—may be even a magistrate and need not be a High Court judge—and the other two nominees of the Government. There is no appeal of any kind. Are you going to take away the citizenship of a person without any kind of appeal? He has already become a citizen. Once you take away citizenship he cannot go to the Supreme Court or High Court; because, after all, the rights of citizens alone are safeguarded by the Supreme Court or High Court. That right is taken away. He is deprived of his citizenship. In the process of deprivation the whole question is being looked into by the Central Government alone without any kind of independent and high level judicial supervision. That, to my mind, is objectionable. Again the bill provides clause 10(2) (d):

“that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than twelve months;”

Here again, supposing there are displaced persons—there are so many of them settled as squatters and they are pushed out. We have known that; we have seen that and we have experienced that—and they protest, then they are arrested and sentenced. There is no moral turpitude involved in the sentence. All that is necessary for the Government is to make out a case against them and take away their citizenship. What will happen for a period of five years if they become citizens? They will be at the tender mercy of the Government. I would not like any citizens to be at the tender mercy of the Government—not because I do not trust the Government, but because the scheme of our Constitution provides for their rights and liberties and safeguards them against the executive. The whole concept of our Constitution is such that a citizen must be safeguarded against any Government even if it is a good government or even if it is a democratic government. Every man must have his *lebensraum* which is not encroached upon by the executive. I feel that for a period of five years, if the Bill remains as it is, we shall be encroaching upon and permitting the executive to encroach upon the sacred *lebensraum* of the naturalised and registered Indian citizen.

Before I move on to the next point, I would like to invite the attention of the Mover and of the Select Committee to the cases that have been decided in the United States of America. If I am not mistaken, the Supreme Court of the United States of America has said that as far as the taking away of nationality or citizenship of any one is concerned, the Bill of Rights must be observed. The observation of the Bill of Rights is fundamental in determining the process of de-naturalisation or deprivation of any one of his citizenship. I find here that our fundamental rights are completely ignored. We seem to forget that there are fundamental rights affecting a person who is already accepted in the comity of our nation.

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hood when we decide to take away his citizenship. He may be a bad person. I am not saying that the Government will try to take away the citizenship from a good and desirable citizen, but a bad man perhaps needs all the protection of the court far more than a good man. A weak man needs it far more than a strong man, and provisions have got to be made to see that ultimately, before his citizenship is taken away, he has an opportunity to place his case before the High Court or before the Supreme Court before final orders are passed.

Mr. Chairman: Does not sub-clause (8) of clause 10 say that the Central Government shall not deprive a person of citizenship under that section?

Shri Asoka Mehta: Could it be taken to the court? Is it justiciable? If it is not justiciable, then it is meaningless, because I have conceded already that the Government will try to keep the public good in view. But any Government, after all, is a human Government.

I next come to the concept of commonwealth citizenship. There was a doctrine of common status which had worn very thin because after the Second World War, most of the commonwealth countries adopted their own separate citizenship laws. Therefore, it was only later on that the commonwealth countries met together and the idea of common citizenship arose. All that was agreed to was that no one from the commonwealth countries should be considered an alien. Secondly, it should be possible, by some reciprocal arrangements, to bestow either all or some of the rights of citizenship on persons belonging to other commonwealth countries. Accordingly, the idea of a common clause arose—that in all legislations dealing with citizenship of commonwealth countries, there should be a common clause. Unfortunately, in the legislation that has been adopted on the subject by Pakistan, the common clause is missing, though in Pakistan also, citizens of the commonwealth are not treated as aliens. But there is no

common clause there. I welcome this provision, but I welcome it on condition that the First Schedule is extended. I would not accept the First Schedule as it stands. For instance, I see no reason why a South African should have the opportunity of becoming an Indian national after one year's stay in India. Under the rules that have been framed in the Third Schedule, we find that "he is not a subject or citizen of any country where citizens of India are prevented by law or practice". I do not know whether once we accept this commonwealth citizenship clause, we take into consideration only the law or the practice. The law in South Africa is that Indians can become naturalised, but the practice in South Africa is that Indian citizens will not become the citizens of South Africa. We have to be very clear on this point as far as naturalisation of foreigners is concerned. As far as commonwealth status is concerned, we have included South Africa. After one year's stay in India, a South African can become an Indian citizen. But in practice, no Indian can become a citizen of South Africa. Is this a reciprocity arrangement, and under that arrangement, does it mean that no South African citizen will be permitted to become a citizen of India, or, will the reciprocity arrangements be such that all Indian citizens will be permitted to become citizens of South Africa if they so desire? These are questions that need to be gone into. I feel that while we should move towards a concept of citizenship.....

Pandit G. B. Pant: Is there any room for doubt on that point—that a South African cannot become a citizen of India?

Shri Asoka Mehta: He can be a citizen of India.

Pandit G. B. Pant: He cannot be under sub-clause (a) of the Third Schedule—"that he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country" etc.

Shri Asoka Mehta: That is for naturalisation.

Pandit G. B. Pant: He can be a citizen only by naturalisation.

Shri Asoka Mehta: He can be a citizen by registration.

Pandit G. B. Pant: The law is clear.

Shri Asoka Mehta: According to Schedule I, a South African can become a citizen of India by registration and not by naturalisation.

Pandit G. B. Pant: Particular countries will be recognised for this purpose. I will explain it later. There is no doubt about it. If there is any doubt, I should be glad to remove it.

Shri Sadhan Gupta (Calcutta South-East): The Third Schedule does not apply to South Africans at all. Therefore, the Third Schedule does not confer on citizens the practice that prevails in South Africa. So, the Third Schedule does not have relevance for the purpose of Commonwealth citizenship.

Shri Asoka Mehta: The last point that I would like to make is about the status of friendly aliens. I find in most countries the law is not complete and is not considered to become complete unless the status of the aliens is also made definite. The British law that was referred to was only the British Nationality and the Status of Aliens Act. In the Canadian Citizenship Act also, part V is devoted to the determination of the status of aliens. We have no law in this country as far as the defining of the status of aliens is concerned. I know that there is an Act called the Foreigners Act of 1946, but that Act deals mainly with entry of foreigners, their casual stay and departure from India. Our Constitution has conferred certain rights upon resident aliens, friendly aliens. They have a certain personal rights; for instance, they can sue and be sued in courts, and they can also hold property, etc. It would be useful if the Joint Committee, while going through the various provisions about defining the citizenship

in India, about the acquisition as well as the termination of Indian citizenship, etc., would also include in the Bill, as is generally done in other countries, a separate section on the status of aliens. If that is done, perhaps technically the Bill will be more complete than it is today. On the whole, it is a good Bill and I welcome it, and I hope that the Joint Committee will carefully consider some of the points that I have tried to place before the House.

Shri C. R. Narasimhan (Krishnagiri): I wish to refer to the principles governing clause 10 of the Bill which is now before us, but I shall do so in a very different context. The constitution guarantees certain fundamental rights to the people and also to the citizens. The citizens are guaranteed, through the directive principles of State policy, a welfare State. While this is so, it must be remembered that the citizens also have certain obligations to fulfil. If they disregard those obligations, naturally the Bill attempts to bring them in appropriate cases within the scope of clause 10 and deal with them suitably. But I want to make a suggestion to the Home Minister. There are certain obligations which the Constitution itself has imposed upon a citizen. My plea is that those obligations should also be protected by including them in clause 10. I refer in particular to Article 18(2) of the Constitution, which says: "No citizen of India shall accept any title from any foreign State." This thing seems to have been put there after a good deal of deliberation. I will just read, with your permission, from a commentary explaining why this has been put in the Constitution. The commentator says:

"This clause prohibits the acceptance of title by any citizen of India from a foreign State, the prohibition being conceived in the interests of the integrity of and to ensure equality amongst the citizens. It is quite possible that a person who is allowed to accept a title from a foreign State may, in addition to being puffed up

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with the honour so as to be disposed to look down upon others who have had not that good fortune, feel so disposed to the foreign power that conferred the title that the allegiance he owes to his own State may run the risk of deterioration. Evidently, the object of the framers of the Constitution is to see that no citizen of India feels beholden to any foreign power for any favour done or benefit conferred. He must be a citizen of India first, last and always with no affiliations or attachments for any reason whatsoever to a power outside the bounds of the Indian Union."

The question, therefore, arises whether there should be any punishment for the infringement of this provision. This was discussed by the Constitution making body and it will be very interesting to see what Dr. Ambedkar says in reply to the points raised therein: with your permission, Sir, I will read an extract from the Constituent Assembly Debates, Volume VII, Page 709 dealing with Article 12 as it then was. Dr. Ambedkar said:

"It would be perfectly open under the Constitution for Parliament under its residuary powers to make a law prescribing what should be done with regard to an individual who does accept a title contrary to the provision of this article....."

Mr. Chairman: How is it relevant?

Shri C. R. Narasimhan: I want to say that the obligation imposed by the Constitution must be respected. In the Bill itself certain offences are laid down as being so serious as to deprive an individual of citizenship. I want to add one more offence to that, namely, infringement of Article 18(2) of the Constitution. Dr. Ambedkar has further said:

"The non-acceptance of a title is a condition of continued citizenship; it is not a right, it is a duty imposed upon the individual

that if he continues to be the citizen of this country, then he must abide by certain conditions; one of the conditions is that he must not accept a title because it would be open for Parliament, when it provides by law as to what should be done to persons who abrogate the provisions of this article, to say that if any person accepts a title contrary to the provisions of this Article, certain penalties may follow. One of the penalties may be that he may lose the right of citizenship..... Certainly it is just commonsense that if the Constitution says that no person shall accept a title, it will be an obligation upon Parliament to see that no citizen shall commit a breach of that provision."

I just want to remind this House and the hon. Home Minister of that. We are aware that in this huge country certain sections of people get frustrated. There are people with morbid ideas as to race, creed, community and such other things; during times of excitement, these people, rightly or wrongly—I believe wrongly—go to the extent of committing sacrilege on sacred things like the emblems of the Union. When such tendencies are there, we must have a provision of this kind. Therefore, I only plead that it should be considered whether breach of that Article should be followed by some kind of punishment in the Citizenship Bill which we are now discussing.

In passing, I would like to say one more thing. Now a days titles are not granted with such generosity by foreign countries, but there are other methods of influencing people such as awarding prizes for certain type of conduct of aliens; and then it is quite possible that such prizes may concern not only cultural or educational matters, but.....

Shri V. F. Nayar (Chirayinkil): Does it include Nobel Prize also?

Shri C. R. Narasimhan: Nobel Prize is not given by the State. I am referring to what could be done by

the State as such. Today one country may offer a prize for one subject; after sometime another country may follow suit and offer a prize for another type of subject. The subject matter may be non-political at one time, but it may also take a political complexion in another time. For instance, peace is a very desirable subject. But it may become a controversial issue and countries can be divided politically over such issues. Therefore, once we look to foreign countries for appreciation of our normal conduct, there is always danger. We must set some standard and we must be true to our country.

Shri V. P. Nayar: What does the hon. Member say about prizes given by the Vatican in the form of medals?

Shri C. R. Narasimhan: I am not actually drafting a Bill and bringing it before the House. What I am doing is just to make a suggestion to the House that a suitable provision may be included in this Bill. I have already said that I am referring to the question of prizes only in passing. I only say that sometimes cash prizes could be much worse than even titles. Therefore, once again I request the Home Minister to consider this matter and suitably advise the Joint Select Committee. This is all I have to say.

Shrimati . . . Renu Chakravarty (Bashirhat): Sir, I regard that this Bill is one of the most important Bills that have been discussed in this House and I do not agree with my friend Mr. Vallatharas when he says that there is nothing to be in a hurry about this Bill, because I think that we are none too early with this Bill for the simple reason that without it children born after 1950 are almost stateless so far as citizenship is concerned.

I feel that, when we discuss this question of citizenship, we must be guided by two principles. One is that it must reflect both our national problems and foreign relations. Secondly, it must also take into consideration certain special circumstances through

which our country is passing or is about to pass. For instance, we must take into consideration the historical circumstances of our country at the moment, as also the political circumstances and economic circumstances. All these three have to be taken into consideration when we discuss a Bill of this kind, and not only a mere look at it from the judicial angle—not merely a citation of the various laws of citizenship passed by other countries. It is important, no doubt, but I think these considerations should be paramount when we draft our Citizenship Bill.

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Now, from the point of view of historical circumstances I feel that it is very important for us to give special thought to the manner in which we are going to give citizenship to those thousands and thousands of people who have come after partition to this country from East Pakistan and West Pakistan and who continue to come. Articles 5 and 6 of the Constitution show that we did give special consideration to them because the constitution-makers at that time rightly felt that we have a special responsibility towards those who have, through the division of the country, suffered such tribulation in the form of having lost their homes, their means of livelihood and having suffered so terribly. Time and again we hear the Prime Minister telling us that we stand by the pledges which we have given to the Princes, the pledges which we have given to the British. It is time, I think, that we reiterate this question about the pledges we made to those whose country has now passed, by division, to Pakistan. At that time I think we felt specially, because in Delhi we saw the problem only of people who came from West Pakistan, that this was a problem which was big, but which was finishing once and for all. But at this moment we find that what people thought at that time when we accepted partition was wrong, viz., that we thought it may be a painful thing, but it would be swift and that it would be done once and for all. But as events have

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happened and circumstances have developed, we see that even today thousands and thousands of people are coming into our country from East Pakistan. This is a point which I want both the hon. Minister who has introduced this Bill and the Members of the Select Committee to consider. For instance, in East Pakistan after 26th January, 1950 some of the biggest riots have taken place. The Barisal riot took place after that date. And this House is very well aware that since then we have had big influxes. Sometimes it has been reduced when the political relations between the two countries have developed better, but again certain things have happened and recently, during the last six or eight months, we have had 18 to 20 thousands people coming through every month.

Now, you may say that they can have the rights of registration, but I want you to consider the thousands of people, ordinary village people, people who are cultivators, some being sent off to Orissa, some to Assam, all spreading right through the country. These refugees are people for whom we should have a special consideration, and I feel that the same consideration, which was given at the time of framing the Constitution when we accepted as citizens (*ipso facto*) those who came from Pakistan before the 26th January, 1950, should be shown to these people. We must accord citizenship to those who have come from East Pakistan, without wanting them to go through the whole process of registration. This is a point which is very necessary, and I hope the Select Committee will give the greatest thought to this matter.

