

Thursday,  
26th February, 1948

THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE) DEBATES

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SECOND SESSION

of the

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)  
1948



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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Thursday, 26th February, 1948

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

## STARRED QUESTIONS AND ANSWERS.

### ORAL ANSWERS

#### SUPERANNUATED GAZETTED OFFICERS IN GOVERNMENT SERVICE

**477. \*Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Home Affairs be pleased to state the number of Gazetted Officers now in service with the Government of India who having reached the age of fifty-five were granted extension or were re-employed after retirement?

(b) What are the reasons for continuing the services of superannuated officers?

(c) Do Government propose to consider the advisability of terminating their services?

**The Honourable Sardar Vallabhbhai Patel:** (a) The number of such officers in the various Ministries and their Attached offices is 88.

(b) The officers have been re-employed or granted extensions of service in the public interest and owing to the acute shortage of experienced and suitably qualified officers.

(c) All the Ministries have been asked to examine cases of extension of service already granted with a view to the termination of such services, where continuation of employment is not essential in the interests of public service.

**Shri H. V. Kamath:** Has not the re-employment of such superannuated officers adversely affected the efficiency of the Departments concerned?

**The Honourable Sardar Vallabhbhai Patel:** No, Sir. On the contrary if such people were not employed, it would necessitate employment of raw men with no experience at all.

**Prof. N. G. Ranga:** But is it not a fact that when these people retire from service or if they are not re-employed, the next people, their subordinates next in seniority, are generally promoted and therefore efficiency does not suffer?

**The Honourable Sardar Vallabhbhai Patel:** It is bound to suffer because you will see that we have got only one-fourth of personnel of the services and therefore, comparatively the people who are promoted are not experienced and at the lower rung of the services we have a vacuum.

**Prof. N. G. Ranga:** But is care being taken. . . . .

**Mr. Speaker:** Order, order. It is going into an argument.

**Shri H. V. Kamath:** Will Government consider or are they considering the question of the extension of the pensionable age from 55 to 58 or 60 or over?

**The Honourable Sardar Vallabhbhai Patel:** Yes, there is that question. It is under consideration.

**Dr. P. S. Deshmukh:** Is any effort being made, Sir, for direct recruitment in filling up the higher posts?

**The Honourable Sardar Vallabhbhai Patel:** No effort has been made.

**Prof. N. G. Ranga:** How can they do that?

**Dr. P. S. Deshmukh:** Would it be possible to consider this suggestion?

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

## DEFENCE AGREEMENT BETWEEN U.S.A. AND INDIA

**478. \*Seth Govinddas:** Will the Honourable Minister of Defence be pleased to state whether any agreement regarding the disposition of Defence installations and facilities was concluded between the Governments of the United States of America and India during the period of war?

**The Honourable Sardar Baldev Singh:** The question is not clear. If the Honourable Member is referring to the installations and facilities created for the U.S. Forces in India during the war the answer is that these were covered by the Reciprocal Aid agreement with the U.S. Government.

**Seth Govinddas:** The Honourable Minister has not understood my question. Now, I want to know whether any revision of the Agreement is going to be made because the previous Agreement was made in this respect by a Government which was not ours.

**The Honourable Sardar Baldev Singh:** No, Sir. No revision is possible. This is the final Agreement.

**Seth Govinddas:** Do Government not propose to emphasise to the United States Government that because India has now become free, a revision ought to be made in this respect?

**The Honourable Sardar Baldev Singh:** I see no way out, Sir. The Agreement is final.

## SURVEY OF JOINT STOCK COMPANIES IN INDIA

**479. \*Shri H. J. Khandekar:** (a) Will the Honourable Minister of Finance be pleased to state how many Joint Stock Companies, public as well as private limited, were in existence on 31st December, 1947 both in the Provinces of India and the Indian States?

(b) What is the total amount of capital invested in preference, ordinary and deferred shares?

(c) What is the total number of companies floated during the period 1st September, 1939 to 31st December, 1947 and the total amount of capital subscribed to them?

(d) What is the number of companies floated and the amount of capital subscribed to them since the promulgation of the ordinance for control of issue of capital?

(e) What were the objects of Government in promulgating the ordinance for the control of issue of capital and to what extent have these objects been achieved?

(f) Of the companies that were floated during the War period, how many are on the official list of any of the Stock Exchanges in Delhi, Madras, Bombay or Calcutta?

(g) Of the companies that were floated during the War, how many are there whose shares are considered 'marketable'?

(h) Are Government aware that no schedule bank considers shares of the companies that are 'unmarketable' good security for the purpose of making advances, loans, or overdrafts?

(i) What steps do Government propose to take to improve the liquidity of the share-stock of companies whose shares are totally unmarketable?

**The Honourable Shri R. K. Shanmukham Chetty:** (a) to (d). I regret that the information is not readily available. It will be laid on the table of the House as soon as it has been collected. It will however take some time before this can be done.



(e) The object of introducing control over capital issues was to prevent the development of an excessive demand for materials in short supply, to direct capital away from the manufacture of luxuries and to prevent inflationary tendencies. The extent to which success has been achieved in actual practice is a matter of opinion.

(f), (g) and (h). Government have no information.

(i) Government regret that they can do little to make unmarketable shares saleable.

**Shri M. Ananthasayanam Ayyangar:** Has this control been found excessive in so far as we have not been able to utilise the amount of sterling balances put into the No. 1 account on account of stringency in allowing capital goods to be imported here?

**The Honourable Shri R. K. Shanmukham Chetty:** I do not, think that is correct. After all, the use of capital depends upon the availability of machinery and plant abroad and that is very limited, and if we have not been able to use more of our exchange it is because goods were not available.

**Prof. N. G. Ranga:** Has this control worked to the disadvantage of any particular part of the country? For instance, have there been complaints from South India?

**The Honourable Shri R. K. Shanmukham Chetty:** That is a matter of opinion, Sir.

**Dr. P. S. Deshmukh:** How long is this control on capital going to continue?

**The Honourable Shri R. K. Shanmukham Chetty:** As long as we consider it necessary.

**Dr. P. S. Deshmukh:** How long does the Honourable Minister consider it necessary?

(No reply)

#### CENSUS OF INDIA UNDER NEW CONSTITUTION

**480. \*Shri Basanta Kumar Das:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether Government propose to take a census earlier than the decennial census due in 1951 with a view to utilising its results in the elections to be held according to the new constitution to be framed by the Constituent Assembly; and

(b) if the answer to part (a) above be in the negative, whether Government propose to consider the desirability of having a special enumeration of the population of East Punjab and West Bengal before the next elections to the Legislatures are held?

**The Honourable Sardar Vallabhbhai Patel:** (a) No.

(b) It is proposed to undertake some preliminary operations which are likely to be helpful in the preparation of electoral rolls. The question requires careful consideration in consultation with the Provincial Governments, who are being approached.

#### POSITION OF PLANE WHICH LEFT AGRA FOR KASHMIR ON 31ST OCTOBER

**481. \*Shri Jaspat Roy Kapoor:** Will the Honourable Minister of Defence be pleased to state:

(a) whether it is a fact that a plane left the air field at Agra on 31st October, 1947 for Kashmir with ammunition, soldiers and engineering staff;

(b) whether it reached its destination or is missing;

(c) if it is missing, whether any enquiry has been made about it, and if so, the result thereof;

(d) who were the occupants of the plane and what are the names of those missing; and

(e) whether Government propose to grant any compensation to the dependants of the missing persons, and if so, how much in each case?

**The Honourable Sardar Baldev Singh:** (a) and (b). The Honourable Member is presumably referring to the aircraft which left Ambala for Srinagar on the 31st October 1947. It is a fact that the aircraft did not reach its destination and has been classified as missing.

(c) Air searches have been carried out, but no trace of the missing aircraft has yet been found.

(d) I lay a statement on the table of the House.

(e) The dependants of these personnel will be granted family pensions when death is established or presumed. The amount of family pensions in each case will vary according to the rank and length of the service of the deceased. During the period these persons are treated as missing, financial assistance is given to their families, the amount in each case being dependent on the rank, pay, family allotment, etc. of the missing individuals.

#### Statement

##### Officers (3)—

IND/1875 F/Lt. C. J. Menloza . . . . .	General Duty/Pilot.
IND/3063 F/O T. R. Peters . . . . .	Ditto.
IND/1931 F/O U. S. Tomes . . . . .	Navigator.