A small case came to my notice recently. There was a lady who wanted to go abroad. She applied for a passport. She was a refugee. She had come here after 1950. Now, she is a regular voter. She is on our voter's lists. Hundreds and thousands of our refugees are on the voter's lists, but they are not going to be citizens of India. These anomalies are there. We have not yet come out saying that we will give them voting rights, but they

have been already registered as voters. So, I feel this question of citizenship must be looked into and a suitable clause inserted in it.

The second big point which I want to make is on the question of this Commonwealth citizenship. My hon. friend Shri Asoka Mehta has welcomed it partially. I oppose it for two reasons. For one thing, what are its antecedents? As my friend, Shri Asoka Mehta, has said, this idea of Commonwealth citizenship appears to have been born in British tunes out of a certain feeling that "British subjects", those who live in the colonies should be guided by a common law. When we refer to the British Nationality Act, we find that there are two terms used: "British subject" and "Commonwealth citizen", which are almost synonymous. Here we want to say this, that we must break with this idea of Commonwealth for the simple reason that our foreign relations are developing not with a view to keeping ourselves only within the grooves in which our British masters kept us. We want relations of reciprocal advantages, mutual benefits and mutual interest. These are terms that have been used in the Panch Shil. These are the principles along which our economic policy is developing. We are having diversification of trade and more and more economic and political relations with other countries. From that point of view I do not see why we should keep to the old idea which was given to us by the British about keeping this Commonwealth citizenship.

I have stated before that our attitude towards this Citizenship Bill must be guided by our political outlook and foreign relations. We stand by anti-colonialism, we stand by anti-imperialism. But if we look at the First Schedule, United Kingdom is shown to mean all the colonies. I think this is a bad remnant, I should say despicable old imperialist remnant that we are again keeping here. We do not give separate identity to colonies like Malaya, Bermuda, British Guiana and all those countries where large numbers of our own people of

Indian origin are already working. We merge them in this idea of the United Kingdom. For instance, tomorrow a country like Malaya, where there has been a big freedom fight going on for so many years, may become free. It may well be that they will declare themselves free, and we hope all of them will become free. If that is so, do we not want that we should be able to include countries which are nearest to us. Asian countries like Malaya and other countries where we have large numbers of Indians, on terms of reciprocal and mutual interest and benefit? Therefore, I feel that this clause should not be kept in this way. Of course, arguments can be brought forward that there is this question of reciprocity. If a country does not give us advantages, then we just do not give them such advantages in our country. The term "reciprocity" is there. Here, we have to see how this works out. For instance, this morning I asked a question about the Central African Federation which is a Commonwealth country. This Central African Federation is making barbaric laws, barbaric discriminations against our nationals, even our High Commissioner. You may say that these are not being made by the British people or the Ministers concerned, but in actuality all this is guided by the Secretary of State. The Secretary of State knows it. He is the man who is in charge of it. There is the Colonial Secretary. How is it that we accept the position that just because it happens to be the Central African Federation, the British have nothing to do with it? The British have definitely something to do with it. They can do something about it. And yet we are going to allow citizens of Great Britain advantages on this point of reciprocity, while they themselves, directly I would say, often indirectly, are helping towards this discrimination. They can if they so desire do away with it. I feel, therefore, that even in regard to this question, we should be much more careful. We have to see who are really responsible, and not straightway give such advantageous terms.

Then, we must have the closest of relations with those who are our neighbours. But in the First Schedule, we do not see Burma at all, because Burma does not belong to the Commonwealth; we have the closest ties with Burma, and yet Burma cannot be included in the First Schedule because it is not included within the Commonwealth. I feel that we must develop terms of reciprocity and the closest relations based on mutual benefit and mutual interest, firstly with those who are our neighbours, and secondly with those countries in which we have large numbers of our nationals. We should not restrict it only to Commonwealth countries, just because we have been guided so long by the British Nationality Act. This is what I want to place before this House, and I hope this point would be tackled by the Joint Committee. We must change this clause in such a manner that our Citizenship Bill reflects our correct political outlook, that it reflects our resolution at Bandung against colonialism, and also that it reflects our policy of friendship with all, on terms of mutual benefit and mutual interest. This is what I want to urge regarding this clause.

Now, there are certain complications which I want to raise, and I would like the hon. Minister to explain, when he replies, whether there is any truth in the following interpretation. It is stated that according to sub-section (2) of section (1) of the British Nationality Act of 1948, the expressions 'Commonwealth citizen' and 'British subject' have the same meaning. And we find, even after the formation of the Republic of India, that there is an Act in the U.K. called the India (Consequential Provisions) Act of 1949. There is a provision in that Act which reads:

"On and after the date of India's becoming a Republic, all existing law, that is to say, all law, which, whether being a rule of law or a provision of an Act of Parliament, or of any other enactment or instrument whatsoever, is in force on that date or has been

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passed or made before that date and come into force thereafter, shall, until provision to the contrary is made by the authority having power to alter that law, and subject to the provisions of sub-section. (3) of this section, have the same operation in relation to India, and to persons and things in any way belonging to or connected with India, as it would have had if India had not become a Republic."

That is the provision there. I seem to have heard the hon. Minister saying this morning that the 1948 Act was repealed. But I find as far as this particular Bill is concerned, that it repeals only the British Nationality and Status of Aliens Acts, 1914 to 1943. But there is this 1949 enactment which seems to say that the 1948 British Nationality Act still governs us. As such, we are rather agitated over this matter; if this still remains on the statute book of England, then in our relations with them, we still remain as "British subjects". I would like this point to be cleared by the hon. Minister. I hope the Joint Committee will go into this entire question, and see that such a thing does not remain.

Coming to clause 7, I want to say that this clause should be redrafted, because I felt that the clause in its present form gives one the feeling that one gets when one reads the British Nationality Act. For instance, when you read that Act, you feel as if the entire Act has been formulated with only imperialistic conceptions of new territories being acquired etc., and of what happens to those citizens, and so on. Here, I would certainly say that territories such as Goa or the French possessions must become part of India; and I would even go beyond what is provided in clause 7 namely:

"...the Central Government may, by order notified in the Official Gazette, specify the persons who shall be citizens of India..."

I would say that as soon as the transfer takes place, and as soon as the foreign pockets become a part of India, *ipso facto*, those citizens must become citizens of India, and there should be no question of their citizenship being subjected to executive action. That is what I would like to say in regard to this matter. But at the same time, I would not like this clause to be formulated in the way that, say, the British Parliament would do, namely by saying that "if any territory become part of India, etc." as if we intend to go out and grab somebody else's territory with that old imperialistic outlook. On the other hand, I would like this clause to be formulated in words that would be much more in keeping with the spirit of our Republic, namely that we do stand against colonialism in any form.

I would like to say now a word about the clause relating to deprivation of citizenship. Here again, I want to say strongly that such a thing as deprivation of citizenship should not be subject to executive action. It is totally wrong, and it should not be there. I would also join my friend Shri Asoka Mehta when he says that this must be something that is justiciable, that a fundamental right cannot be taken away just according to the whims and fancies of a Government that may be in power at a particular time. The committee of enquiry is there, no doubt. But what are the powers that that committee of enquiry has? We would very much like to see that this entire clause is tightened up so that no Government will be able to take away this right or deprive a citizen of his right of citizenship without giving him full right to acquit himself and to have his citizenship protected.

In this connection, I would like to draw special attention to sub-clause 2(b) of clause 10, where disloyalty or disaffection towards Government can also be one of the grounds for deprivation of citizenship right. We know in our political life how everything is turned out into one of these things.

A different political ideology one may have, and immediately you may say, that it is disloyalty or disaffection, and therefore you are going to take away the citizenship right. We know what has happened in a country like America. If you are a communist, then you cannot enjoy all the rights that are enjoyed by a citizen of America. That is what it has boiled down to. We do not want that sort of thing here. We want that the right of citizenship should not be subjected to the whims of executive action.

Then, sub-clause (2) (d) of clause 10 reads:

"that citizen has, within five years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than twelve months; or".

I want to have one clarification in regard to this provision. I shall give you one specific instance in this regard. An Indian citizen went to East Pakistan to visit some relations of his and because he had been a political worker here, he has been put into jail there; he is still in jail there, and he has been in prison for more than twelve months now. Now, are you going to take away his citizenship right, because he has been in jail for twelve months there? These are things that you have to consider very seriously, for otherwise, we shall be making a farce of the rights we have granted in the chapter on Fundamental Rights in our Constitution.

There is one other point which I would like the hon. Minister to clarify. I am not very clear about sub-clause (2) (e) of clause 10 which reads:

"that citizen has been ordinarily resident out of India for a continuous period of seven years and during that period, has neither been at any time in the service of a Government in India or of an international organization of which India is a member, nor registered annually in the prescribed manner at an Indian

consulate his intention to retain his citizenship of India".

Does this provision mean that every year, during that seven year period, he has to register? That is the point I want to be cleared. Is he required to register annually during the whole of that seven year period for which he has been away, or is it only after the conclusion of the seven year period that he has to declare whether he wants to retain his Indian citizenship or not? This is a minor point, and I would like the Joint Committee to consider this.

Next, I come to the question of refusal of applications, referred to in clause 14. According to this clause, the granting or the refusal of applications can be made by an act of Government, and they shall not be required to assign any reasons for such grant or refusal. Now, what will the application of this particular provision lead to? For instance, there are hundreds of thousands of refugees who have come to India from East Pakistan. If the Bill comes to be passed in its present form, then it will be open to Government to say, well, we do not accept the application of so and so. I think this sort of provision is a very dangerous one. And not only this, the authority refusing the application is not required to assign, any reasons for the same and further:

"The decision of the prescribed authority or the Central Government on any such application as aforesaid shall be final and shall not be called in question in any court."

I feel that these are two dangerous sub-clauses which have to be gone into very carefully by the Joint Committee.

Lastly, there is the question of the rule-making powers given to Government. I feel that it is right to have such things as forms for registration etc. given to the rule-making powers of the executive but in regard to the cancellation of registration, I feel that that is rather an important matter,

[Shrimati Renu Chakravartty]

which should not be left to be provided for under the rule-making powers given to Government. I feel that there should be a separate clause in the Bill itself, specifying under what circumstances there will be cancellation of registration.

In regard to the woman's citizenship, I would like the hon. Minister to tell us one particular thing. Under the clause as formulated, it looks as if renunciation of citizenship by a husband does not automatically mean that the wife loses her citizenship. That is how I interpret it. There is a specific provision in sub-clause (2) of the clause 8 which says that a minor child of that person will lose the citizenship right but that it may regain it under certain circumstances. But as regards the woman's right, i.e. the wife's right, there is nothing said about that. As such, I conclude that the wife retains her Indian citizenship. That, I think, is a correct position, and I think that is a thing that should be allowed. In this particular instance, I welcome this clause.

[MR. DEPUTY-SPEAKER in the Chair]

Sir, I think this Bill raises many complicated questions. It is a question which is linked up with a lot of other matters and this House will have to go into this entire question in very great detail, and I would, therefore, ask the House to apply its deepest thought to it.

Shri S. S. More (Sholapur): I frankly admit that the subject which is covered by this Bill, and the different clauses thereof are a bit difficult to interpret and evolve a clear picture. In order to understand the provisions of this Bill, I have tried to compare it with some of the provisions of the British Nationality Act, and I came to the conclusion that our present measure is almost a sort of carbon copy of the British measure.

Now, I will try first to raise one constitutional point. In clause 2 (c), citizenship and nationality law has

been defined, and the definition runs thus:

"'citizenship or nationality law', in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for the citizenship or nationality of that country".

I want your very considered guidance in this matter. Will this mean that the moment the notification is issued by the Central Government, the particular enactment of that country, mentioned in the First Schedule, will be automatically part of our law? Because no enactment on the statute-book of this country.....

Pandit G. B. Pant: It does not become part of our law.

Shri S. S. More: That is what I want to have clarified.

Mr. Deputy-Speaker: There may be doubts as to who is a citizen of that country. Therefore, under that law, if he is a citizen....

Shri S. S. More: My submission is this. Here we are trying to develop a double conception of citizenship, citizenship of a country on the basis of nationality and citizenship of a sort of Commonwealth character, which is based on the friendly, fraternal relationship subsisting between certain nations. My submission is that these different countries have enactments of their own and they have conferred rights of citizenship on certain categories of persons. All those persons, for different reasons, who are given the privilege of citizenship by these different countries, will, the moment a notification is issued by this Government—automatically have a sort of

citizenship as mentioned in clause 11 of this Bill. Because clause 11 says:

"Every person who is a citizen of a Commonwealth country, specified in the First Schedule shall, by virtue of that citizenship, have the status of a Commonwealth citizen in India".

So we immediately adopt that. And what are the actual advantages of the status of a Commonwealth citizen in India? That is left undefined in this particular measure. But according to this definition, as I tried to understand it—I shall be corrected by the Home Minister or other Members if I am wrong—the moment a notification is issued by the Central Government, whatever has been passed or whatever has been enacted by these different countries mentioned in the Schedule, shall automatically be given the status of Commonwealth citizenship law here. My submission to you and to this House is that it is the right of this House to confer not only the privilege of citizenship on the different persons residing in this country but confer that right on any other person who is outside India, who is a citizen of a Commonwealth country. A notification by the Central Government cannot, by itself, be said to be the exercise of the sovereign right of legislation, which is the privilege of this House. I should like to get some clarification on that.

Then I come to the merits of this Commonwealth citizenship. Here I would say that this particular clause is almost a verbatim copy of the British Nationality Act, section 1, sub-sections (2) and (3). Let us analyse what are the advantages that we get. How do we stand by either getting this right of Commonwealth citizenship or by conferring this right of citizenship on persons of countries mentioned in the First Schedule? My friend, Shri Asoka Mehta, was pleased to welcome it. He is very generous and catholic in his vision. Unfortunately, I do not possess that sort of catholicity; I am more concerned with material advantages than points of generous

catholicity, which are more philosophical than material. Now, what are the advantages that we get by becoming Commonwealth citizens of Great Britain? I feel that when two or many nations of different industrial development, of different stages of economy development, in different stages of advancement come together, and an industrially advanced country says to the industrially backward country, 'weil, we two are brothers; let us share our advantages', then what really happens is that industrially backward country is the sufferer. Take, for instance, the Ottawa Pact. Certain privileges were said to be common both to Great Britain and India, but eventually India being the exporter of raw materials, could not get that advantage which England, as the exporter of manufactured goods, could get. I should like to know from the Home Minister what are the advantages of the status of Commonwealth citizenship.....