##### Warrant Officer (1)—

IND/21441 W/O P. Hart . . . . .	Wireless Operator/Air Gunner.
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##### N. C. Os. (6)—

IND/11375 F/S. H. K. Singh . . . . .	Fitter Armourer.
IND/12796 SGT. Stephens . . . . .	Fitter II Engine.
IND/10753 SGT. Kachkar . . . . .	Ditto.
IND/12802 CPL. H. Srinivas . . . . .	Ditto.
IND/11565 CPL. Jesudasan . . . . .	Fitter II Airframe.
IND/20852 CPL. K. Singh . . . . .	F/Armr.

##### Other Ranks (15)—

IND/24554 LAC. Bakshi . . . . .	Fitter II Airframe.
IND/34476 LAC. Prakash . . . . .	Flight Mech. Airframe
IND/26285 LAC. Singh . . . . .	Elect. II.
IND/34739 LAC. M. Singh . . . . .	Flight Mech. Engine.
IND/33572 LAC. M. Singh . . . . .	Ditto.
IND/25351 LAC. John . . . . .	Ditto.
IND/25288 LAC. Namburi . . . . .	Ditto.
IND/38763 LAC. Jha . . . . .	Flight Mech. Airframe.
IND/39502 LAC. Dey . . . . .	Ditto.
IND/23202 LAC. J. P. Singh . . . . .	Blec. I.
IND/43853 LAC. Srinivasan . . . . .	Flight Mech. Airframe.
IND/30796 LAC. S. Singh . . . . .	Armourer.
IND/12174 LAC. Gangorde . . . . .	F/Armourer.
IND/30552 LAC. R. Singh . . . . .	Armourer.
IND/38956 AC. Sharma . . . . .	Flight Mech. Engine.

All these persons are missing.

**Shri Jaspal Roy Kapoor:** Are the missing people believed to be dead?

**The Honourable Sardar Baldev Singh:** I have stated that we have made searches. After they have confirmed the deaths, action will be taken.

**Shri H. V. Kamath:** How many search parties were sent and on what dates?

**The Honourable Sardar Baldev Singh:** I could not give the details of the search parties that were sent out; nor will it be possible for me to do so. But every possible effort has been made to trace these people.

**Shri Khurshed Lal:** How long do Government propose to wait to presume that these people are dead—the legal period of seven years or less?

**The Honourable Sardar Baldev Singh:** Normally, Sir, unless we are absolutely sure, we do not declare these people as dead.

**Shri M. Ananthasayanam Ayyangar:** May I know from the Honourable Minister whether, as in the case of some railway wagons which went over to Pakistan, there is any suspicion that this plane also might have gone over to Pakistan?

**The Honourable Sardar Baldev Singh:** I am afraid, Sir, I have no information but enquiries have been made from Pakistan Government and they say they have no information about this aircraft.

#### REQUISITION OF LANDS IN AGRA TEHSIL

482. **\*Shri Jaspat Roy Kapoor:** (a) Will the Honourable Minister of Defence be pleased to refer to his reply to part (b) of my starred question No. 799, asked on 10th December, 1947, regarding the requisitioning of certain lands in Agra Tehsil and state who are the parties between whom difference of opinion exists as to the proper estimate of the value of the land referred to therein?

(b) On what date did the award of the Land Acquisition Officer become final?

(c) How much more time will Government take to make payment of the compensation, the lands having been requisitioned so far back as 1942 and permanently taken over in September or October, 1945?

(d) Do Government propose to lay on the table of the House a copy of the award of the Land Acquisition Officer?

**The Honourable Sardar Baldev Singh:** (a) The valuation made by the Land Acquisition Officer has not been accepted by the parties nor does it seem to the Government of India that the valuation by the Land Acquisition Officer has been correctly made.

(b) No final award has yet been made.

(c) Steps are being taken to expedite the settlement of the case.

(d) Does not arise in view of the answer to part (b).

**Shri Jaspat Roy Kapoor:** May I know, Sir, when is the final award likely to be made?

**The Honourable Sardar Baldev Singh:** I have stated in reply to part (c) of the question that steps are being taken to expedite the settlement of the case.

**Shri Jaspat Roy Kapoor:** What is the hitch in the way of the final award being made? The matter has been dragging on for more than two years now?

**The Honourable Sardar Baldev Singh:** That is also clear from the reply that I have given to part (a) of the question that the valuation made by the Land Acquisition Officer has not been accepted by the parties nor does it seem to the Government of India that the valuation by the Land Acquisition Officer has been correctly made.

**Shri Jaspat Roy Kapoor:** Has any appeal been made to the District Judge in this matter either by the Government or by the other party concerned?

**The Honourable Sardar Baldev Singh:** I have no information, Sir.

## FORMULA FOR ACQUISITION OF RESERVE BANK SHARES

483. \*Shri Mohan Lal Saksena: Will the Honourable Minister of Finance be pleased to state:

(a) whether Government are aware of the provision in the Reserve Bank Act, Section 57(2), under which, at the time of liquidation, no share-holder was to receive an amount not exceeding the paid up value of the shares held by him more than 1 per cent. for each year, after the commencement of the Act subject to a maximum of 25 per cent;

(b) whether it is a fact that if the Reserve Bank were to be liquidated after 30th September, 1948 the share-holder shall receive only Rs. 100 plus Rs. 13 (one rupee per year, for 13 years as the Bank will complete 13 years) plus the accrued dividend, i.e., Rs. 113 plus Rs. 2-12-0 (Rs. 4 less Rs. 1-4-0 income tax);

(c) whether, under the formula given by Government in reply to my short notice question asked on the 4th February, 1948, the shareholder will get about Rs. 118-9-4;

(d) if so, whether Government propose to state the reasons for arriving at the new formula for acquiring the shares;

(e) whether Government are aware that the opening rates on the Bombay and Calcutta Stock Exchanges are different; and

(f) if so, to which Stock Exchange the Government will refer for ascertaining the average price?

**The Honourable Shri R. K. Shanmukham Chetty:** (a) Yes.

(b) This is a hypothetical question and in any case it would not be possible to quote a definite figure where the exact date of liquidation was not known.

(c) The Honourable Member is probably correct but Government have yet to calculate the actual figure in consultation with the Reserve Bank.

(d) The reason is that the Bank is not being put into liquidation but will be taken over as a going concern and the dividends which are at present paid to shareholders will accrue to Government.

(e) Yes.

(f) Government will be guided by the Reserve Bank's advice.

**Shri M. Ananthasayanam Ayyangar:** Is it not a fact, Sir, that under the Reserve Bank of India Act, it is open to the Government to order liquidation at any time it chooses irrespective of the fact whether the bank is solvent or insolvent or needs liquidation?

**The Honourable Shri R. K. Shanmukham Chetty:** The Government can order a liquidation.

**Shri M. Ananthasayanam Ayyangar:** If so, what difference does it make between liquidation proceedings and the Government's taking it over and why should Government give higher rates of profits under those circumstances than when liquidation is ordered?

**The Honourable Shri R. K. Shanmukham Chetty:** My Honourable friend as a lawyer ought to know that there is a difference between the liquidation of a bank and the acquisition of a bank.

**Shri B. Das:** Is it not expropriation of the suggestion contained in Mr. Ananthasayanam Ayyangar's demand being given effect to?

**Mr. Speaker:** Order, order. It is a matter of opinion.

**Shri Mohan Lal Saksena:** I have not heard the reply to part (e) of my question, Sir.

**The Honourable Shri R. K. Shanmukham Chetty:** The answer is Yes.

## RESPONSIBLE GOVERNMENTS IN ACCEDING STATES

484. \*Mr. R. K. Sidhva: Will the Honourable Minister of States please state the number of States which have acceded to the Indian Union and which have introduced, or agreed to introduce, responsible Government in their States?

**The Honourable Sardar Vallabhbhai Patel:** I invite the Honourable Member's attention to the reply given by me to Shri K. Santhanam's question No. 290 during the last session of the Constituent Assembly (Legislative). The information asked for by the Honourable Member will be placed on the table of the House in due course.

**Seth Govinddas:** When the Honourable Minister made that statement, there was no referendum in Junagadh. Now in view of the fact that there has been a referendum in Junagadh and that State has acceded to Pakistan, what would be the position of that State now?

**The Honourable Sardar Vallabhbhai Patel:** Accession is determined by a vote of the referendum.

**Shri H. V. Kamath:** Are Government exercising pressure, gentle or otherwise, on recalcitrant and refractory states for the introduction of responsible Government in those states?