Pandit G. B. Pant: There cannot be any Ottawa Pact now. That I can assure him.

Shri S. S. More: But these are our apprehensions. You know, once bitten is twice shy, and I am perfectly entitled to entertain my fears. I may not have the same trust in the *bona fides* of the Britisher as others. But I want to submit these points for the consideration of the House.

What are the advantages? I know that when I become a citizen of India, I get the right of voting, I get the right of offering myself as a candidate for different offices in this country, I get the right of carrying on trade, getting protection and so on. The right of citizenship is a sort of charter for me to do legitimate acts: at the same time, it is a protecting shield which will protect me from certain acts committed by other persons to harm me. But what are the advantages, in concrete terms, if we become citizens of the Commonwealth?

Shri V. G. Deshpande (Guna): Invitation to the Coronation.

Shri S. S. Mere: I want to understand this point not from the point of view of this man or that man, but from the point of view of the common man. What are the reciprocal advantages which the people of Great Britain or Australia are likely to derive by becoming Commonwealth citizens of our country?

Mr. Deputy-Speaker: They can stand for election to Parliament.

Shri S. S. Mere: I doubt it.

Mr. Deputy-Speaker: Can't they?

Shri S. S. Mere: No, Sir. I doubt it. Since you raised this point, I may refer you to article 18 of the Constitution. Article 18 says.....

Mr. Deputy-Speaker: There need not be any digression merely because I have said something.

Shri S. S. Mere: If we scan the fundamental rights, some of the rights of citizenship and some of the other rights will go to even persons who are not citizens, and according to the Constitution, particularly article 18, a person who is not a citizen may hold some office of profit. Some of the offices can be even under the Government of India.

Mr. Deputy-Speaker: The hon. Member may continue on the next day.

The House will now take up Private Members' business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS THIRTIETH REPORT

Shri Aitkar (North Satara): I beg to move:

"That this House agrees with the Thirtieth report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th July, 1955."

I might as well give a brief resume of this report. On the 26th of November 1954, the hon. Speaker made an observation that as the practice ob-

tains now of balloting for everyday of Private Members' Bills, it so happens that the priority is gained by the time of that particular ballot. The time allotted for Private Members' Bills is only two hours and a half. Usually only one Bill is discussed within this time and even though other Members' get priority, that is lost, because the whole list is re-shuffled in the next ballot. What happens is that an hon. Member is not sure whether he will be in a position to get his Bill moved at the time and naturally he does not make much preparation; or, even if he makes preparation, it goes to nothing.

In order to remove all uncertainty which this reshuffling over and over again involves, the hon. Speaker suggested that there should be one ballot for the whole session, and Bills should be taken in the order in which it comes in the ballot. This will enable hon. Members whose Bill have come in the ballot to prepare themselves, as there is very little chance of their preparations going to waste.

When this matter came to be discussed by the committee, it was thought that inasmuch as one month's time is given for Bills and we should have some sort of experience as to how this procedure works, the ballot for Private Members' Bills should be one month; in other words, a single ballot with respect to two consecutive days allotted for Private Members' Bills. The Committee was of the view that in the light of the experience gained, the question of holding a single ballot for an entire session may be considered later on. I am sure the House will agree with this recommendation, as it will remove all uncertainties involved by constant reshuffling.

The other recommendation made is with regard to the lapsing of identical Bills. If a certain Bill is introduced, notice of all other identical Bills on the same subject will lapse. This is due to the fact that if there are a number of Bills on the same subject, and one is moved, the others are simply unnecessarily crowding the list.

They remain on the list for a long time without serving any useful purpose. The Committee was, therefore, of the opinion that provision should be made that when a Bill has been introduced, notices for introduction of an identical Bill shall lapse. In this connection the committee was of the opinion that provision should be made that if the member-in-charge of a Bill is unable, due to adequate reasons, to pilot a Bill after introduction, he may authorise another member to do so, with the permission of the Speaker, so that the Bill may not go unconsidered.

I hope that the recommendations of the committee will meet with the approval of the House and the change suggested will place the procedure governing Private Members' Bills on a more orderly and systematic basis. I commend this report for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

"That this House agrees with the Thirtieth report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th July 1955."

Shrimati Bena Chakravarty (Basirhat): I beg to move:

That at the end of the motion the following be added:

"subject to the modification that when a Bill has been introduced, notice for introduction of an identical Bill will not lapse."

We have heard the arguments of Mr. Altekar. He said that the committee considered that it would be confusing to have so many Bills of an identical nature before the House at the same time. Now, that might sound quite reasonable. But we have also to see how this system of Private Members' Bills has been functioning and what notice Government have been taking of these Bills. Our experience has been that when two, three or four Bills on a subject are introduced. Government makes a statement saying "we are completely in accord with the principles enunciated by the

Bill and Government would bring forward a measure very soon." Nobody knows what happens after that. In such circumstances we want that there should be other Bills which are there as a sort of pressure upon the Government. This will give an opportunity to Members to hammer at the Government.

We know only too well how an important Private Members' Bill has been discussed three times, and three times it has been disposed of with almost identical remarks by Government. That is one of the reasons why we want that identical Bills should be allowed to stay, as a check against the utter light-heartedness with which Government treats these Private Members' Bills.

Secondly, taking a hypothetical case, let us assume that ten hon. Members have given notice of ten identical Bills, though generally speaking not more than four or five Bills of an identical nature are there. We belong to different parties. One particular party considers it prudent to withdraw a Bill; so it advises its Member to withdraw it, while the other party may wish to pursue the Bill. My hon. friend Shri Altekar's reply to that would be: "You have a right to introduce another Bill." My reply to that is it will have to wait for some time, and only after that can I have it balloted and if at all it may come before the House only much later. That is why I feel that this right which we have of introducing identical Bills should remain. The argument of confusion ensuing does not appeal to me, because Members know why an identical Bill has been introduced. We have the practice of identical resolutions being balloted. So, I think this is a right which we should not give up.

Mr. Deputy-Speaker: Amendment moved:

That at the end of the motion, the following be added:

"Subject to the modification that when a Bill has been introduced,

[Mr Deputy-Speaker]

notice for introduction of an identical Bill will not lapse."

Shrimati Maydeo (Poona South):

Sir, I wish to support the amendment moved by Shrimati Renu Chakravarty. One reason is that the importance of a subject can be gauged by the number of identical Bills given notice of on that subject. Supposing we keep only one Bill on the list and the notices of identical Bills on that subject lapse. That one Bill may or may not get a chance in the ballot and may not come before the House. Only when a subject is of such great importance that notices of identical Bills on that subject are given by different Members. So far as I could gather, no confusion could result. I do not feel that it is proper that all other notices should lapse. I, therefore, support the amendment moved by Shrimati Renu Chakravarty.

Shri Altekar: I would like to point out to my lady friends who have urged this point that there is no such thing as pressures on the Government being exerted simply because a number of hon. members agitate the same thing over and over again. It will depend upon the intrinsic merit of any particular Bill, and the fact that so many Members bring it over and over again will not, by itself, give it any additional weight. Any assurance which Government gives is on account of the fact that the Bill is of an important nature, and the assurance is that Government would be bringing a Bill to that effect or some other assurance.

For instance, I would like to point out that there was a Children's Bill which was sponsored here, first by Shrimati Maniben Patel, and which was taken into consideration. It was discussed here. Government gave an assurance and it was adjourned *sine die*. Later on two or three identical Bills came up before the House. Shrimati Usha Nehru's Bill came up. It was discussed for a short time and again, adjourned. Later on Shrimati Jayashri also agitated the same thing,

and the time of the House was taken. Then Government itself brought the Bill; it came before the other House and will be coming here.

Shrimati Renu Chakravarty: It is not the Children's Bill; it is the Licensing Bill.

Shri Altekar: It has therefore to be seen from the point of view that again and again the time of the House is taken. And it is not on account of its being agitated over and over again that Government brings a Bill but when it feels that it is of an important nature and that it should bring it.

I would therefore like to submit that that is not the consideration. And it unnecessarily takes much of the time of the House by bringing the matter over and over again. It may so happen that certain Members, may be thirteen, fourteen or fifteen, may desire that a certain Bill should be brought before the House, and they may all bring it together. That does not by itself mean that because many Members bring it, therefore it is of importance. There may be another important measure, and if it is really of great urgency and has got some weight about it, even if it is sponsored by a single Member Government will certainly take that into consideration. But if there are a number of such Bills of an identical nature brought by others, his Bill will be throttled by those Bills. For the sake of fairplay we should allow each Bill to be brought one at a time. And the urgency and importance of each Bill is taken into consideration at the time of classification. A fair ballot should be allowed to all and—I will not give it any bad name—it should not be the way of arrangement that should give priority for a Bill but ballot itself in a free and proper manner. I think that is a principle which is good.

Shri Kamath (Hoohangabad): Like fair and free elections, Sir?

Shri Altekar: I would like to point out that formerly even for the stage of introduction there was ballot. Now

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there is no such thing. Immediately after a certain Bill is discussed and disposed of, if an hon. Member thinks that it should be brought over again, he can give notice forthwith and after thirty days it can be introduced. There is no difficulty in the way of bringing any Bill before the House immediately, there being no hindrance in the way of its introduction.

Therefore I submit that from all points of view it is desirable that we should accept the recommendation made by this Committee which consists of Members from various Groups in this House who have given their best consideration to the matter. It should be given a fair trial, and it should be so given that there is nothing which comes in the way of any right of any hon. Member in this House. I submit that this motion may be adopted. So far as the amendment is concerned, I oppose it and it should be rejected.

Mr. Deputy-Speaker: Under rule 340 I would like to say a few words. Under this rule "the Speaker may himself, or on a point being raised or a request made by a member, address the House at any time on a matter under consideration in the House with a view to aid members in their deliberations, and such expression of views shall not be taken to be in the nature of a decision."

Shri Kamath: Reading the rule was not necessary. Even without it you could have addressed us.

Mr. Deputy-Speaker: I was afraid of the hon. Member!

I presided over this committee—it is not because of that, that I want to say this—but I want to place a few points for the consideration of the House. There are some cases where there may be ten Bills with an omnibus notice, or half a dozen Members in each case may have tabled motions. In the case of these Bills there will be forty different entries—the same Bill in the agenda for the further discussion of

the motion, for the consideration, motion, for reference to Select Committee, for circulation, etc. In addition to these, there will also be entries for introduction in the names of other Members who have not introduced the Bill.

In order that this change in procedure may not operate harshly, the Committee has also recommended that provision should be made that if the Member-in-Charge is unable to come he or she may authorise any other Member to proceed with the next stage. Shrimati Renu Chakravartty said it may be that the other person may belong to another party and therefore may not be interested. If the Member makes an attempt to withdraw the Bill, even if there is a single vote against it, it will not be allowed to be withdrawn; it will be put to the vote of the House. If the whole House is against her, nobody can help her. It assumes that the rest of the majority are with her. If somebody wants to withdraw the Bill, he cannot on his own motion do so when once it has been introduced. It must be done only with the consent or by the leave of the House even if there is one Member who opposes that motion. That is well known. When the leave is granted, the House itself throws it out; it is as good as that.

I will give one or two instances where the existing procedure has obstructed further progress of business. The Women's and Children's Institutions Licensing Bill was given notice of by a number of hon. Members. Shrimati Maniben Patel introduced it on the 14th August, 1953; it was discussed later on the 23rd April, 1954 and again in September, 1954, and then the debate was adjourned. Then again, Shrimati Uma Nehru introduced the Bill on a particular date, it was discussed later, and the debate was adjourned. The same Bill was introduced by Shrimati Maydeo and Shrimati Kamalendu Mati Shah. Then, Shrimati Jayashri introduced the Bill, it was discussed, and the debate was adjourned. The complaint of Shrimati

[Mr Deputy-Speaker]

Renu Chakravarty is that Government are not helpful. It is not as if conscientiously the opponent will give his support. Every hon. Member who introduces a Bill must be prepared to convince the House itself and then get its vote. If the Government itself is against it, against whom can she complain? If the Government says "No no, adjourn it", and the hon. Mover consents, he must thank himself and none else.

Under these circumstances this change is necessary. There may be other Bills which are important. As a matter of fact, if the hon. Member Shrimati Renu Chakravarty had given notice of it she might have persisted and gone on with it; but the others have not done so. Merely because it is open to any hon. Member who introduces a Bill to carry on with it or not to do so, on that ground are we to allow a number of Bills, forty Bills, of the same nature to block all the other Bills?

Shrimati Renu Chakravarty: It won't block.

Mr. Deputy-Speaker: If all these come up?

Shrimati Renu Chakravarty: Can all the Bills come up?

Mr. Deputy-Speaker: There will be forty of them, and they will block the further consideration of any other matters. Therefore, hon. Members will take notice of this. The rule may be framed today, and if there is any inconvenience, it can be changed. Let us try this experiment. Under these circumstances, hon. Members will kindly consider if it is necessary to accept this amendment.

The question is:

That at the end of the motion the following be added:

"Subject to the modification that when a Bill has been introduced, notice for introduction of an identical Bill will not lapse."

The motion negatived.

Shrimati Renu Chakravarty: I would like to know what is going to happen to those identical Bills which have been introduced if we pass this motion of Shri Altekar. Will they automatically cease?

Mr. Deputy-Speaker: Notices only will lapse. If the introduction stage is passed they are here and they won't lapse. They have been introduced and the House is seized of it; and, therefore, they, will continue. Whatever has happened has happened and it is only for the future. There is no retrospective effect.

The question is:

"That this House agrees with the Thirtieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th July, 1955."

The motion was adopted.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-SECOND REPORT

Shri Altekar: (North Satara): I beg to move:

"That this House agrees with the Thirty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd August, 1955."

In this there is only the question of the classification of the Bills and the allotment of time. It is stated in the report and I need not add anything to it.

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Thirty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 3rd August, 1955."

The motion was adopted.

INDIAN PENAL CODE (AMENDMENT) BILL

(Amendment of section 429)

Pandit Thakur Das Bhargava (Gurgaon): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

(Amendment of section 12)

Shri Dabhi (Kaira North): I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929."

The motion was adopted.

Shri Dabhi: I introduce the Bill.

FACTORIES (AMENDMENT) BILL

(Substitution of section 59)

Mr. Deputy-Speaker: **Shri A. K. Gopalan.**

Shrimati Renu Chakravarty (Basirhat): Sir, I have been authorised to move it.

Mr. Deputy-Speaker: There is no question of authority to move this. It is only after it is introduced.

An Hon. Member: Will it apply to the treasury benches?

Mr Deputy-Speaker: No; it does not apply. I will wait till hon. Members

Bill

come to this side. Hon. Members know too well that a number of people, **Shri Gopalan**, **Shrimati Renu Chakravarty** and others may join in this Bill or if she also undertakes the responsibility of signing the Statement of Objects and Reasons, certainly she could move it. The rules are a little different in respect of Private Members.

Shrimati Renu Chakravarty: I would just ask for clarification, for I had a feeling that this is going to happen.

Mr. Deputy-Speaker: It is under the original rule.

Shrimati Renu Chakravarty: Sir, we were told that we should not give notice of identical Bills. Then we are told anybody may introduce a Bill.

Pandit Thakur Das Bhargava (Gurgaon): The rule is there. No person can move for leave to introduce a Bill for another.

Shri Altekar: One Member cannot introduce for another; once it is introduced, one Member can proceed for another.

Mr. Deputy-Speaker: I am afraid the hon. Member has misunderstood the scope of the rule that has been passed. There is no objection to the tabling of any number of motions for leave to introduce Bills. But, when once a Bill is introduced and the House has taken possession of a particular Bill, then notices of other Bills will lapse. That is all. The Bill is there and in case the author of the Bill cannot attend for any reason he can authorise any other person to carry on with the further stages of the Bill. This is absolutely different. Under the existing rule nobody can authorise another Member to move for leave to introduce except in the case of a Government Bill where one Minister can authorise another. It is not so, so far as non-officials are concerned. The hon. Member will read the rule. **Shri Gopalan** is absent.

Shrimati Renu Chakravarty: This is a question of restricting our rights.

Mr. Deputy-Speaker: This rule has not been amended.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL*(Amendment of section 435)*

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the Bill of Shri Raghunath Singh further to amend the Code of Criminal Procedure, 1898. The time allotted was one hour and a half and the time taken already is 41 minutes. So, we have 49 minutes.

Pandit K. C. Sharma (Meerut Dist.—South): Sir, though the Bill is a very small one it is a very important one. It seeks to amend section 435; that in sub-section (1) of that section after the words 'any sentence' the words 'or order' be added.

Section 435 gives the revisional power to the High Court and other appellate courts like the Court of Session and the District Magistrate. Those powers are to 'call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record'.

Now, if you analyse the section, you will see that the purpose is for verifying the correctness, legality or propriety of any finding, sentence or order and also the regularity of any proceedings. When the revision is filed, the staying or suspending of the revisional court is only the execution of the sentence, leading to the liberty of the citizen. Of course, it is important. But, in certain other cases there may be more important questions involved and much harm may be done if the power to suspend the execution of the order is not given. This question arose in a case in the Calcutta High

Court. The High Court held—it was a case under section 145 of the Code of Criminal Procedure—

"Moreover where the party is once put in possession by the trial court under section 145, the Sessions Judge, acting under section 435, has no jurisdiction to order his eviction and put some one else in possession. He has only power to decide the question of possession. The final exercise of such power would amount to usurping the powers of the High Court. All the power the Sessions Judge has in this respect is to report the matter to the High Court. The sessions judge, when calling for the record of jurisdiction will direct that the execution of a sentence be suspended. An order directing a party to put in possession in proceeding under section 145 is not a sentence in any sense of the term. The sessions judge has no powers under section 435 to suspend the order for possession."

3 P.M.

This ruling has been followed by Allahabad where it has been held that the order passed by the sessions judge releasing the attachment made in proceeding under section 145, Criminal Procedure Code, against which an application for revision was pending before him was without jurisdiction.

I would like to bring to your notice some cases. Suppose a mill is working under a municipal licence for over ten years and a magistrate on the ground that no length of enjoyment could confer a right for a nuisance to be continued, passes an order that the mill be closed. Now, a mill employing over 2,000 workers is closed and a lot of loss has occurred to the public and to the millowner. The High Court, on the other hand, can hold that a mill working under a municipal licence and under the conditions obtaining in that particular case is not a nuisance at all. If a stay order is

not within the jurisdiction of the revisional court, then lot of loss could happen to the millowner and also to the public.

Take a case under section 133. Suppose a pucca building is encroaching on the road. The magistrate holds that a citizen has the right not only to walk on the road but to have every inch of the land on the road and, therefore, even a small piece of land encroached by a pucca building is a nuisance and must be removed. The magistrate passes an order for the removal of the building under section 133 of the Criminal Procedure Code. When the case goes for revision to the high court, the high court holds that in cases like this it is the civil court that has jurisdiction and the magistrate has not the summary jurisdiction under section 133. The final order is in favour of the party, but meanwhile suppose the magistrate gets the building demolished, what an irreparable loss would have occurred!

Again, under section 145 where the case is put before a magistrate in which this ruling has been given—both in the High Court of Calcutta and High Court of Allahabad—the land passes in possession to a particular party and the possession is wrong in law. Very valuable crops are standing, they are reaped and ultimately justice is done to the party in whose favour the possession should have occurred. Meanwhile lot of valuable crops passed to the other party and he has reaped them. It is not possible now to get into the damages to the extent that the crops have value. My respectful submission is that once having given the powers to the courts.....

Shri Kamath (Hoshangabad): I am sorry to interrupt, but I do not want my friend Pandit Sharma to speak when there is no quorum in the House. There are about 30 or 35 Members now.

Mr. Deputy-Speaker: The number is 35 and not 33 as the hon. Member said.

Shri Kamath: I said 30 to 35 Members.

Mr. Deputy-Speaker: Very well, there is no quorum.

I shall have the bell rung.

Mr. Deputy-Speaker: On a non-official day, to demand quorum from time to time will be more injurious to the Opposition.

Shri Kamath: We are the President's Opposition.

Mr. Deputy-Speaker: There is quorum now and the hon. Members will kindly continue to sit here.

Shri Kamath: Or sent substitutes, when they go out.

Pandit K. C. Sharma: My respectful submission is that the purpose of calling for the record is with regard to the correctness, legality or propriety of a finding, sentence or order passed. It passes one's commonsense how an illegal order may be allowed to be carried out. If the legality is in question and the sessions judge or the high court on the face of it finds the order illegal, there is no sense in allowing that order to be carried out till a final order is passed, which takes time in the revisional jurisdiction of the high court for a case to come up for hearing. Meanwhile irreparable loss would have been done. Apart from the magnitude or the quantity or the amount of the loss, the very fact that an order is illegal is a reason why it should not be allowed to be carried out or executed. Once a revisional court, by the mere looking into the file, comes to the conclusion that the order, on the face of it, is illegal, it should be suspended or stayed, and such a power should be given to the revisional court. It is commonsense and is a simple demand of justice and nothing against it can be stated. I appeal that the House would agree that this amendment should be carried out because it is very necessary and is in the interests of justice and commonsense, and the law demands it.

Shri Mulchand Dube: (Farrukhabad Distt.—North): As far as I can see, my hon. friend loses sight of the fact that the sessions judge's order is not a final order. The powers of the sessions

[Shri Mulchand Dube]

judge are confined to making a recommendation to the high court and the high court may or may not confirm the order passed by the sessions judge. During this time, if the order of the sessions judge is carried out—to begin with, say that the possession is restored to the person from whom it had been taken away by the order of the magistrate—and if the high court comes to a different conclusion, the result will be that by the time the high court has decided the matter finally, possession may have changed twice. My submission is that in the case of a sentence of imprisonment, where the question of liberty is concerned, the session judge has been rightly given the power, but so far as the question of civil rights in regard to property is concerned, those rights are not being given to the sessions judge because the order of the sessions judge is not final.

The Deputy Minister of Home Affairs (Shri Datar): I concede at the outset that there has been an omission in this respect. But there has been an omission in the law and so far as the purpose of this Bill is concerned, there is nothing to which an objection can be taken.

Shri Raghunath Singh (Banaras Dist.—East): Thank you.

Shri Datar: My only difficulty is this—the question whether this Bill is to be accepted as it is or whether the matter should be left to the Law Commission or whether we should introduce a Bill. Government are prepared to introduce a Bill after consulting the State Governments. The policy that we generally follow in this respect is that, because the State Governments are mostly concerned with the administration of criminal law, without consulting them we do not bring forward any Bill of the nature that has been placed before the House by my hon. friend. If my hon. friend is prepared to accept my assurance that immediately we shall be making a reference to the State Governments and after obtaining their consent—about which I have no doubt whatsoever—Government will themselves

bring forward a Bill if this House considers that the matter is very simple and need not go even to the Law Commission. I again repeat my opinion that the particular omission here is inadvertent. Difficulty is likely to be felt because in the course of the same provision at an early stage you will find that in section 435 we have used the words 'findings, sentences or order'. So far as 'finding' is concerned it is not operative but 'sentence and order' are operative. Ordinarily these two words 'sentence, order' ought to have been repeated but only the word 'sentence' has been mentioned and therefore, I am in full sympathy with the desire of the hon. Member and if he consents to have the Bill withdrawn, we shall take the opinion of the State Governments immediately and we ourselves shall bring forward a Bill.

Shri Raghavachari (Penukonda): This Bill was introduced in 1953 and all these days it has been pending. I suppose the Government knew that a Bill of this kind is on the anvil of the House. Then, what prevented them from consulting the State Governments? Why should they wait till the day on which the matter has actually come up for consideration and say now that they would like to take this up with the State Governments?

Pandit Thakur Das Bhargava (Gurgaon): I beg to raise a constitutional question. My friend the Deputy Home Minister was pleased to say that the Bill was all right. But the Government take exception that they had not consulted the State Governments and that they would themselves bring a Bill. What is the use of a private Member bringing a Bill if ultimately it is good also and the Government also say so but they say that they alone will take the responsibility for bringing a Bill. I should think that the Bill be stayed for sometime. Let the hon. Minister take the views of the State Governments. If he wants to pass a Bill, let the private Member get it passed because he had found out the mistake.

Why did not the Government find out the mistake when the Criminal Procedure Code was amended. If the hon. Member agrees, I would rather like to suggest that this Bill be stayed till such time as Government take the views of the local Governments. I would urge that so far as private Members' Bills are concerned, their Bills should be treated in the same way as the Government Bills.

Shri Datar: I have no objection to accept the suggestion of my hon. friend. This Bill may be stayed over till the next session; meanwhile we shall get the opinion of the State Governments.

Shri Raghunath Singh: I agree to it.

Pandit Thakur Das Bhargava: I beg to move:

"That the debate on the Bill be adjourned till the next session."

Mr. Deputy-Speaker: We cannot fix any date now. The question is:

"That the debate on the Bill be adjourned."

The motion was adopted.

INDIAN REGISTRATION (AMENDMENT) BILL

(Insertion of New Section 20A)

Shri S. C. Samanta (Tamluk): I beg to move:

"That the Bill further to amend the Indian Registration Act, 1908, be taken into consideration."

The section that I intend to put in runs thus:

"Any document which mentions cast and religion of the parties shall be refused for registration by the Registrar or Sub-Registrar and such officers shall not enquire about them while registering documents."

The main object why I am bringing this Bill before the House is this. We in villages very often encounter some difficulties. I have seen with my own eyes so many documents refused by

Sub-Registrar in the Registrar's Office simply because one was not ready to mention one's sub-caste or religion. All castes and religions should be written in the documents. The time has now come when Government should come forward to deal with these things. We have experienced so many calamities on account of caste. Swami Vivekananda, Mamatma Gandhi and other great personalities of India—all spoke against the present system of caste because it has spoiled us and we are going to do penance for it. At this hour, should not the Government bring a full-fledged Bill to do away with the caste system? Should they not accept this simple amendment which will be much beneficial to the people?

In section 20, there is provision for refusal of registration of documents. The question may be asked: is there any provision in the Indian Registration Act of 1908 that the caste or religion should be mentioned in the documents? There is none. If you go through the whole Act, there is no mention of it anywhere. Still the Sub-Registrar can demand that there should be mention of caste and sub-castes and religion and when he asks anybody as to what caste or religion he belongs, he must give an answer; or else his document will be refused; it will not be registered. Then the man who is presenting the document may go to a court. But there are other provisions which make the Sub-Registrar safe.

Section 34(3) (b) says:

"No document shall be registered under this Act unless the persons executing such documents or their representatives or assignees or agents authorised aforesaid appear before the register office within the time allotted for presentation under sections 23, 24, 25 and 26. The registering officer shall thereupon enquire whether or not such document was executed by the persons by whom it purports to have been executed, satisfy himself as to the identity

[Shri S. C. Samanta]

of the persons appearing before him and alleging that they have executed the document."

So, there is one provision with regard to identification. Then according to section 84(2) every person shall be legally bound to furnish information to such registering officer when required by him to do so. Again, section 86 says: no registering officer shall be liable to any suit, claim or demand by reason of anything done in good faith or in his official capacity. If you go to the court he will say: "In good faith, to make his identity more clear to me I asked him for his subcaste and religion". Therefore, I would request the Government at this hour to prevent this sort of things and to take care in accepting the amendment that I am proposing.

Sir you may say that at present there is no rigidity of caste system. But there are even now in mofussil villages the rigours of caste system. Why should we be so much fond of keeping these things in the statutes of Government. About this caste Shri Tribhovandas Mangaldas Nathubhai in 1903 wrote in this book *Hindu Caste Law and Custom* that each caste has been as it were a separate.....

An Hon. Member: A separate nation.

Shri Kamath (Hoshangabad): In 1903? That was 50 years ago.

Shri S. C. Samanta:.....centre of national life isolated from the whole world and what do we find at the root of all this mischief? It is the false theory of birth-right which is accepted by caste as well as by the courts also.