**Mr. Speaker:** Order, order. The question is not admissible.

## ROAD ACCIDENTS IN OLD AND NEW DELHI

485. \*Mr. R. K. Sidhva: (a) Will the Honourable Minister of Home Affairs please state the number of road accidents that occurred during the year 1947 in Delhi and New Delhi?

(b) What steps have Government taken to minimise the number of such accidents?

(c) Do Government propose to issue strict instructions to the Police to regulate traffic so as to minimise the number of accidents?

**The Honourable Sardar Vallabhbhai Patel:** (a) 82 in Old Delhi and 191 in New Delhi

(b) Substantial improvement in the reduction of traffic accidents despite an increase in the number of cars on the road has already been made. Government, feel, however, that there is scope for further improvement in traffic arrangements and several steps have been taken recently to that end. One-way traffic has been introduced on various congested roads both in New Delhi and Old Delhi. Speed limits have been reduced to the minimum at congested roads and speed checks are held to detect offenders guilty of rash driving, who are suitably dealt with. Municipal authorities have been urged to improve the street lighting near dangerous crossings by providing arc lights and roundabouts. The strength of the traffic police staff is also being increased.

(c) Such instructions have already been issued.

**Mr. R. K. Sidhva:** In view of the larger number of accidents in New Delhi as compared with Delhi, as the Honourable Minister stated, may I know whether this is due to the Military vehicles running very fast and causing accidents and whether the Police authorities are of opinion that 95 per cent. of these accidents are due to that cause?

**The Honourable Sardar Vallabhbhai Patel:** I cannot say that the Police authorities are of opinion that 95 per cent. are all accidents due to that, but the question will be enquired into.

**Mr. R. K. Sidhva:** Is it a fact that the Police authorities are actually in negotiation with the Military authorities in this respect.

**The Honourable Sardar Vallabhbhai Patel:** If the Honourable Member is informed by the Police authorities, then it must be true.

**Shri K. Santhanam:** May I know, Sir, the number of prosecutions for rash driving in New Delhi during this year?

**The Honourable Sardar Vallabhbhai Patel:** I cannot give the number, Sir, without making enquiries. I must ask for notice.

**Pandit Balkrishna Sharma:** May I know what is the maximum speed limit permitted in New and Old Delhi?

**The Honourable Sardar Vallabhbhai Patel:** I am not in a position to say at present. I will enquire and let the Honourable Member know.

**Pandit Balkrishna Sharma:** May I know if Government will give instructions to the authorities to ask the motor drivers to dim the lights at night whenever another car is coming in front of them?

**The Honourable Sardar Vallabhbhai Patel:** That, of course, is the usual rule.

**Dr. B. Pattabhi Sitaramayya:** Are Government aware that not even one out of ten cars dim their lights? Even last night I found such to be the case and suitable steps must be taken.

**The Honourable Sardar Vallabhbhai Patel:** I am not in a position to give the percentage, but generally, it may be true.

**Mr. R. K. Sidhva:** May I know whether these traffic rules apply to cyclists?

**The Honourable Sardar Vallabhbhai Patel:** The traffic rules which apply to the motor vehicles do not necessarily apply to the cyclists.

**Shri Khurshed Lali:** Will Government consider the advisability of altogether prohibiting the use of glaring headlights in the Old and New Delhi, just as in Calcutta?

**The Honourable Sardar Vallabhbhai Patel:** Well, the suggestion may be considered.

**Shri H. V. Kamath:** Will Government consider the desirability of notifying certain congested and trafficky roads as out of bounds for Military vehicles?

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

#### STATE EMBLEM AND SEAL FOR INDIA

486. \***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Home Affairs please state whether Government have finally accepted a design for the State Emblem and Seal?

(b) Will this emblem and seal be adopted by all the Provinces?

(c) Will the Crown and the monogram "G.R.I.", wherever they exist, be substituted by a uniform design approved by the Government of India or do Government propose to leave it to each Province to have their own crests etc.?

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

(b) Provincial Governments have been requested to adopt the new design.

(c) The motto which the seal should bear has not been decided yet. The Crown is not included in the new Seal.

**Seth Govinddas:** Will Government consider it advisable, Sir, now to have Mahatma Gandhi's portrait on this emblem in as much as we never had a person like him for thousands of years and we are not going to have a person like him for thousand years to come?

**Mr. Speaker:** Order, order. It is a suggestion for action.

#### APPLICATION OF PAY COMMISSION'S REPORT TO COORG ADMINISTRATION

487. \***Shri C. M. Poonacha:** (a) Will the Honourable Minister of Home Affairs be pleased to state the date when the Coorg Administration forwarded their recommendations on the Pay Commission Report relating to the pay scales of the Government employees in Coorg?

(b) Have those recommendations been approved of by the Government of India? If so, when?

(c) If not, why not?

**The Honourable Sardar Vallabhbhai Patel:** (a) The Chief Commissioner's final recommendations received during the first week of December 1947.

(b) and (c). Since uniform rates were to be prescribed for the staff in all the Chief Commissioner's Provinces, the recommendations from all of them had to be considered together. Comments of some of the other Chief Commissioners on Government of India's draft orders referred to in (a) above were received only last month. The proposals are now under detailed examination.

#### ABOLITION OF EUROPEAN CONSTITUENCY IN COORG

**488. \*Shri C. M. Poonacha:** Will the Honourable Minister of Home Affairs be pleased to state why steps have not been taken to abolish the European Constituency in Coorg, which returns two Members to the Coorg Legislative Council, when such Constituencies all over the Indian Dominion have been abolished under the Government of India Act 1935 as adapted by the India (Provisional Constitution) Order 1947?

**The Honourable Sardar Vallabhbhai Patel:** According to Section 97 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order 1947, the Constitution of the Coorg Legislative Council shall continue unchanged. Government have therefore no power to change the present constitution of the Council.

#### DISPARITY IN SALARIES OF LOWER DIVISION CLERKS AND ASSISTANTS

**489. \*Giani Gurmukh Singh Musafar:** (a) Will the Honourable Minister of Finance be pleased to state whether the attention of Government has been drawn to a letter regarding the fixation of pay of "B" Grade Clerks which appeared in the *Indian News Chronicle*, dated the 27th January, 1948 under the heading "B Grade Clerks"?

(b) If so, do Government propose to consider the desirability of removing the disparity in the initial salaries of the lower division clerks and the assistants? If not, why not?

**The Honourable Shri R. K. Shanmukham Chetty:** (a) Yes.

(b) The duties of lower division clerks and Assistants are in other grades not similar. The disparity in the initial salaries of these grades is justified on the basis of differences in duties and responsibilities, the requisite qualifications and the field of recruitment.

#### FACT re AZAD KASHMIR GOVERNMENTS CLAIM

**490. \*Shri Lal Mohan Pati:** Will the Honourable Minister of Defence be pleased to state:

(a) whether the attention of Government has been drawn to the news published by the *Statesman*, dated the 11th February, 1948 under the head line "Azad Government Spokesman's Claim";

(b) whether there is any truth in the so-called "Azad Kashmir Government spokesman's" claim that 100 lorries full of ammunition, rations, Bren-guns, mortars and a large quantity of rifles were captured by the Kashmir raiders; and

(c) if there is any truth in the claim referred to above, whether Government propose to make a statement regarding the matter?

**The Honourable Sardar Baldev Singh:** (a) Yes.

(b) No. There is absolutely no truth in this statement.

**Shri Mohan Lal:** Will Government consider the advisability of taking action against the publication of such false news?

**The Honourable Sardar Baldev Singh:** The suggestion will be borne in mind; but as far as news about Kashmir is concerned, I find that every day absolutely false news appears in the press and it is difficult for me to issue contradictions every day.

**Shri Mohan Lal Saksena:** I was suggesting that some action should be taken by Government regarding the publication of such false news without reference to the Ministry concerned or to some officer of Government.

**The Honourable Sardar Baldev Singh:** That suggestion will be passed on to the Home Ministry; but as far as the Defence Ministry is concerned, an authoritative version is issued every day.

**Shri K. Santhanam:** May I know if there is a Press Liaison Officer in the Defence Ministry?

**The Honourable Sardar Baldev Singh:** Yes, Sir.

**Shri K. Santhanam:** May I know if it is not his duty to contact these papers and reporters and correct the news as soon as it appears?