Shri Kamath: Not so bad now.

Shri S. C. Samanta: This system arose from the social order. The old social order may become corrupt.

Sardar A. S. Saigal (Bilaspur): Must be revived.

Shri S. C. Samanta: But, why should not the Government look to the courts and statutes where those things are still existing?

Mr. Deputy-Speaker: Why has the hon. Member chosen only registration of documents?

Shri S. C. Samanta: Because our registrars are so much fond of caste and sub-castes to be written in the documents and that is why I am pointing it out.

Mr. Deputy-Speaker: In the census also there is column for caste and sub-caste.

Shri N. B. Chowdhury (Ghatal): That is for a definite purpose in order to ascertain the number of persons belonging to Scheduled Caste and Scheduled Tribes.

Mr. Deputy-Speaker: Why should other castes be given? Wherever it is necessary only Scheduled Castes may be mentioned.

Shri N. B. Chowdhury: Later on difficulties may arise as to whether a particular person belongs to Scheduled Caste or not.

Mr. Deputy-Speaker: Even now it may arise. Every man may call himself a Scheduled Caste to get some scholarship.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): There may be only Scheduled Castes and non-Scheduled Castes.

Shri S. C. Samanta: Then there is another angle from which we can look at the question. If there has been no mention of caste or religion in a document, in what way it may become invalid? The identity of the person is required. When that identity is proved by villagers, witnesses and other things, mention of caste is an additional thing. Hereafter that should not be written. That is my contention.

This is also a concurrent subject. I have come to know that in some States they have issued instructions that caste and sub-castes need not be written in the documents.

Shri Kamath: In Bengal.

Shri S. C. Samanta: No. It is not Bengal but it is in Uttar Pradesh and some other States.

The Minister in the Ministry of Law (Shri Pataskar): In U. P. they have abolished it.

Shri Kamath: Abolished caste?

Shri S. C. Samanta: They have issued instructions to the effect that the documents should not be rejected or refused for registration simply because there is no mention of caste or religion in it. So, there is something which is being done by some State Governments. In order to bring uniformity throughout the length and breadth of the country I may request the hon. Minister to consider my amendment which is just and which is already being done by some States.

Mr. Deputy-Speaker: Is there any provision under the Indian Registration Act which makes it obligatory on any party to a document to mention his or her caste?

Shri Pataskar: Sir, I will explain the legal position. The legal position is that under section 58 of the Registration Act it lays down:

"On every document admitted to registration other than a copy of decree or order or copies sent to registering officer under section 89, there shall be endorsed from time to time the following particulars:"

In the particulars mentioned are

"(a) Signature and addition of every person admitting the document."

The word "addition" is defined in clause 2 of the Indian Registration Act. It says:

"Addition means the place of residence and the profession, trade, rank and title of the person described and in the case of an Indian his caste, if any, and his father's name."

So, whenever a document is brought forward under section 58.....

Mr. Deputy-Speaker: So, this has to be amended, that is all.

Shri Pataskar: That is what I was going to say. What is to be done will be to change this "addition".

Mr. Deputy-Speaker: "And in the case of an Indian his caste, etc." will have to be omitted.

Shri Pataskar: Even now, supposing a person comes and says: "I have no caste", I do not think his document will be rejected.

Mr. Deputy-Speaker: He may have a caste for his personal purpose. He need not say that.

Shri Pataskar: That is a matter to be considered and that can be done.

Mr. Deputy-Speaker: That can be done if the Government is agreeable.

Sardar A. S. Saigal: They can bring a Bill.

Shri Pataskar: I only wanted to point out at this stage the provisions so that I may hear the hon. Member.

Mr. Deputy-Speaker: What is the attitude of the Minister with regard to this Bill?

Shri Pataskar: My attitude is that I agree with the motive underlying the Bill, but, so far as the present amendment is concerned I do not think it will serve the purpose.

Mr. Deputy-Speaker: But if the hon. Member is prepared to have an amendment of this section and the House accepts it then this may be dropped.

Shri Pataskar: Then also there is difficulty. The whole conception of the amendment proposed is that any document which mentions caste and religion shall be refused.

Mr. Deputy-Speaker: He has put it strongly; there is no insistence.

Shri Pataskar: That is going beyond the object of it.

Mr. Deputy-Speaker: If there is no insistence then nobody will give.

Shri Pataskar: What the Government would like to do is that instead of accepting the Bill in this form—it is not possible to do so and it will not serve any purpose—they could consider the question of amending section 2 of the Indian Registration Act.

Mr. Deputy-Speaker: Or, after section 4, clause (2), you may substitute the words.

Shri Pataskar: The caste may be dropped, but in that case also, there will be a difficulty. The form of the Bill will be different. This subject being under the concurrent list, naturally, we would like to consult the State Governments also. As I said, only one State, namely, Uttar Pradesh, has issued some order with respect to documents generally, and I think it will carry out what the intentions of my hon. friend are in this matter. We would like to consult the State Governments and do what we can, so far as the amendment of the definition is concerned.

Shri S. C. Samanta: In view of the reply of the Government, I would not press my Bill for being taken into consideration. My sole intention is that this mention of caste, religion, etc. should go.

Mr. Deputy-Speaker: My difficulty is this, and that will be the difficulty of the House also. So long as the definition of the clause stands, one cannot be inconsistent with another. In one portion it is stated that there is an addition to the definition, and in another portion, it is said, "And in the case of an Indian, the caste shall be noted". So long as it is not amended, it will continue. If the House accepts the amendment moved by Shri S. C. Samanta, it will mean that the Registrar will be dismissed even if a document is received with the mention of

the caste in that document. In one case, the Registrar is bound to ask the person to give his caste and in another case he is asked to reject the document showing the caste. In between the two, what has the poor Registrar to do? Therefore, unless clause 2 is amended, there would not be any purpose in pushing through this Bill.

Shri S. C. Samanta: I would have been glad if the hon. Minister had agreed to this amendment also, but as he is feeling a difficulty—he wants to consult the State Governments also in this matter because this is a concurrent subject—I would be glad if I am informed by the hon. Minister that such action will be taken in the near future. Then, I have no objection to it.

Shri Pataskar: I would like to explain the position. No doubt Members will be aware that this question might be raised in some form or other and with respect to some other Acts also. There was a committee known as the Diwaker Committee which was appointed as a result of a resolution passed by this House. That committee was appointed to go into the question as to what extent and how far caste need not be mentioned in any document or forms which Government have to maintain. That committee submitted its report, I think, in 1949 or so; I am not sure of the year. Then suddenly it was found that the abolition of caste in documents etc., is not such an easy matter, because the Constitution gives certain privileges to certain backward people besides the Scheduled Castes and Scheduled Tribes. In fact, as the House is aware, last time, when we were considering the Delimitation Commission (Amendment) Bill, this question arose. You also know that the trouble arose this way: when the census was taken, Government rightly issued an order that no caste should be mentioned. The result was that at the time when reserved seats were to be found for particular castes, there was hardly any record. There were complaints that the records were incorrect.

Naturally we found that the position was not so simple. It is difficult to say, with one stroke of the pen, that all castes should go and not be mentioned in any document or anywhere. The Diwakar Committee's report is now kept pending. Ultimately, it appears that the Uttar Pradesh Government have issued instructions to their officers, not with respect to this Act but with respect to other documents coming before them, that except in cases where for the purposes of voting, etc., caste should be given, the caste need not be given in all documents. So, the problem is solved as far as the Uttar Pradesh Government is concerned.

With respect to other State Governments also, there had been some correspondence, especially with the Bihar Government, but ultimately nothing seems to have happened.

When this Bill came up, I looked into the matter and I found that the position, so far as the Government is concerned, is pending consideration, since the Diwakar Committee's report is still pending consideration. In the meantime I found that the amendment which is now proposed is very laudable in its motive, but naturally, as the Chair has rightly pointed out, if we accept it, it would be inconsistent with what is laid down already in the Act. There is an addition to the definition in the Act. So, on the one hand we will be telling the Registrar that he should record the caste and on the other hand we will be telling him not to do so.

Another significant point, which can be said to be in justification of this amendment, is this. I have found in villages that certain Governments have insisted on the mention of caste in the documents, not with the point of view of accentuating the caste distinction but to distinguish the persons who possess the same names. In villages it does happen occasionally that there are two persons with the same name, say, Tukaram Ekanath. So, for the purpose of distinguishing the persons of the same name, it will be useful to mention

the castes. Sometimes the age of two persons of the same name may also be the same and in that case also, the mention of caste would be useful.

Mr. Deputy-Speaker: Sometimes, the father is also named Tukaram Ekanath!

Shri Pataskar: Yes; though the grandfather's name may differ.

Mr. Deputy-Speaker: Therefore, we must refer to the third generation.

Shri Pataskar: So, I am in entire agreement with the object of the Bill and I think caste should not be mentioned, because it indirectly accentuates a sense of distinction that one belongs to such and such a caste and another man belongs to such and such a caste. So far as the object of the Bill is concerned, we are in entire sympathy but I must tell the hon. Member that there will be no useful purpose served by pushing on with this Bill. I have no reluctance in accepting the Bill simply because it is sponsored by a private Member, but I find that it is not consistent with the existing provisions. I can give him only one assurance, and say positively that we shall consult the State Governments and do whatever is possible to amend the Registration Act, in proper time. I cannot say that it will be done within a particular time. We will consult the State Governments and put the subject before the Central Government. I am sure the Government will sympathetically consider the matter and do whatever is necessary.

Shri B. K. Das (Contal): I want to know whether Government have given effect to any of the recommendations of the Diwakar Committee. The hon. Minister pointed out that there are difficulties in doing away with the caste altogether and that certain constitutional provisions come in the way. That may be so. But barring this, there are cases where the caste need not be mentioned, as in the present case. But has the Government given effect to any of the recommendations of the Diwakar Committee so far?

Shri Pataskar: I think I have made it perfectly clear that the Diwakar

(Shri Pataskar)

Committee's report was a general one, and was applicable to all sorts of government documents. The Government found in the case of the census that because caste was not mentioned they were launched into trouble. There has been so much of discussion and Government is still considering what part of the recommendations is to be implemented. We accept the principle of this Bill. There is no doubt about that matter. Nobody wants to accentuate the caste. I think the Law Commission the formation of which was announced today will now go into the matter. All these things will be considered in detail.

Even now, the wording of clause 2 is such that a man may refuse to give his caste. I know of eminent people having done so. For instance, the late Justice Madgaonkar, when he was asked to mention his caste, refused to mention it and said "I do not believe in caste and I belong to no caste". Suppose that is the feeling, any man may refuse to give his caste and nobody can compel him.

Mr. Deputy-Speaker: With all respect, I must say that if a particular man, belonging to a caste refuses to give out his caste, the Registrar must refuse to register his document, if necessary.

Shri Pataskar: Public opinion now is also gathering. If a person says that he does not belong to any caste, the document will have to be registered.

Mr. Deputy-Speaker: This is for a limited purpose and it is not going to interfere with the Constitutional aspects or rights or privileges

Shri Pataskar: The State Governments may enact suitably.

सरकार के दफ्तरे सदन में : सर से प्रश्न है कि कानून को संघीयता का दिशा देना।

Shri Pataskar: Is there any difference between what the hon. Member is saying and what I am saying?

Shri Dabhi (Kaira North): May I take it that the Central Government after consultation with the State Governments will bring in an amendment to the effect that no caste or sub-caste should be shown?

Shri Pataskar: The only point is that the purpose should be served; it does not matter whether the Central Government does it or the State Governments do it.

Shri A. S. Saigal: May I know how many State Governments have introduced this in their States?

Shri Pataskar: So far as I am aware, there is only one State Government which has introduced this.

Shri S. C. Samanta: I have come to learn that Government is at one with the object I have indicated in the Bill and that there is some technical difficulty. The hon. Minister on behalf of Government is giving an assurance that he will try to rectify this defect in the Registration Act.

Mr. Deputy-Speaker: The hon. Minister says he will do it positively.

Shri S. C. Samanta: In view of the assurance given by the hon. Minister on behalf of the Government, I beg for leave to withdraw the Bill.

Shri Sarvagadhar Das: I want a clarification. Government are determined to establish a classless and casteless society; classes will never be abolished under their regime, but as far as caste is concerned, five years have elapsed since the Constitution was adopted, and yet no attempt has been made to remove the caste system. May I ask the hon. Minister if this matter will come up before the Law Commission or whether it can be taken up before that?

Shri Pataskar: I do not think that we should go to the Law Commission so far as the object of the present Bill is concerned.

Mr. Deputy-Speaker: The hon. Minister has said already that it is in the concurrent list and therefore he wants to consult the various State Governments. So far as the Central Government is concerned, it does not find any difficulty in accepting the limited purpose of the Bill. So far as the Indian Registration (Amendment) Act is concerned, this need not go before the Law Commission. It is only a question of time. Under the circumstances, the hon. Member moves for leave to withdraw the Bill. Is the House agreeable to leave being granted to withdraw the Bill?

Hon. Member: Yes.

The Bill was, by leave, withdrawn.

FACTORIES (AMENDMENT) BILL

(Substitution of section 59)

Shrimati Renu Chakravarty: I have got permission from Shri A. K. Gopalan not only to introduce this Bill, but also to pilot it in this House. I request that I may be allowed to introduce the Bill.

Mr. Deputy-Speaker: The practice has been that if any hon. Member is not able to be present to move for leave to introduce a Bill, he can authorise any other Member to do so, but on one condition, namely, that the subsequent stages of the Bill are also entrusted to that particular person who is authorised to make the motion. In this case, the authorisation is there and there is no difficulty.

Shrimati Renu Chakravarty: I beg to move for leave to introduce a Bill further to amend the Factories Act 1948.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1948".

The motion was adopted.

Shrimati Renu Chakravarty: I introduce the Bill.

WORKMEN'S COMPENSATION (AMENDMENT) BILL

(Insertion of new section 3A)

Shrimati Renu Chakravarty: I beg to move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923.

Mr. Deputy-Speaker: The Bill is in the name of Shri A. K. Gopalan.

Shrimati Renu Chakravarty: I have already obtained permission.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the workmen's Compensation Act, 1923".

The motion was adopted.

Shrimati Renu Chakravarty: I introduce the Bill.