(No reply)

**Shri H. V. Kamath:** Has Government's attention been drawn to a report in this morning's papers to the effect that the "Azad Government" of Kashmir is being helped by Russia with arms and ammunition?

**Mr. Speaker:** That does not arise. Next question.

#### RAIDS FROM PAKISTAN ON EAST PUNJAB BOUNDARIES

**491. \*Dr. Bakshi Tek Chand:** (a) Will the Honourable Minister of Defence be pleased to state the total number of raids made since 15th August, 1947 inside the boundaries of East Punjab by raiders coming from the Pakistan territory?

(b) Do Government propose to lay on the table of the House a statement giving the names of villages which were raided?

**The Honourable Sardar Baldev Singh:** (a) and (b). I lay on the table of the House a statement of the raids so far reported to Army Headquarters. Full information has been called for from the local authorities.

#### STATEMENT

*Names of villages in East Punjab which were raided with dates on which such raids took place.*

Name of village	DISTRICT AMRITSAR	Date
Punkanjri . . . . .		(1) 7-9-47.
		(2) 8-9-47.
Thathi Jaimal Singh . . . . .		7-9-47.
Rajkot . . . . .		Do.
Dauke . . . . .		(1) 10-9-47.
		(2) 20-9-47.
Wagha . . . . .		12-9-47.
Near Dhanoa Kalan . . . . .		Do.
Roranwala . . . . .		(1) 14-9-47.
		(2) 15/16-12-47.
Dhanoa . . . . .		(1) 21-9-47.
		(2) 22-9-47.
Mehdipur . . . . .		(1) 24-8-47.
		(2) 26-9-47.
		(3) 28-9-47.
Near Gujjall . . . . .		24-9-47.
Near Mohawa . . . . .		Do.
Mitha . . . . .		Do.
China Bidhi Chand . . . . .		Do.
Nowshera . . . . .		28-9-47.
Dhamoya Khurd . . . . .		29-9-47.



Name of villages

Date

## DISTRICT AMRITSAR

Raja'a'	29-9-47
Near Chhina Bidhi Chand	(1) 29-9-47.
	(2) 9/10-12-47.
Kala	29-9-47.
Near KhemaKaran	(1) 1-10-47.
	(2) 25/26-11-47.
Machhike	1-10-47.
Nurwala	3-10-47.
Khem Karan	Do.
Surjamurja	30-10-47.
Police Post near Mahawa	31-10-47.
Mahawa	7-11-47.
Bhrowali, South of Dooke	2-12-47.
Near Neshta	3-12-47.
Dals	7-12-47.
Kalsian-Khurd	12/13-12-47.
Kals	Do.
Chisbilich	12/13-12-47.
Dhanya Kalan	13-12-47.
Near Border in Amritsar	(1) 14/15-12-47.
	(2) 16-12-47.
	(3) Do.
	(4) 17-12-47.
	11/12-1-48.
Near Kohali	Do.
Naushar Jalla Station	12/13-1-48.
Attari	13/14-1-48.
Wan	Do.
Near Chathanwala & Jahaman	(1) 14/15-1-48.
Kamalpur	(2) 16/17-1-48.
	17/18-1-48.
Jatanwala	26-1-48.
Sankhatra	30-1-48.
South west of Sursingh	30/31-1-48.
West of Sursingh	

## DISTRICT GURDASPUR

Sutlaj	15/16-9-47.
Daulat Chak	5-10-47.
Bamial	(1) 14-10-47.
	(2) 21-11-47.
	(3) 7/8-1-48.
Kot Jawahar Dhuide	15/16-10-47.
Hamza & Pharwal	21-10-47.
Makina	16/17-11-47.
Tolur	20/21-11-47.
Datial	Do.
Bandal	Do.
Narot	22-11-47.
North of Banial	22/23-11-47.
Near Ujh river (West of Pathankot)	23-11-47.
Danke	1/3-12-47.
On Border in District Gurdaspur	2/7-12-47.
Salach	4/6-12-47.
Near Mathi	8/9-12-47.
Near Daulat Chak	10/11-12-47.
Near Jhman Singh (Village in Pakistan)	15/16-12-47.
Balach	Do.
Lasian	Do.
North of Gurdaspur	16-12-47.
Near Ujh river	18-12-47.
Near Nainakot	24-12-47.
Kunli-chak	27-12-47.
Sahotrenchak	1/2-1-48.
Disachak	4/5-1-48.
Ranarpur	13-1-48.
Near Junction of Ravi & Ujh	15-1-48.
On border in District Gurdaspur	19/20-1-48.
Jalala	26-1-48.
In Lasian area	26/27-1-48.

Name of village	DISTRICT FEROZEPURE	Date
Sulemanke	.	15/16-9-47.
Area of Lakha Singhavala Jalloke	.	9-11-47.
Ranian	.	19-11-47.
Chak Allah-Bux	.	(1) 20-11-47. (2) 21-11-47.
Rania	.	21-11-47.
Pirake	.	28-11-47.
Police post in Sadua	.	20/21-1-48.

## DISTRICT PATHANKOT

And Opposite to Ramial	.	30-12-47.
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**Dr. Bakshi Tek Chand:** May I know what the total number is?

**The Honourable Sardar Baldev Singh:** It is a long list; I can later on give the information to the Honourable Member.

**Shri H. V. Kamath:** What steps have Government taken or propose to take to prevent such raids in future?

**The Honourable Sardar Baldev Singh:** Every possible step is being taken

**Shri Mohan Lal Saksena:** Were protests made to the Pakistan Government? If so, with what results?

**The Honourable Sardar Baldev Singh:** Protests have been made and the reply we have received is that the matter is under consideration.

**Seth Govinddas:** Are the raids on the increase or on the decrease?

**The Honourable Sardar Baldev Singh:** They are on the decrease.

**Shri K. Santhanam:** May I know in how many cases compensation has been demanded for these raids?

**The Honourable Sardar Baldev Singh:** Compensation is dealt with in the External Affairs Ministry and I could not say off-hand in what cases compensation has been demanded.

**Shri H. V. Kamath:** Will Government at least tell us a few of the steps that they propose to take to prevent such raids in future?

**The Honourable Sardar Baldev Singh:** The steps that have been taken or can be taken is to strengthen the Military and police forces on the border.

**Shri M. Ananthasayanam Ayyangar:** Have any Home Guards been started or established in the provinces or States adjoining Pakistan where such raids have taken place?

**The Honourable Sardar Baldev Singh:** According to the information available the East Punjab Government have raised Home Guards.

کیاتی گورمکھ سنگھ مسافر: کیا آئرینل ڈیفنس منسٹر میری اس تجویز پر غور

کر سکتے ہیں کہ ریڈز (Raids) کو روکنے کا علاج یہ ہے کہ امرتسر کو ایسٹ پنجاب

کا کیپیٹل (Capital) بنا دیا جائے؟

**Giani Gurmukh Singh Musafar:** Will the Honourable Minister for Defence consider my suggestion that the remedy to prevent the raids is to make Amritsar, the Capital of the East Punjab?

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

**Shri Deshbandhu Gupta:** Has the Honourable Minister's attention been drawn to the news appearing in the papers that people in the border districts of Pakistan have been recently armed?

**The Honourable Sardar Baldev Singh:** That may be true, but I cannot interfere in what Pakistan may do. The only alternative open to us is to strengthen our police and military forces in the border areas.

**Shri Deshbandhu Gupta:** May I know if similar steps are being taken on this side?

**The Honourable Sardar Baldev Singh:** Yes, I think so.

**Shri Mihir Lal Chattopadhyay:** May I know if any of the raiders have been captured or killed?

**The Honourable Sardar Baldev Singh:** Some raiders were captured; I think they are in detention now.

**Shri Mohan Lal Saksena:** May I know if apart from the police and military forces on the border any other special agency has been created for getting information about the activities of the people on the other side?

**The Honourable Sardar Baldev Singh:** It is not possible for me to give details of the arrangements which exist.

**Mr. Speaker:** I was wondering whether Honourable Members should insist on disclosures as regards defence measures and details about them. It would not be proper and it is perhaps giving information which the other side will very much appreciate.

#### MERGER OF DUJANA STATE WITH EAST PUNJAB

**492. \*Ch. Ranbir Singh:** (a) Will the Honourable Minister of States be pleased to state whether it is a fact that the Ruler of Dujana State (East Punjab) has gone to Pakistan?

(b) Is it also a fact that the administration of the State has been taken over by the Government of India?

(c) Are Government aware that the people of the State want the merger of the State with the East Punjab Province?

(d) If so, do Government propose to take steps in the matter?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes, but only temporarily.

(b) Yes.

(c) Yes.

(d) The matter is under consideration.

#### PRINTING OF COMBINED CIVIL LIST OF GOVERNMENT EMPLOYEES

**493. \*Dr. P. S. Deshmukh:** Will the Honourable Minister of Home Affairs be pleased to state how often is the Combined Civil List of all employees of the Government of India printed in a year? When was it last printed?

**The Honourable Sardar Vallabhbhai Patel:** The Honourable Member is presumably referring to the Combined Civil List published by the *Civil and Military Gazette*, Lahore. It used to be published quarterly. The last issue was for the quarter April-June 1947.

#### STATES ACCEDED TO THE INDIAN DOMINION

**494. \*R. B. Lala Raj Kanwar:** Will the Honourable Minister of States be pleased to state:

(a) the total number of States, both big and small, before the partition of the country into two Dominions;

(b) how many of them have since acceded to the Indian Dominion; and

(c) how many of the States which have acceded to the Indian Dominion have independent High Courts of their own?

**The Honourable Sardar Vallabhbhai Patel:** (a) 624 (This figure includes the frontier States and the small attached units to be found in Western India and Kathiawar.)

(b) I draw the Honourable Member's attention to the reply given by me to Shri Nagappa's question No. 62 and to Shri Jai Sukh Lal Hathi's question

No. 9 on the 19th November and 10th December 1947 respectively and the statements placed by me on the table of the House on the 19th November 1947.

(c) Government have no information.

**R. B. Lala Raj Kanwar:** How many States may be taken to have joined the Pakistan dominion?

**The Honourable Sardar Vallabhbhai Patel:** Very few, I think; may be three or four.

**R. B. Lala Raj Kanwar:** Are the High Courts of the States efficiently manned? If not, what steps do Government propose to take in the matter?

**The Honourable Sardar Vallabhbhai Patel:** No one can say that the High Courts in all the States are functioning uniformly or efficiently.

**Shri H. V. Kamath:** How many of these States which have acceded to the Indian Union have merged with the adjoining provinces and how many have merged among themselves to constitute a larger unit on the lines of Sourashtra?

**The Honourable Sardar Vallabhbhai Patel:** We will give the House full informations; a statement will be prepared and laid on the table of the House.

#### STATE ADMINISTERED BY GOVERNMENT OF INDIA

**495. \*R. B. Lala Raj Kanwar:** Will the Honourable Minister of States be pleased to state the names of the States the administration of which has been taken over by the Government of India, together with the names and emoluments of the Administrators appointed therein?

**The Honourable Sardar Vallabhbhai Patel:** The information asked for is contained in a statement placed on the table of the House.

#### Statement

Name of State	Name of Administrator	Emolument
1. Jangra	Mr. S. W. Shiveshwarkar, M.B.E., I.C.S.	Rs. 2,000/- p.m.
2. Mongrol	Mr. J. M. Shah—Manager	Rs. 562/- p.m.
3. Manavadar	Mr. Y. G. Maru—Manager	Rs. 487/- p.m.
4. Bantwa	Mr. J. H. Bich—Manager	Rs. 450/- p.m.
5. Sardargadh	Mr. J. K. Oza	Rs. 350/- p.m.
6. Alwar	Mr. K. B. L. Seth, I.C.S.	Not fixed. A pay of Rs. 4,00 p.m. has been proposed.
7. Bharatpur	Mr. S. N. Sapru, P.C.S. (U.P.)	Not fixed. Grade pay plus 25% deputation allowance.
8. Rajgarh	Mr. P. J. Shroff	Rs. 1,750/- p.m.
9. Jaora	Sir Hari Lal Gosalia	Rs. 2,000/- p.m.
10. Theogh	Mr. Bhagwan Dass	Rs. 200/- p.m.

**R. B. Lala Raj Kanwar:** What is the highest salary and the lowest salary that are paid to the administrators of these States?

**The Honourable Sardar Vallabhbhai Patel:** The highest is Rs. 2,000 and the lowest is Rs. 200.

**Seth Govinddas:** Is the scale of pay of these Administrators the same as obtains in the services of the Indian Union, or is there any difference?

**The Honourable Sardar Vallabhbhai Patel:** The scale of pay in the States is not necessarily the same as that of the services in India. But many of the Administrators are lent from the Government of India. And although the scale may not be the same, due regard is usually paid, while fixing these salaries, to the scales of pay in the Government of India services.

**Seth Govinddas:** Is it not a fact that as soon as one goes into State service his pay is automatically increased from what was paid to him in the Indian Union?

**The Honourable Sardar Vallabhbhai Patel:** There is no automatic increase at all.

**Dr. Bakshi Tek Chand:** What is the name of the State where the administrator gets a salary of Rs. 200 per month?

**The Honourable Sardar Vallabhbhai Patel:** The name of the State is Theogh.

**Shri M. Ananthasayanam Ayyangar:** May I know Sir, in how many of the States the administration was taken over at the request of the Government or Maharaja of that State and in how many cases the Government of India of their own accord took charge of the administration?

**The Honourable Sardar Vallabhbhai Patel:** The administration of no State has been taken over by the Government of India of its own accord. It is, as a rule, done at the request of the Ruler.

#### FORMATION OF MALWA PROVINCE

**496. \*R. B. Lala Raj Kanwar:** Will the Honourable Minister of States be pleased to state:

(a) whether there is any proposal for forming the Malwa Province by the unification of the Central India and Bundelkhand States; and

(b) if so, when the proposal is likely to materialize?

**The Honourable Sardar Vallabhbhai Patel:** (a) No.

(b) Does not arise.

**Shri H. V. Kamath:** Sir, what is the attitude of Maihar and Rewa towards the Merger scheme?

**The Honourable Sardar Vallabhbhai Patel:** The question of merger does not arise from this question at all.

**Dr. B. Pattabhi Sitaramayya:** Sir, may we know whether there is any proposal to form a Malwa province out of the Central India States, excluding Bundelkhand States?

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

**Dr. B. Pattabhi Sitaramayya:** Am I to understand the Honourable Minister to mean that the Bundelkhand States are excluded?

**The Honourable Sardar Vallabhbhai Patel:** Excluded from what.

**Dr. B. Pattabhi Sitaramayya:** Excluded from the proposed Malwa province.

**The Honourable Sardar Vallabhbhai Patel:** No proposals for forming any Union of the States of either Malwa or Bundelkhand have been officially received by the States Ministry as yet.

#### JUDGES OF COMMON HIGH COURT OF EASTERN STATES GROUP

**497. \*R. B. Lala Raj Kanwar:** Will the Honourable Minister of States be pleased to state:

(a) whether it is a fact that the Common High Court of the Eastern States was established some years ago with the approval of the then Crown Representative's Department;

(b) whether it is a fact that the Board of Control of that High Court had appointed Judges for a specified period of five years, only half of which has since expired;

(c) whether it is a fact, that in view of the administration of these States having since been taken over by the Government of India, the said High Court has been disbanded without the Judges having been paid compensation for the unexpired term of their agreement; and

(d) if the reply to parts (b) and (c) above be in the affirmative, whether Government propose to compensate the Judges of that Court for the unexpired term of their appointment?

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

(b) Government of India has no information, as under the Common High Court Scheme, matters relating to the appointment of Judges for the High Court, fixation of their conditions of service, etc., were left to the Board of Control of Rulers to determine.

(c) and (d). Government propose to make an enquiry in this matter and will determine their attitude in the light of the result of such enquiry.

#### RENAMING OF NEW DELHI AS 'GANDHI PURI'

**498. \*Shri Mohan Lal Saksena:** (a) Will the Honourable Minister of Health be pleased to state whether Government are aware of the intense feeling of the public that "New Delhi" should be named as "Gandhi Puri"?

(b) If so, what steps do Government propose to take to achieve that end?

(c) Have Government considered the question of re-naming the existing roads of New Delhi with a view to remove the vestiges of foreign rule and naming them after Indian patriots, who have worked and fought for Indian Freedom?

(d) If not, will Government appoint a committee to consider the question and make necessary recommendations?