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL

(Amendment of sections 2 and 4)

Pandit Thakur Das Bhargava: I regret very much that advised as I am I do not want to make this motion today.

Shrimati Renu Chakravarty: Should he not withdraw the Bill?

Mr. Deputy-Speaker: The hon. Member cannot be compelled to make the motion. He should move for leave to withdraw the Bill only if he has moved the motion for consideration. Though he has given notice, he has not moved it. It is as good as his being absent.

BENARES HINDU UNIVERSITY (AMENDMENT) BILL

(Amendment of section 17)

Shri Raghunath Singh (Benares Distt.—Central): I beg to move:

"That the Bill further to amend the Benares Hindu University Act, 1915 be taken into consideration."

Mr. Deputy-Speaker: One and a half hours are allotted for this Bill.

श्री रघुनाथ सिंह : काशी विरसीपछालय के इस विधेयक के सम्बन्ध में मैं यह कहना चाहता हूँ कि कोर्ट को अधिकार दिया गया है कि उन के पास जो सुझाव मंगे जायें उन को वह अस्वीकार कर सकते हैं, उक्त पर नकारात्मक प्रस्ताव पास कर सकते हैं, लेकिन उन को स्वीकार करने का अधिकार नहीं है।

[PANDIT TRAKUR DAS BHARGAVA in the chair.]

इस बिल संघर्ष में मेरा संशोधन यह है कि कोर्ट को वह अधिकार भी देना चाहिये कि जब यह किसी विषय या किसी बात को नहीं चाहते हुए उस को स्वीकार कर सकते हैं तो अगर वह किसी बात को चाहते हैं तो उस को स्वीकार भी कर सकते हैं। काशी विरसीपछालय की कंसल्टींग में यह देखा गया है कि बहुत अच्छे अच्छे सुझाव आते हैं, अच्छी अच्छी चीजें आती हैं, उन के सामने प्रस्ताव आते हैं, लेकिन वह उन प्रस्तावों को अस्वीकार तो कर सकते हैं, अच्छे से अच्छे सिद्धान्त को अस्वीकार कर सकते हैं लेकिन इस बात को सांघर्ष हुए भी कि यह सिद्धान्त बहुत अच्छा है, हिन्दू यूनिवर्सिटी का इस से कायदा होगा, उन को उस को स्वीकार करने का अधिकार नहीं है। इस विषय में कहना चाहता हूँ कि सिद्धान्तः कोर्ट को स्वीकार करने का भी और अस्वीकार करने का भी, दोनों का अधिकार होना चाहिये। मैं आप से यह प्रार्थना करता हूँ कि हिन्दू यूनिवर्सिटी विधेयक में जो डोट सा संशोधन मैं प्रस्तुत कर रहा हूँ, उक्त को आप स्वीकार करेंगे। और इसी विषय स्वीकार करे कि कोर्ट का जो डेट-अफ-कंसल्टींग है उस में इस से बहुत सद्सिचय हो जायेगी। आजकल होसा यह है कि कोई चीज जब कोर्ट से सामने आती है और कोर्ट समझती है कि वह एक अच्छी चीज है लेकिन वह उस पर अपनी कोई राय नहीं दे सकती है। यह चीज फिर सिंसिस्ट के पास जाती है और सिंसिस्ट को राइ है, चाहे वह उक्तको स्वीकार करे अथवा अस्वीकार करे। इस तरह से एक

चौख दो दो और तीन तीन साल तक पेंस रहती है और उसके बारे में कोई कस्रत नहीं हो पाता। इस बिल में अनुरोध करता हूँ कि इस बिल को जो कि एक बहुत ही छोटा सा बिल है, स्वीकार कर लिया जाये।

Mr. Chairman: Motion moved:

"That the Bill further to amend the Benares Hindu University Act, 1915, be taken into consideration."

Shri N. B. Chowdhury (Ghatal): This is a very small measure and in the last session itself when this Bill was likely to come up for discussion I gave notice of an amendment. Now, I do not want to move that amendment, but I want to make a few observations with regard to this small measure.

I support the amending Bill as brought forward by Shri Raghunath Singh. In this connection I would like to state that the position of this University is rather anomalous so far as the day-to-day work is concerned. This big university is one of the few universities that are receiving liberal grants from the Government of India and the country is certainly very much interested in a university of this magnitude. But here what we find is that although the Benares Hindu University Act was passed in 1915 and there have been several amendments, the constitution of the University Court and the law relating to the regulation of this University has not been democratized. According to the Constitution of this University, according to the Benares Hindu University Act, a large number of Princes were members of the Court, and according to the provisions of this Act any person contributing a certain amount was to be a member of the Court. In this way this University turned out to be controlled mainly by persons who could contribute a large amount of money, and most of the Princes of these Indian States were associated with it. Now times have changed and in this new set-up this old constitution of the Benares Hindu Uni-

versity requires to be changed. So, in addition to this small measure that has been suggested by the hon. Mover of this Bill the Act itself has to be replaced by a comprehensive amending Bill which will include provisions in order to democratise the constitution of this institution. So, while supporting this measure, I would request the Government to look into this matter, to go into this question of the Benares University Act and the working of this institution and take steps for introducing a more comprehensive Bill so that the regulation of this University may be consistent with the new set-up that we have now and also the new society which we are aiming at.

Shri D. C. Sharma (Hoshiarpur): I am afraid the Bill which has been proposed by my friend Shri Raghunath Singh is very limited in its scope, but it calls our attention to a very major problem. The major problem is this, that most of the universities that exist in India at present are working under statutes which are reminiscent of those times which are happily gone or which are in the course of vanishing. I know there are some Universities which have amended their Acts. For instance, the Lucknow University has amended its Act. The Allahabad University has done something like that. The Agra University has also done something like that. Now, there are some universities which are undergoing transformation and their transformation is in accordance with the social and academic urges of the times through which we are passing. But I am afraid that this Benares University is still working under a very old law.

So far as I remember, the Benares University and the Aligarh University were the two universities which were brought into being to serve as model universities. Of course, they were model not in one sense. They were in some ways thought to be universities which catered for the needs of particular communities. I do not call them model from that point of view. It does not mean that the Muslim University

did not admit Hindu students and the Benares University did not admit Muslim students. It does not mean that. But the very names Benares Hindu University and the Aligarh Muslim University showed that these universities had the odour—I do not want to use the words “bad odour”—of being in some ways communal. You must be remembering that we have been saying that the word “Hindu” should be taken away from the Benares Hindu University.

Mr. Chairman: I am afraid this is not relevant at all so far as this Bill is concerned.

Pandit K. C. Sharma (Meerut Dist.—South): These names have no relation to their functions.

Mr. Chairman: Apart from that, this Bill is very narrow in scope. It seeks only to substitute one word “approve” for the word “either”.

Shri D. C. Sharma: I am coming to that.

Mr. Chairman: But at the same time, the entire background of Hindu University and Muslim University is absolutely irrelevant to the subject matter of the Bill.

Shri D. C. Sharma: But I thought this background might be useful. I was saying the very names of the Benares Hindu University and Aligarh Muslim University are reminiscent of those days.....

Mr. Chairman: I am very sorry to interrupt the hon. Member again. I warned him that this is entirely irrelevant. So far as the object of the Bill is concerned, it is very limited as the hon. Member himself remarked. It is limited in scope. I would request him to confine his remarks to that scope alone.

Shri D. C. Sharma: What I wanted to say was this. I visualise the structure of a university. A university consists of the syndicate. It is also called in some places the executive council. Then it consists of faculties. Then it has also the Court. In the Punjab it is called the senate. Now, the two vital bodies in a university are the

(Shri D. C. Sharma)

syndicate and the senate or the executive council and the court. The names are different in some universities, but the functions are almost the same. From my experience of the Punjab University, I can tell you that the senate is the supreme body. It is not the syndicate that is the supreme body. The syndicate is like the executive council of the Benares Hindu University. It is the senate that is the supreme body. But here I find that the syndicate or the executive council is made the supreme body. I think this is a kind of functional disorder which my hon. friend Shri Raghunath Singh wants to correct. And I am fully in agreement with him.

4 P.M.

It may be said that the syndicate and the senate, or the executive council and the court, are like the two hands of a body, each hand watching the other. That is to say, the executive council passes the ball on to the court, and the court passes the ball on to the executive council. But I say that this kind of functioning is not very good for the academic soundness of a university body. I want, therefore, that the court should be made the supreme body, and the court should have the power to approve or to reject any proposal that is put forward. The syndicate which is meant more for executive business than for any other business should not arrogate to itself that kind of authority. It is the court which is the sovereign body. It is the court which is the most representative body. The court has practically the governance of the whole university; the finance of the whole university is with it, and the academic interests of the whole university are under its control. I do not see any reason why the court should not be given the power to have any statute approved. If we do not do that, but we make the court only a body which has practically no function, then it becomes only a rubber stamp body; it is there to put its seal upon the decisions of the executive council

Now, the executive council in every university is a small body, and the executive council represents some specific interests. I do not want to go into the details, because you would say that I am not trying to be relevant. But I may say this that the executive council is a body which has a very limited number of persons on it. This limited number of persons represents various interests; they are mostly teachers. In my university, half the number of the members must be teachers; the other half might be non-teachers. This kind of bifurcation of duties does not help the academic growth of any university.

I could tell you something from my experience of the Benares Hindu University court in this respect. I was a member of the Benares Hindu University court before the Partition, and I have been returned to the court by this House also, and I have the proud privilege of representing this House in the court of the Benares Hindu University. I have attended some of their meetings. I found that sometimes some persons brought forward very fine suggestions for the consideration of the court. For instance, at one of the meetings, there was a proposal that Gandhian philosophy should be made a subject of study, and that there should be a chair for Gandhian philosophy. Since it was some years ago that this happened, I cannot give you the subject exactly. But I do remember that it had something to do with Mahatma Gandhi. There was a lot of debate on it, and there was a great deal of discussion, and there was a general approval of the principle on the part of every member of the court. But the court was helpless. The court could not say that this principle should be accepted.

What happens in my university is this. Any member of the senate, that is to say, a court, can send up a proposal. That proposal is discussed, and it is passed or rejected. Suppose it is passed, then it can be sent to the syndicate for implementation; or the

senate may appoint a committee for the implementation of that proposal.

Therefore, I would say that the first thing that should be done is that the court should be looked upon as a sovereign body. Unless we do that, we shall not be enabling the court to fulfil its very wide objectives. The executive council is only a limited body, but the court has very wide objectives, and therefore, the court should be able to override the considerations which are put forward by the other body.

At the same time, I am surprised to find that the Benares Hindu University court, as my hon. friend Shri Raghunath Singh has said, has only negative powers. I think this is something which is very annoying. I have never come across the case of a University so far where the court has only negative powers. Negative powers mean that the court can only say, you cannot do this. My hon. friend over there said that if used to represent the princes. It does not matter, if the court represented the princes, because it was the princes who paid money to the university, and without the help of the princes, the Benares Hindu University would not have been able to function. So, there is no harm in that. What I want to say in this connection is that the Benares Hindu University represented all the interests that were there. There were representatives of oriental learning, science and so on, there were representatives of business, there, there were representatives of administration and so on. Judges of some High Court also used to be members of the court. So, there were all types of leading persons there. There were teachers also of all grades, professors, readers, lecturers, and even school teachers. So, the court which is a kind of microcosm of the social life of our country, and is a kind of mirror of the academic life of our country, should not be debarred from having this power. I, therefore, support this Bill wholeheartedly.

Moreover, I have also found that proposals of a far-reaching nature are

not generally initiated by the executive council. The latter deals only with the day to day routine of the corporation or of the society.

They sometimes try to do administrative things. But there are other things also besides administration. Of course, the Benares Hindu University has an Academic Council as every other University has. You may say that the Academic Council looks after the academic interests of the University, but I should say that the administrative interests of the University, the academic interests of the University, all find their focus in the Court, and therefore, the Court should be thought to be a body which controls all these things. Now, to take away these powers from the Court is to do something which, I should say, is not heard of anywhere else; to give it power only to dispose of procedural and technical matters is to rate the Court not very high. Therefore, if we want that the Benares Hindu University, or any other University, should work in the best interests of the academic life of any State, it should have, as Shri Raghunath Singh has said, positive and substantive rights. Those positive and substantive rights should cover administrative matters, academic matters and other matters which can promote the good of the University. I would, therefore, say that the Bill which my friend, Shri Raghunath Singh, has brought forward should be passed. If this Bill is passed, it will have its repercussions not only on the Benares Hindu University but over all other Universities also. There is now a tendency to curtail the powers of Universities; there is now a tendency to curtail the powers of these courts also, and I should say that if we invest the Court with greater power, it would be a useful reminder to other Universities which are going the other way. I therefore support this Bill wholeheartedly.

सरकार ९० एच० बहामन (विलासपुर) : में
मित्र रघुनाथ सिंह जी बनारस हिन्दू यूनिवर्सिटी
एक्ट, १९१५, की दफा १७ में अमेंडमेंट करने के

[अनुच्छेद १० एच० सहमत]

लिए वह बिल लागे हैं। इनमें वह संसद है कि एका १० जो इस एक्ट की है उसमें कौन कौन सी चीजें हैं। इसमें दिया हुआ है :

"Subject to the provisions of this Act, the State may provide for all or any of the following matters, namely:"

इसके लिए दिया हुआ है :

"the Constitution, power and duties of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee and such other bodies as may be deemed necessary to constitute from time to time".

इसके लिए दिया है :

"The election and the continuance in office of the members of the said bodies, including the continuance in office of any of the.....and the filling of the vacancies of members and all other matters relative to these bodies for which it may be necessary or desirable to provide".

इसी तरह की चीजें एच० संकर एक एक एका १० में दी गयी हैं जिनको आप बदलना चाहते हैं।

अब आप इसमें कि हिन्दू एनीवर्सिटी का जो रजिस्ट्रेशन हुआ वह किस तरह से हुआ। रजिस्ट्रेशन में जो दिया गया है वह इस प्रकार है।

"Whereas it is expedient to establish and incorporate a teaching and a residential Hindu University at Benares and to dissolve the Hindu University Society, a society registered under the Societies Registration Act, 1860, and to transfer to and to vest in the University all property and right now vested in the said society, it is hereby enacted as follows".