**The Honourable Rajkumari Amrit Kaur:** (a) and (b). No such suggestion has been made to Government.

(c) and (d). Under the provisions of the Punjab Municipal Act, 1911, this is a matter primarily for the New Delhi Municipal Committee to consider.

**Prof. N. G. Ranga:** Will Government take note of the suggestion at this stage at least?

**The Honourable Rajkumari Amrit Kaur:** Yes, if the suggestion comes from the proper quarter.

**Prof. N. G. Ranga:** What do they mean by proper quarter, Sir?

**Mr. Speaker:** Order, orser.

**Shri Mohan Lal Saksena:** Is it not a fact, Sir, that suggestions to that effect have been made in several papers?

**Mr. Speaker:** One need not pursue one inadmissible question by another inadmissible one.

#### FINANCIAL AID TO SMALL BUSINESS

**499. \*Seth Govinddas:** Will the Honourable Minister of Finance be pleased to state whether Government have any programme for giving financial aid to small business? If not, why not?

**The Honourable Shri R. K. Shanmukham Chetty:** The Honourable Member is presumably referring to displaced persons. Under the Government's scheme of financial assistance, shopkeepers, traders, artisans, etc., are eligible for loans upto Rs. 5,000 each and those requiring larger amounts will be covered by the proposed Rehabilitation Finance Administration.

#### ADMISSION OF FOREIGN STUDENTS TO INDIAN TECHNICAL INSTITUTES

**500. \*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Education be pleased to state whether any applications were received from students in Iraq and Iran for admission to Indian Medical, Engineering and other Colleges?

(b) What is the number of students from the Middle East who are being trained in India?

(c) What are the rules at present governing the admission of such students in our educational institutions?

(d) To establish better relations with the Middle-East and Far-Eastern countries, the Government propose to relax the rules and regulations which are, at present, preventing their entry into India and to provide the necessary facilities for the admission of a specific number of students in our higher technical institutions?

انریہل مولانا ابولکلام آزاد: (a) گورنمنٹ آف انڈیا کو ایران یا عراق کے کسی پرائیویٹ انسٹیٹیوٹ کی درخواست اس مطلب کی نہیں ملی ہے - کہ وہ ہندوستان کے میڈیکل یا انجینئرنگ یا کسی اور کالج کی تعلیم پانے کے لئے آنا چاہتا ہے -

(b) گورنمنٹ آف انڈیا نے 1945 میں گیارہ اسکالرشپ ایران کے ودیارتھیوں کو دئے تھے جنہیں گورنمنٹ آف ایران نے تکنیکل سبجیکٹس کی تعلیم کے لئے بھیجا تھا جس اسکیم کے اندر وہ لوگ آئے تھے وہ یہ ہے کہ ایران کے اسکالرز ہندوستان بھیجے جائیں اور ہندوستان کے ایران - ان گیارہ ودیارتھیوں میں چار ایگریکلچر کھلئے - نانچ انجینئرنگ کھلئے - اور دو فارسٹی کھلئے تھے -

(c) ہندوستان کے ایجوکیشنل انسٹیٹیوشن میں منڈل ایسٹ کے ودیارتھیوں کو لینے کے لئے خاصہ رول نہیں بنائے گئے ہیں -

(d) ہندوستان تکنیکل انسٹیٹیوشن عام طور پر پرائیویٹ گورنمنٹ کے کنٹرول میں ہیں انہوں نے اس بارے میں اپنے اپنے رول بنائے ہیں وہی انکو نوم اور تعینا کر سکتے ہیں - گورنمنٹ آف انڈیا ایسا نہیں کر سکتی کی خود اپنی رائے سے اسکو بندے -

**The Honourable Maulana Abul Kalam Azad:** (a) No applications from private students either from Iran or Iraq have been received by the Government of India for admission to Indian Medical, Engineering and other Colleges.

(b) Under the scheme for exchange of students with Iran, we awarded eleven scholarships in 1945 to Iranian students selected by the Iranian Government for studies in technical subjects in India. The distribution of these 11 candidates according to subjects is as under:

Agriculture	...	...	...	...	4
Engineering	...	...	...	...	5
Forestry	...	...	...	...	2
					11

(c) There are no special rules for the admission of students from the Middle East to educational institutions in India.

(d) The higher technical institutions in India are generally under the control and jurisdiction of the Provincial Governments who have prescribed their own rules for admission. The Provincial Governments or the authorities of the institutions concerned have therefore, to be consulted in the matter of relaxation of those rules as each case arises. The Government of India is not competent to alter those rules.

**Shri V. C. Kesava Rao:** May I have a translation of the answer, Sir?

**Mr. Speaker:** I think the Hindustani in which the reply was given was so simple and if I were to allow translations of each question, it would mean that the proceedings must be conducted bilingually and Hindustani can never become the language of the House. That is my difficulty. Did the Honourable Member really not understand the answer?

**Shri V. C. Kesava Rao:** May I request that I may be supplied a translation beforehand.

**Mr. Speaker:** That question has been disposed of. Did the Honourable Member not really follow the answer?

**Shri V. C. Kesava Rao:** No, Sir.

**Mr. Speaker:** Then a translation may be supplied.

(The English translation of the honourable member's answer in Hindustani was then read out by Shri Satyanarain Sinha).

**Shri V. C. Kesava Rao:** May I know, Sir, whether the Middle East Countries have offered any facilities to our students studying in those countries.

آنریبل مولانا ابوالکلام آزاد : یہ بات میں آنریبل ممبر سے اپنے جواب کے سلسلے میں بتلا چکا ہوں کہ ایران سے کسی پرائیویٹ سٹوڈنٹ (Private Student) کی کوئی درخواست نہیں آئی ہے - جب تک اس طرح کی کوئی چیز سامنے نہیں آئے - کسی چیز پر غور نہیں ہو سکتا -

**The Honourable Maulana Abul Kalam Azad:** In continuation of my reply to the Honourable Member I have already said that no application from any private student from Iran has been received; and until such a thing comes before the Government, it cannot be considered.

مسٹر آر - کے - سدھوا : کیا یہ تھیک بات ہے کہ گورنمنٹ آف انڈیا کے ماتحت ایرانیوں کا کلچرل مشن (Cultural Mission) یہاں ہے اور ہے تو اس کا کام کیا ہے ؟

**Mr. R. K. Sidhva:** Is it a fact that the Cultural Mission from Iran under the Government of India is in this country? If that is so, what is its function?

آنریبل مولانا ابوالکلام آزاد :- ان کا کام یہ ہے کہ ایران سے کلچرل ریلیشن (Cultural Relation) بڑھے اور اس سلسلے میں سٹوڈنٹس اور ٹیچرز دوسرے ملکوں میں بھیجے جائیں اس کا سمجھنا اس سے ہے کہ اس سلسلے میں دو سٹوڈنٹس ایران بھیجے گئے ہیں -

**The Honourable Maulana Abul Kalam Azad:** Its function is to develop the cultural relations with Iran and in this connection students and teachers should be sent to other countries and, therefore, in furtherance of this scheme two students from India have been sent to Iran.

श्री एच० वी० कामथ :- क्या ईरान या दूसरे मिडिल ईस्ट के मुल्कों में अब तक

कोई हिन्दुतानी किसी किस्म की तालीम पाने के लिये भेजा गया है ।

**Shri H. V. Kamath:** Has any Indian until this day been sent for studying anything either to Iran or to other Middle East Countries?

آنریبل مولانا ابوالکلام آزاد :- میں نے ابھی کہا ہے کہ دو سٹوڈنٹس (Students) بھیجے گئے ہیں -



## SHORT NOTICE QUESTION AND ANSWER

**The Honourable Maulana Abul Kalam Azad:** I have just mentioned that two students have been sent.

**Shri H. V. Kamath:** I have been authorised to put this short notice question on behalf of Prof. Saksena.

**Mr. Speaker:** Has the authority come in writing?

**Shri H. V. Kamath:** Yes, I gave it to the Secretary.

**Mr. Speaker:** Where is that authority?

But I was just wondering whether, if an Honourable Member puts a short notice question as a matter of urgency why is it that he should not remain present to put the question himself?

**Shri H. V. Kamath:** I am not aware of that. It is left to you.

**Dr. B. Pattabhi Sitaramayya:** Probably something more urgent has happened!

**Mr. Speaker:** I therefore do not feel inclined to recognise the authority and to grant permission.

The House will now proceed to Legislative business.

**Dr. B. Pattabhi Sitaramayya:** May I request that as the statement promised to be laid on the table in answer to question No. 494 refers to an important matter, it be circulated. It relates to the States.