इसके लिए इसका जो नाम हुआ वह था "बनारस हिन्दू एनीवर्सिटी एक्ट, १९१५"। मैं

आपसे जवाब करूँ कि जो हमारा विधान है उसमें यह बिल

charitable and religious endowments, in List III of the Seventh Schedule में आता है। और वहाँ पर वह कानून तालिका में दिया हुआ है।

यह विषय हमारे कास्टीट्यूशन से रिजर्व्ड ० के आइटम नम्बर ५२ पर इस प्रकार दिया हुआ है :

The institutions known at the commencement of the Constitution as the Benares Hindu University.....

और हमारे विधान की धारा २४५ के अनुसार इस विषय पर गवर्नमेंट भी कानून बना सकती है। मैं कहने की गरज यह है कि जो बिल मैंने लिख लाये हैं वह बहुत अच्छे हैं। लेकिन इनमें यह संसद है कि इस विषय में उत्तर प्रदेश सरकार की क्या राय है। इनमें संसद चाहिये क्या इसको बदलने के लिए ९० पी० गवर्नमेंट भी संसार है। इनमें इस बिल पर कोई एंजलब नहीं है, न हमारी सरकार को एंजलब होना चाहिये। लेकिन हमारे विधान में यह विषय कानून तालिका में दिया हुआ है और इसलिए इसमें ९० पी० गवर्नमेंट की भी सलाह लेनी है। ऐसी हालत में मैं चाहता हूँ कि इस विषय पर आमरीबल मिनिस्टर प्रकाश बात है कि यह बिल इस हाउस में ९० पी० सरकार की राय बिना जाने हुए आयेगा या नहीं।

Mr. Chairman: I fail to understand why, when this is in the Concurrent List, a Bill of this nature cannot be brought forward here. What is the point of objection?

Sardar A. S. Saigal: I have already stated it. On account of the provisions regarding constitution and registration, this Bill can be brought in this House without the consent of the U.P. Government.

Mr. Chairman: The hon. Member himself has stated that it is in the Concurrent List. If it is in the Concurrent

List, why cannot this Bill be brought forward here?

Sardar A. S. Saigal: But the U.P. Government also has got a right, and that Government must be consulted.....

Mr. Chairman: Order, order. When any subject is in the Concurrent List, where is the restriction that a Bill dealing with that matter cannot be brought in this legislature?

Shri Raghunath Singh rose—

Mr. Chairman: I want to know from the hon. Member what is the point of objection.

Sardar A. S. Saigal: It is in the Union List.

Mr. Chairman: Even if it was in the Concurrent List there could be no objection. But I understand it is in the Union List.

Sardar A. S. Saigal: It is in the Union List.

Mr. Chairman: Then his objection is absolutely untenable.

Sardar A. S. Saigal: The U. P. Government also got the power so far as the Hindu University is concerned....

Mr. Chairman: Order, order. If it is in the Union List, then clearly the State legislature has got no control over this matter. If it is in the Concurrent List, then this legislature has got every jurisdiction to enact a measure of this nature. So I want to know what is his point of objection.

Shri Raghunath Singh: I want to make it clear that it is in the Union List.....

Mr. Chairman: What does the hon. Member want to deal with? I want to know from the hon. Member what is his point of objection. If the objection is not clear, it need not be answered. Does any other hon. Member want to speak on this Bill?

Shri D. C. Sharma: He should first reply to your question.

Mr. Chairman: The hon. Parliamentary Secretary to the Minister of Education.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The Bill that has been moved by my hon. friend, Shri Raghunath Singh, is a small amending Bill. But though it looks so, this Bill is of great consequence and if this Bill is accepted by Government, then the whole system of the present Benares Hindu University Act will be upset. Sir, my learned friend Prof. D. C. Sharma is a professor. He has said.....

An Hon. Member: He was a professor.

Dr. M. M. Das: He was a professor; I beg your pardon.

Pandit K. C. Sharma: He is still a professor.

Shri D. C. Sharma: My friend was a homoeopathic doctor, Sir.

Dr. M. M. Das: No, I was not a homoeopath but an allopath.

Anyway, Sir, my friend Shri Sharma says that the Benares Hindu University is still working under a very old law. For the information of my hon. friend, Prof. Sharma, I beg most respectfully to submit that just after independence, the University Commission which is commonly known as the Radhakrishnan Commission, after the name of its illustrious chairman, was set up by the Government and it submitted its report to the Government in the year 1949. The Government of India accepted the Radhakrishnan Commission's report *in toto* and in the year 1951 they brought an amending Bill for amending the Benares Hindu University Act in the light of the recommendations of the Radhakrishnan Commission. Now, the present Benares Hindu University Act is the Act which was amended by Parliament in the year 1951. So, I was rather amazed when the Professor says that the University is still working under a very old law. I do not say that these words of his betray.....

Pandit K. C. Sharma: Ignorance.

Dr. M. M. Das: I do not want to use that word; but it may be said that his memory betrayed him.

Shri D. C. Sharma: May I ask the hon. Minister how many sections of the original Act were amended by the amending Bill to which he is making a reference.

Mr. Chairman: Neither is this question hour nor at this stage can such a question be put to the hon. Minister when he is dealing with the subject on the merits.

Dr. M. M. Das: Another point that has been raised by the professor is that in this Act the Executive Council has been made the supreme body. This is absolutely without any foundation, absolutely incorrect. He pleaded that the Court should be made the supreme body. I may draw his attention to section 9 of the Benares Hindu University Act which says:

"The Court shall be the supreme governing body of the University."

So, the Court is already the supreme body so far as the functions of the University are concerned. There is no need to make it the supreme body. It is already there.

Shri Raghunath Singh: That is our grievance.

Shri D. C. Sharma: Sir, it is a supreme body without any power.

Mr. Chairman: Order, order. Let there be no interruption. Let the hon. Minister proceed. Supposing the hon. Member is treated in the same manner he is sure to feel the pinch.

Dr. M. M. Das: Coming to the Bill, the Bill proposes that the Court should be given the full power to pass any statute. Now, as the provision stands, the Court has the power but the proposal has to be routed through the Executive Council which is the executive body of the University.

My hon. friend wants that the Court should be given the full powers to

pass any statute, without informing or without the concurrence of the Executive Council. The existing procedure is that if any member of the Court makes a proposal for the introduction of any new statute or for amending any existing statute, then the court may reject the proposal of the member or it may refer the proposal to the Executive Council. It cannot approve the proposal of the member; but it has to refer the proposal to the Executive Council and if the Executive Council sends the proposal back either in the same form or in a changed form then the Court may or may not accept the proposal.

Mr. Chairman: The Court is entitled to accept it after it has come from the Executive Council?

Dr. M. M. Das: The Court has got the power to reject it. It cannot approve it, first. The proposal has to be routed through the Executive Council. The two bodies, so far as the passing of statutes is concerned, are complementary to each other. Neither is fully independent, and they have worked wonderfully well up till now. There has been no cause for any grievance on the part of anybody. It has worked to the full satisfaction of everybody concerned in the University. If we now accept this amendment, the whole plan of the working of the University will be upset and, perhaps, many other changes will have to be made in the Benares Hindu University Act which is not desirable. As I have said, the Benares Hindu University Act was amended in the year 1951 according to the recommendations of the Radhakrishnan Commission.

Moreover I want to impress upon my hon. friend Mr. Singh, the mover of this Bill, that there has not been any necessity felt for such an amendment. Nobody who is connected with this University has felt any such necessity for giving into the hands of the Court full powers so far as the passing of statutes is concerned. The system, as it stands, is working wonderfully well and Government do not want to disturb it at this stage.

Sir, I am sorry that the Government is not in a position to accept this amending Bill.

श्री रघुनाथ सिंह : परती बात तो मुझे यह कहना है कि हमारा लायक दोस्त सरदार ए० एस० सहगल ने जो बात कही है कि यूनिपन तिस्ट में यह नहीं है, उसके लिए मैं आपका ध्यान दिलाना चाहता हूँ....

Shri Chairman: Order, order; this is not the point at issue at all.

श्री रघुनाथ सिंह : जाल राइट, सर ।

दूसरी बात जो मैं कहना चाहता हूँ वह यह कि हमारा लायक दोस्त डा० एम० एम० दास ने बहुत अच्छी तरह से समझाने की कोशिश की, लेकिन समझाने में असमर्थ रहे । सब संवधान ६ में यह दिया हुआ है :

"Any member of the Court may propose to the Court the draft of any statute and the Court may either reject the proposal or refer such draft for the consideration of the Executive Council which may either reject the proposal or submit the draft to the Court."

अब जहाँ "रिजॉक्ट" का शब्द है, उसमें हमको यह देखना है "एम्ब" करने का राइट उसको क्यों न दिया जाय । आप जब इस बात को स्वीकार करते हैं कि कोर्ट यूनिवर्सिटी की सुप्रीम बॉडी है, फाइनेल एगारिटी है और उसमें हिन्दुस्तान भर की बनता के डॉनर्स हैं, सब रिजॉक्ट है, लोक सभा के भी दो सदस्य उपस्थित रहते हैं । इसके अलावा हमको एक बात याद रखनी चाहिए कि बनारस हिन्दू यूनिवर्सिटी जाल इन्डिया यूनिवर्सिटी है, सारं देश के लोग और सारं राज्यों के लोग उसमें आते हैं । देश भर के धन से हिन्दू यूनिवर्सिटी की स्थापना हुई है और हिन्दू यूनिवर्सिटी का कोर्ट ही एक एंसी बॉडी है जिसमें साल में दो दिन या एक दिन सारं देश भर के लोग इकट्ठा होते हैं । लोक सभा से जो दो सदस्य वहाँ भेजे जाते हैं, वह भी उसमें उपस्थित रहते हैं और जब

कि हर एक मंत्री को हर एक सदस्य को स्टैंड के अनुसार यह अधिकार दिया गया है कि कोई भी प्रपोजल कोर्ट के सामने ला सकते हैं, बहस कर सकते हैं और रिजॉक्ट कर सकते हैं या उसका ड्राफ्ट बना कर रिजॉक्ट कर सकते हैं या उसे भेज सकते हैं, तो क्या कारण है कि सारं देश भर के आदमी जहाँ बैठे हों, उस को एम्ब नहीं कर सकते । इस वास्ते सरकार से मेरी यह इस्तद्दा है कि वह इसे स्वीकार करे । जालिस् कोर्ट के ऊपर आपको अविश्वास क्यों है जब कि कोर्ट सुप्रीम बॉडी है । और मैं तो कहूँगा कि आप उस बॉडी पर जो अविश्वास प्रकट कर रहे हैं, वह अविश्वास ठीक नहीं है । अगर वह सुप्रीम बॉडी है तो उसको सुप्रीम एगारिटी होना चाहिए । वह नकारात्मक नहीं होना चाहिए । स्वीकारात्मक भी होना चाहिए । इस वास्ते मेरी प्रार्थना है कि यह छोटो सा जर्मेन्ट है । सिद्धा मंत्री महाद्वय को मेरे इस संशोधन को स्वीकार कर लेना चाहिए ।

हमारे लायक दोस्त डा० एम० एम० दास ने कोई रीजन नहीं दिया, कोई रजॉक्ट उपस्थित नहीं किया कि जालिस्कार मेरा जर्मेन्ट क्यों न स्वीकार किया जाना चाहिए । अगर मेरा यह संशोधन मान लिया जाता है तो हिन्दू यूनिवर्सिटी के फंक्शनिंग में क्या व्यवधान उपस्थित होता है, इस पर आपने कोई बात नहीं कही कोई रजॉक्टस्मत्व बात आपने पेश नहीं की कि इस कारण से मेरा संशोधन अस्वीकृत होना चाहिए । जब कि कोर्ट फाइनेल एगारिटी है, सुप्रीम बॉडी है और उसको प्रपोजल करने का अधिकार है, रिजॉक्ट करने का अधिकार है तो उस अवस्था में उस कोर्ट पर आपको विश्वास करके उसको इस बात का भी अधिकार देना चाहिए । इस वास्ते मैं हाउस से यह प्रार्थना करता हूँ कि इस छोटे से जर्मेन्ट को जो बहुत छोटा एक शब्द का जर्मेन्ट है, इस को स्वीकार करके कोर्ट के ऊपर विश्वास करे कि अगर वह रिजॉक्ट कर सकता है तो उसे एम्ब करने का भी अधिकार दिया जाय । इन शब्दों के साथ मैं अपने बिल को फिर हाउस के सामने रखना चाहता हूँ ।

Mr. Chairman: The question is:

"That the Bill further to amend the Benares Hindu University Act, 1915, be taken into consideration."

The motion was negatived.

INDIAN MAJORITY (AMENDMENT) BILL

(Amendment of section 3)

Shri Jhulan Sinha (Saran North): I beg to move:

"That the Bill further to amend the Indian Majority Act, 1875 be taken into consideration."

In rising to move for the consideration of this Bill, I would like to clarify the position of the law as it is and also as it should be according to my amendment. Section 3 of the Indian Majority Act reads as follows:

"Subject as aforesaid, every minor of whose person or property or both a guardian, other than a guardian for a suit within the meaning of Chapter XXXI of the Code of Civil Procedure, has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, notwithstanding anything contained in the Indian Succession Act No. X of 1865 or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before."

Subject as aforesaid, every other person domiciled in Part A States and Part C States shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before."