**Mr. Speaker:** I will consider that.

**Shri H. V. Kamath:** Has the short notice question been disallowed or has the authorization not been recognised?

**Mr. Speaker:** The question is allowed and is before the House. The only thing is that the Honourable Member is not permitted to put it on behalf of Prof. Saksena.

### TRANSFER TO INDIA OF SECURITIES HELD IN PAKISTAN

**†Prof. Shibban Lal Saksena:** (a) Will the Honourable Minister of Finance be pleased to state if it is a fact that Indian Nationals or Nationals who have come from Pakistan, holding Securities in the Banks in Pakistan, are not being allowed to get them transferred to India?

(b) Is it a fact that the Securities held in the Banks in India by Pakistan Nationals or Nationals who have migrated to Pakistan are being freely transferred to Pakistan on the request of the holders?

(c) What action do Government propose to take to ensure that Securities of Indian Nationals held in Pakistan are transferred to India as freely as it is being done in India?

(d) Are Government aware that money orders lying in Pakistan in the name of Indian Nationals who have migrated from Pakistan, are not being re-directed despite repeated reminders to the postal authorities there?

**The Honourable Shri R. K. Shanmukham Chetty:** (a), (b) and (c). There is no general ban on the transfer from one Dominion to the other of Securities deposited with the banks in either Dominion. This position has been categorically confirmed by the Pakistan Government in a recent telegram. Securities belonging to evacuees in the possession of banks in the East and West Punjab are evacuee property under enactments relating to evacuee property, the permission of the respective Custodians is required for the transfer of Securities, and this sometimes leads to delay. Government have, however,

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

received some complaints that in practice Securities are not being allowed to be transferred to India and they are receiving attention.

(d) No case of refusal to re-direct money orders has been brought to the notice of the Government of India. A number of complaints regarding non-payment of money orders issued from Post Offices in Pakistan have, however, been received and are under enquiry with the Pakistan authorities.

**Prof. N. G. Ranga:** May I make a suggestion that early steps should be taken to remove that Crown on the top of your Chair?

**Mr. Speaker:** The House will now proceed to Legislative business.

### PROVINCIAL INSOLVENCY (AMENDMENT) BILL

**Shrimati G. Durgabai (Madras: General):** I am not making any motion in this connection but I would like the Bill to be kept alive.

**Mr. Speaker:** All right.

**Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim):** If Honourable Members know before-hand that they are not moving their motions, it is better that they inform the Secretary. A great deal of work we do on them is wasted. Courtesy requires that they should tell the Secretary and he could inform us which motions are not being moved.

**Seth Govinddas (C.P. and Berar: General):** Sometimes we have to decide at the eleventh hour and if such a restriction is placed on us it would raise difficulties.

**Haji Abdus Sattar Haji Ishaq Seth:** I said if the Honourable Members knew before that.....

**Mr. Speaker:** I think the request is a reasonable one. It is not a matter of insistence on the part of the Honourable Member that they should not be included in the agenda: It is a matter of courtesy to other members to inform the Secretary, even at the eleventh hour, if Honourable Members are not going to move their motions. But that is a matter for mutual adjustment and not for a ruling from the Chair.

### CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

#### (AMENDMENT OF SECTIONS 161 AND 162)

**Shri M. Ananthasayanam Ayyangar (Madras: General):** I am not moving my Bill at all, nor do I want it to be kept alive.

**Mr. Speaker:** All right. But will the Honourable Member make a motion for withdrawal of the Bill?

**Shri M. Ananthasayanam Ayyangar:** Sir, I beg leave to withdraw the Bill further to amend the Code of Criminal Procedure, 1898. (Amendment of Sections 161 and 162).

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

"That leave be granted to withdraw the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Sections 161 and 162)."

**Kazi Syed Karimuddin (C.P. and Berar: Muslim):** Mr. Speaker, I have read this Bill. It is a very very important Bill. From the provisions which he wants to enact, the Bill is that the police generally does not record statements in the police diary with a view to deprive the accused of the right to contradict them in a court of law. The mover has given absolutely no reasons why permission should be given to withdraw this Bill. Therefore, my submission is that it should be refused.

**Shri M. Ananthasayanam Ayyangar:** I had not known that I would have as much support in the House as my Honourable friend has promised. You know that statements during the course of investigation are not allowed to be taken in writing by police officers, and if they are at all taken in writing they cannot be used to support the prosecution. But extracts can be taken for the purpose of contradicting those witnesses. I wanted to have every statement to be recorded. I have discussed this matter with friends and I find that the first time a police officer might coerce a man, or for various motives a man may make a statement which is not true. Once committed to writing there is no going behind it and it may influence the Judge. Whatever may be in writing at the earliest possible time stands unless contradicted. It may be absolutely injurious to the accused. I wanted to safeguard the interest of the accused. I thought the balance of inconvenience was against the accused and therefore I wanted to withdraw this. My Honourable friend will agree with me that we do not want to injure the cause of the accused and to make it easier for the accused.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): I think I would rather like that the Bill should be presented before the House. The reason is extremely important. The basic law is that when a police officer goes to investigate a crime he is free to record the statement of witnesses or not. He may record a statement of the gist of such evidence or record the statement in full. If he records facts, it is doubtful whether copies of the statements can be used at all. My learned and Honourable friend's position is that if a witness under coercion tells something before the police and then later on he withdraws, the effect of his amendment would be injurious to the accused. But I should submit that it would not be injurious to the accused at all. If a witness says under coercion or otherwise that he saw the accused doing an act and later on if the witness says that he did not see the act, the entire advantage goes to the accused. What is very important is that the accused has the sole option to use any of the statements according to his sweet will. The prosecution cannot use it. So if contradictory statements are made by witnesses before the police officer, then the Bill which he wanted to introduce would not be against the accused. On the other hand it would be helpful to the accused. I think the Honourable Member is going to withdraw a very valuable Bill and I will ask him to reconsider the matter.

**Shri M. Ananthasayanam Ayyangar:** I will then withdraw my motion for withdrawal.

**Mr. Speaker:** I was wondering whether any further discussion was necessary. Assuming the Bill to be a very important matter, I was just asking myself a question as to what would happen if the leave to withdraw is refused and the Honourable Member still persists in not making any further motion?

**Mr. Naziruddin Ahmad:** That is another matter.

**Mr. Speaker:** The result is the same.

**Kazi Syed Karimuddin:** He may change his mind.

**Mr. Naziruddin Ahmad:** The House in any case expresses its opinion.

**Mr. Speaker:** I do not think any further discussion on the point is necessary.

The question is:

"That leave be granted to withdraw the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Sections 161 and 162)."

The motion was adopted.

## CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 4, 29A, ETC.)

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I have been authorised by Dr. Sir Hari Singh Gour to move this motion on his behalf as he is unable to be present here on account of unavoidable reasons. Probably he has also sent a copy of the letter to the Department.

**Mr. Speaker:** I have received a copy of the letter and I accept the authority.

**Pandit Thakur Das Bhargava:** Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Sections 4, 29A, etc.).

**Haji, Abdus Sattar Haji Ishaq Seth** (Madras: Muslim): On a point of order, Sir may I know what would be the further course with regard to this Bill? Does it mean that my Honourable friend Pandit Thakur Das Bhargava will move all the other motions of D. Gour in connection with this Bill? Once a Bill is introduced by a Member it will be he who will move the further motions.

**Mr. Speaker:** This question was considered. I refused permission to the Honourable Member last time. I considered the question thereafter and I thought that there was no objection to leave being granted as introduction of a Bill was a purely formal matter. But if the letter of authority expressly states that all future motions in respect of the Bill would be made by the person to whom the authority is delegated, I thought that was a reasonable thing and therefore I said that I would grant permission only if the authority was in this form. Dr. Gour has sent the authority in that form and therefore it will follow that the subsequent motions in respect of this Bill will be made only by Pandit Thakur Das Bhargava.

I shall also make one more point clear. Under the rules the maximum number of Bills that can be brought in for discussion by one member is only three and this Bill will be considered as one of Pandit Thakur Das Bhargava's and not that of some other member. That will be the position.

The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Sections 4, 29A, etc.)."

The motion was adopted.

**Pandit Thakur Das Bhargava:** Sir, I introduce the Bill.

## DELHI SIKH GURDWARAS AND RELIGIOUS ENDOWMENTS BILL

**Giani Gurmukh Singh Musafar** (East Punjab: General): Sir, I beg to move for leave to introduce a Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate.