The law as it provides that everybody in Part A and Part C States will be deemed to be a major on the attainment of eighteen years, except those for whose property or person a Court of Justice or Court of Wards has been appointed as guardian. In the case of the latter, he will be deemed to be a major on the attainment of twenty-one years of age and not before. The difficulty or anomaly is this. I personally know of a case of an estate which was governed by a Court of Wards in Bihar. When the father died, his two children were less than eighteen years of age. The Court of Wards continued to manage the estate till the elder one attained the age of twenty-one years. (I have not read my amendment, I am sorry.) As it is, everybody will be deemed to be a major on his attaining the age of eighteen years. What I want is this when a case is one where the persons' personal properties are governed by a Court of Wards or Court of Justice and it also happens to be a case of a mitakshara family living jointly, the eldest person attaining the age of 21 years will automatically under the present law be deemed to be a major and will be put in possession of the properties at his wish, but when the property is released from the superintendence of the Court of Wards, the younger one, who is already 18 but still below 21 years of age, will now be put under the guardianship and tutelage of the elder one who has already attained the age of majority. This position seems to me to be very anomalous. If the general law of the land provides that in the case of people, whose property and person are governed by the Court of Wards or Court of Justice, the age of 21 years will be necessary to make them major and when the property is released, the younger members of the joint family, whose property has already been released in this way by the Court of Wards, still continue to be minor even after the attainment of the age of 18 years, that is, till they attain the age of 21 years, that is the difficulty. In the case I have just cited, the estate was released on the elder one attaining the

age of 21 years. Now, the elder one is the guardian of the younger one, who is 19 years of age, and is not under the tutelage of the Court of Wards or Court of Justice but under the tutelage of his elder brother who is managing the property of the family in his own way—in some cases to the detriment of the interests of this so-called minor one. The younger one, who has already attained the age of 19 years, ought to be deemed under the general law of the land to be a major and should be free to manage his share of the property according to his own wish and according to his own genius. But the difficulty is that the present law continues to treat him as minor even after his attaining the age of 18 years and puts him under the tutelage of his elder one, who does the *karthaship* or management of the family property in his own interests, and the disabilities attaching to a minor continue to attach to the younger one who has already attained the age of 19 years. My amendment to section 3 of Indian Majority Act is this. In the case of a *mitakshara* family consisting of more than one minor living jointly, if the estate is released from the superintendence of the Court of Wards on the elder one attaining the age of 21 years, the younger one or ones should be deemed to be major on their attaining the age of 18 years only and not 21.

Mr. Chairman: Has there been any judicial pronouncement in a case of this type? Have such cases gone up to high courts or the Supreme Court? Have the courts judicially pronounced upon the subject?

Shri Jhulan Sinha: I do not know of any case having gone up to the court. I know this case particularly obtaining in my area. If the case goes to the court, naturally sec. 3 as it is will apply.

Mr. Chairman: According to the ordinary law of the land, in respect of joint family property, if there is a major in the family, then no guardian

can be appointed in respect of the property of the minor members of the family. This is the general law of the land.

Shri Jhulan Sinha: According to the general law of the land, any member of a joint family attaining the age of 18 years is deemed to be a major, but in the case of those where the court of Wards or Court of Justice has been appointed as guardian of their property, and when the property is already released to the elder one on his attaining the age of 21 years, the younger ones even after they have attained the age of 18 years, are being treated as minors.

The Minister in the Ministry of Law (Shri Pataskar): Was that property taken over under the Bihar Court of Wards Act?

Shri Jhulan Sinha: Certainly. The minority of the younger one is still being permitted under the Indian Majority Act and I am drawing your attention to that anomaly.

Mr. Chairman: So far as the Court of Wards is concerned, the property is released from the superintendence of the Court of Wards, but it is a matter between the two brothers. Has the matter gone to the court? Has the court given any interpretation of the law?

Shri Jhulan Sinha: No, but the disabilities attaching to a minor continue to be attached to him even now although he has attained the age of 19 years. That is the anomaly which is being pointed out.

Mr. Chairman: Unless the matter goes to the court and is decided and interpreted by the court how can you say that a person may be treated as a major.

Shri Mulchand Dube (Farrukhabad Dist.—North): The age is 21 for the superintendence of the Court of Wards.

Mr. Chairman: According to the allegations of my friend, the major who had attained the age of 21 came in possession of all the property. Now it is a question between two brothers

[Mr. Chairman]

—one brother saying that he is a major at the age of 18 and the other brother taking the view that he is not a major because he is not a major according to the law. The matter has not gone to the court. We do not know what interpretation of the court will put. How can you assume that the interpretation will be the one which my hon. friend advocates.

Shri Jhulan Sinha: I have just said that the matter has not gone to the courts. If the matter goes to the court, section 3 of the Indian Majority Act as it is will apply.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Majority Act, 1875, be taken into consideration."

Shri S. C. Samanta (Tanluk): My hon. friend, Shri Jhulan Sinha, has brought this Bill for the protection of the minors. According to the mitakshara law when a son is born he inherits the property but he refers to the case of Court of Wards. In case of sons who are minors, the property is managed by them and whenever the eldest son attains majority the estate may be handed over to him. Supposing there are three brothers—minor brothers—they could not manage the property but how can their right to the property go away simply because their eldest brother is managing the estate? By the amendment brought forward by my friend, he has provided that since the other brothers had attained the age of majority, they will be entitled to the property. Already they are entitled to the property. It is only the question of management. Generally, the eldest brother in an estate takes charge of the whole property and the others follow him. As you had pointed out if any brother who had become a major goes to a court for the necessary power of control over the estate, then the question will be settled. But my hon. friend said that no such case had ever gone to the court. So his contention to amend the clause is not a tenable one.

I am not conversant with the mitakshara law. You, Sir, are very much conversant and I will be glad if you and other hon. Members who are conversant with the mitakshara law let us know what the real position is.

Shri Pataaskar: I have been trying to understand the difficulty which the hon. Mover of this Bill had in mind and the purpose for which he had introduced the Bill. Clause 3 of the Indian Majority Act, reads:

"Subject as aforesaid, every minor of whose person or property or both a guardian, other than a guardian.....has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, notwithstanding anything contained in the Indian Succession Act or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before."

He wants that the age should be eighteen years. So far as I know different States have got different Court of Wards Acts and I do not know of the Bihar Court of Wards Act. I know of the Bombay Court of Wards Act. Whenever the Court of Wards assumes superintendence of the property even in the case of a mitakshara joint family where all are minors, this applies. So far as the question of joint mitakshara family is concerned where one of them is a major it is carried on by him. I do not think that any guardian could be appointed because there are other provisions also and I do not want to refer to them. Generally the principle is that in respect of the people having a personal law, they are governed by that law and the courts do not appoint any guardians to those properties. Personal laws are accepted. But when

such guardians are appointed in cases where all are minors, the complaint is otherwise. The complaint had been that they did not release the property unless all had become majors according to the Indian Majority Act which says that whenever a Court of Wards has assumed superintendence of the property or a guardian is appointed by a District Court, he should attain the age of 21 and therefore, they do not generally release the property from the guardian till all of them had become majors. This is the practice that has been followed so far as I know.

The hon. Mover of this Bill wants to add to this Indian Majority Act a clause like this that in the case of a *mitakshara* Hindu family consisting of more than one minor the provisions of this section shall apply to the age of the eldest one amongst them and the others shall be deemed to have attained majority only on completion of eighteen years. In cases where all are minors and the Court had appointed somebody as guardian, what will happen if this is accepted? The eldest attains the age of 21 years. But he will claim that he has become a major even earlier. So many complications may arise. The principle that is now followed is wholesome; so far as *mitakshara* families are concerned, there are no guardianships there; they are governed by the personal laws

Not only that. In the Hindu Minority and Guardianship Bill which is applicable to the Hindus and which had been passed by the Rajya Sabha we have made a provision in clause 12. That is likely to come up before this House sometime in the latter part of this session. It reads:

"Where a minor has an undivided interest in joint family property and the property is under the management of an adult member of the family, no guardian shall be appointed for the minor in respect of such undivided interest".

We are specifically going to make that provision whether it is *mitakshara* or *dayabagha*. It reads further:

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"and provided that nothing in this section....."

Mr. Chairman: As a matter of fact, the trouble is that, so far as section 3 is concerned, it does not speak of two or three minors for whom one guardian is appointed. Supposing there are only two minors and a Court of Wards is appointed in respect of both. Then according to the present law both will attain majority at the age of 21. This is the contention of Shri Jhulan Sinha and his point of amendment is that in a case of this nature the one man who gets his majority at the age of 21, his case is all right. So far as the other man is concerned, why should he not attain the age of majority before he attains the age of 21?

Shri Pataskar: Therefore the point to my mind is that it will apply only, as I said, in cases where there is a joint family in which one person is a major. Then no other guardian is to be appointed by the court. This law even now exists. Probably, there is some Bombay High Court ruling or some other thing contrary to this, but I will not enter into that discussion. That is the normal ruling. Supposing in a case there are two minors and a guardian is appointed, it is with respect to both.

Mr. Chairman: The guardian is appointed in respect of the property of the entire family.

Shri Pataskar: The guardian is in respect of A and B if they are two minor brothers or nephews or whoever they are. Supposing one attains the age of 21 and the other is, say, only 19, what will happen is that, B who is only 19 years of age is not a major according to definition given under the Indian Majority Act. That is true. But, is it or is not desirable that the Court of Wards or guardian appointed by a court, having once taken possession of the property of a joint family where all were minors, simply because one has attained the age of 21 years, should release the property? Thereby, I am afraid the interests of the other man are likely to be jeopardised. On the contrary, I

[Shri Pataskar]

know that the practice so far as Bombay is concerned is that in such cases they do not release the property under the Court of Wards Act till both of them become majors.

There is a solution to the point raised by you, Sir. There are two sorts of things. On the one hand it may be argued that in spite of the fact that A has become a major the whole property is under the management of the Court of Wards. In that case the procedure followed, so far as I know, where the Court of Wards Act is working, is that they give a share of the income to that man. If in spite of that he wants his share to be separated then he is allowed to do so. That procedure which is followed is more in the interests of the family as a whole consisting of all these minors. If this is not followed, then what will happen is that this man A who has just come of age and completed 21 years will immediately take possession of the property which belongs not only to him, but to others also. Naturally B has got half the share and it is a matter to be considered whether ultimately it would be in the interests of the minors concerned that if man who has just come of age should be allowed to take charge of the property and that the property should be restored to him so that he may deal with it in any way he likes. In that case he will look after the interests of B who has not become a major under the present Act.

Considering all matters and looking to the working of this Act which was passed in 1875 I think it has worked well. There may be an occasional case to which my hon. friend referred, but generally speaking, it has been found that in the interests of joint families the present policy may continue. I have at least heard no complaint. Not only that; if we consider the whole matter it is much better than in respect of properties—because it is only large properties that are taken by Court of Wards—the Court of Wards should continue. We should consider

whether the interests of the minor coparcener should be given in charge of the major coparcener when he has attained the age of 21 or whether it is desirable that it should be allowed to be kept with the Court of Wards till both of them, whose property was taken over by the Court of Wards, have attained the age of majority.

Mr. Chairman: In the example which the hon. Minister took there is only a difference of 2 years. Supposing there is a minor who is much less in age—say, 5 or 10 years—then should the Court of Wards continue for another 10 years before he comes to the age of 21?

Shri Pataskar: There is a balance of convenience to be considered. It should be considered whether this man in such a hard case should be allowed to be in charge of the property or whether the Court of Wards should be allowed to continue to be in possession of the minor's interests and this man should be deprived of the right to manage things for himself. If he thinks that the management of the Court of Wards is not good then it is open to him to get his interests separated. I think to my knowledge there have been cases in Bombay where, if there is a great difference in age, the elder brother has got his interests separated. I think, considering the balance of convenience—there may be occasional hard cases—the law as it has been enacted in 1875 for this purpose on the whole has worked very satisfactorily without causing much dislocation even to the joint families. Actually very few cases arise. Normally, in the case of joint families where there is a major nobody can take possession of that property. No guardian is appointed. It is only in cases where all are minors, it is only in such unfortunate circumstances that a court or somebody appoints a guardian to look after the property.

I think looking to the conveniences—though there may be some stray few hard cases—the present provision as it stands has operated well and has caused no hardship. Therefore, though,

of course, I sympathise with the stray hard cases which might have arisen. I think there is no necessity for amending the Indian Majority Act which has been found to be working well for the last 75 years. Therefore, I regret I cannot agree to the amendment. I do not know whether there might have been any other remedy. It may be a matter for argument also as to whether the Court of Wards should restore the property. Supposing the Court of Wards restored the possession of the property to the elder brother as was pointed out in the case to which my hon. friend referred, it can be a matter for argument whether after that release the other man should attain the majority only at the age of 21. The wording of the clause is not free from doubt. Supposing a guardian has been appointed, as soon as a guardian is appointed he takes all the powers. When he restores the property to the elder brother he takes away all the powers of guardianship. Then what is the result? Are we still to argue from the provisions of this Act that the other minor will continue to be only a minor. I think these are all points to be considered. As you rightly pointed out the proper course should have been either to take the matter to a court of law and get it decided or much better it would have been to get the Court of Wards Act of Bihar amended and get the Act amended so far as Bombay is concerned. There are Acts in different States and probably it would be much better, if there are any narasnip, to get the Acts in the States amended rather than try to interfere with an Act of the Central Legislature which has, I think, been working well since the year 1878. I hope my hon. friend will see his way—and I would like to persuade him—to take up the matter in the States. Instead of amending the Central Act like this it would be much better to have his grievances—whatever they may be—rectified by a proper amendment either of the Court of Wards Act in Bihar or by some other suitable

method. I hope, he will, therefore, not press his amendment.

Shri Jhulan Sinha: Sir, I find that the hon. Minister has not been able to appreciate fully the difficulties caused by section 3 of the Indian Majority Act. He has dubbed it as a stray case. It is a case which has come to my notice and there may be many others. So, I thought it fit to bring it to the notice of this House. I have also narrated before the House the difficulties arising out of section 3 of the Act. The wonder is that the hon. Minister in the Ministry of Law has one idea about the working of the Court of Wards Act in his State and we have another idea about it in our State. So far as I am aware the difficulty does not seem to rest with the Court of Wards Act; the difficulty rests with the Indian Majority Act and I have drawn the attention of the House and the Government to this point. I have brought the anomaly and inconvenience under this section to the notice of the House and the Government. In the circumstances I leave it to them to decide on the issue when they think it proper and convenient.

In the circumstances I beg leave of the House to withdraw the Bill.

The Bill was, by leave, withdrawn.

TITLES AND GIFTS FROM FOREIGN STATES (PENALTY FOR ACCEPTANCE) BILL

Shri C. E. Narasimhan (Krishnagiri): I beg to move:

"That the Bill to provide for penalties for acceptance of titles and gifts from Foreign States, be taken into consideration."

May I continue, Sir?

5 P.M.

Mr. Chairman: It is already five O'clock. He is yet to make his speech. He may, therefore, speak on the next occasion.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 8th August, 1955.