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

"That leave be granted to introduce a Bill to provide for the better administration of the Sikh Gurdwaras in the Delhi Province and their properties wheresoever situate."

The motion was adopted.

**Giani Gurmukh Singh Musafar:** Sir, I introduce the Bill.

## CRIMINAL TRIBES (REPEAL) BILL

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, I beg to move for leave to introduce a Bill to repeal the Criminal Tribes Act, 1924.

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

"That leave be granted to introduce a Bill to repeal the Criminal Tribes Act, 1924."

The motion was adopted.

**Shri M. Ananthasayanam Ayyangar:** Sir, I introduce the Bill.

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## INDIAN PENAL CODE (AMENDMENT) BILL

(AMENDMENT OF SECTIONS 53, 121, 152, ETC.)

**Shri Rohini Kumar Chaudhuri** (Assam: General): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code (Amendment of Section 53, 121, 132, etc.)

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

"That leave be granted to introduce a Bill further to amend the Indian Penal Code (Amendment of Sections 53, 121, 132, etc.)."

The motion was adopted.

**Shri Rohini Kumar Chaudhuri:** Sir, I introduce the Bill.

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## INDIAN BAR COUNCILS AND LEGAL PRACTITIONERS (AMENDMENT) BILL

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879.

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

"That leave be granted to introduce a Bill further to amend the Indian Bar Councils Act, 1926, and the Legal Practitioners Act, 1879."

The motion was adopted.

**Shri M. Ananthasayanam Ayyangar:** Sir, I introduce the Bill.

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## INDIAN JUDICIAL PROCEDURE BILL

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I beg to move for leave to introduce a Bill to clarify and modify the law in practice hitherto followed in criminal applications for special leave to appeal to His Majesty in Council for criminal cases decided by the Indian Courts.

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

"That leave be granted to introduce a Bill to clarify and modify the law in practice hitherto followed in criminal applications for special leave to appeal to His Majesty in Council for criminal cases decided by the Indian Courts."

The motion was adopted.

**Pandit Thakur Das Bhargava:** Sir, I introduce the Bill.

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## PREVENTION OF FREE OR FORCED OR COMPULSORY LABOUR BILL

**Mr. B. K. Sidhva** (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill to provide punishment for free or forced or compulsory labour.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Sir, this Bill will no longer be necessary in view of the contemplated provisions in the constitution.

**Mr. Speaker:** That is a different matter. This is merely a formal matter of introduction.

The question is:

"That leave be granted to introduce a Bill to provide punishment for free or forced or compulsory labour."

The motion was adopted.

**Mr. R. K. Sidhva:** Sir, I introduce the Bill.

#### MADRAS PORT TRUST (AMENDMENT) BILL

**Mr. R. K. Sidhva:** (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill further to amend the Madras Port Trust Act, 1905.

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

"That leave be granted to introduce a Bill further to amend the Madras Port Trust Act, 1905."

The motion was adopted.

**Mr. R. K. Sidhva:** Sir, I introduce the Bill.

#### MOTOR VEHICLES (AMENDMENT) BILL

**Mr. R. K. Sidhva** (C.P. and Berar: General): Sir, I beg to move for leave to introduce a Bill further to amend the Motor Vehicles Act, 1939.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, may I ask what the object of the Bill is because there is another Bill which went through the Select Committee?

**Mr. Speaker:** That may be discussed later on.

The question is:

"That leave be granted to introduce a Bill further to amend the Motor Vehicles Act, 1939."

The motion was adopted.

**Mr. R. K. Sidhva:** Sir, I introduce the Bill.

#### HINDU MARRIAGES VALIDITY BILL

**Pandit Thakur Das Bhargava** (East Punjab: General): Sir, I beg to move for leave to introduce a Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid.

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

"That leave be granted to introduce a Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid."

The motion was adopted.

**Pandit Thakur Das Bhargava:** Sir, I introduce the Bill.

#### INDIAN ARMY AND THE INDIAN AIR FORCE (AMENDMENT) BILL

**The Honourable Sardar Baldev Singh** (Minister of Defence): Sir, I beg to move:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, as reported by the Select Committee, be taken into consideration."

Sir, it is a simple Bill and I do not want to detain the House for a long time. In 1911 when the Indian Army Act was passed provision was made for the disposal of the estates of the other ranks and as there were at that

time no Indian Commissioned Officers no provision was made for the Indian Commissioned Officers. Provision has been made in this Bill for the disposal of the estates of the Indian Commissioned Officers and of certain ranks in the Air Force. A lot of trouble and inconvenience is caused to the relatives of the deceased persons, and the purpose of the present amending Bill is to remove all this inconvenience.

Secondly, Sir, many difficulties were experienced in the disposal of the estates of these officers. In 1911 there was no Indian Air Force and one of the provisions in the amending Bill is to include in its scope the Royal Indian Air Force officers and also Warrant Officers.

As the House will remember, this Bill was referred to the Select Committee and the Select Committee has made certain changes which have been accepted, and a unanimous report is before the House. I am glad to see, Sir, that there are no amendments proposed by the Honourable Members of this House and I think that it has the general approval of the House. With these words, Sir, I move.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, as reported by the Select Committee, be taken into consideration."

**Shri K. Santhanam** (Madras: General): Sir, I do not want to take up the time of the House on a comparatively non-controversial Bill. But there is one matter of general importance for the House which I want to bring to the notice of the House. I think the Defence Department did not deal very fairly with the Select Committee. The Honourable Minister himself was unable to be present and competent advisers who prepared the Bill were not there to explain why certain provisions were there. We had a great difficulty in dealing with many of the clauses. We did not quite understand why certain changes were made. I think that steps should be taken by Government to see that when they bring in Bills and these Bills are referred to Select Committee they provide as efficient and expert an assistance to the Select Committee as possible. I think this is a matter of great importance for the efficient working of the Assembly. I therefore thought it was my duty to bring it to the notice of the House.

**Mr. Speaker:** Has the Honourable Minister anything to say with reference to this?

**The Honourable Sardar Baldev Singh:** Sir, I am sorry to hear this from my Honourable friend, but I can assure the House that this omission was not at all intentional. I will bear the suggestion in mind and try to give every possible assistance when any Bill is brought forward in the House or sent to the Select Committee in the future.

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

"That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, for certain purposes and to make certain consequential amendments to the Administrator General's Act, 1913, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Speaker:** We will now take the Bill clause by clause. Clause 2

**The Honourable Sardar Baldev Singh:** I beg to move:

"(1) That after sub-clause (v) of clause 2, the following shall be inserted as sub-clause (vi):

'In sub-section (5) of section 114 of the Indian Army Act, 1911, for the word "twelve", the word "three", shall be substituted'; and

"(2) After sub-clause (v) of clause 6, the following shall be inserted as sub-clause (vi):

'In sub-section (5) of section 126 of the Indian Air Force Act, 1932, for the word "twelve", the word "three", shall be substituted'."

[Sardar Baldev Singh]

Sir, I am sorry to move this amendment at short notice. As Honourable Members might have noticed, the period for settling the claims of the officers has been fixed at three months. In the original Act of 1911 the period fixed for the other ranks is 12 months. The intention of the amendment is to have a uniform period for officers as well as other ranks. If the House will agree I would suggest that this amendment may be accepted as it will facilitate matters and will also have a uniform period for officers and other ranks.

**Shri K. Santhanam:** Will the Honourable Minister kindly inform the House whether the change of three months was made by the Select Committee? Can he kindly point out the section concerned?

**The Honourable Sardar Baldev Singh:** As far as I remember, the original proposal was to reduce it to six months. The relevant sections are 114 and 126.

**Shri K. Santhanam:** I was asking the particular clause in the amending Bill as I want to be sure whether it came before the Select Committee.

**The Honourable Sardar Baldev Singh:** This one did not go before the Select Committee.

**Shri K. Santhanam:** Then it is absolutely a new clause. How can we introduce an absolutely new clause at this stage? I think, Sir, it is not proper.

**Mr. Speaker:** There is no objection to introducing any clause. It must only be within the scope of the original Bill. That is the rule.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): All that Mr. Santhanam means is that the benefit of the Select Committee's investigation is denied and not that there is any legal objection.

**The Honourable Sardar Baldev Singh:** I quite realize that and I have apologized for this. This has been pointed out to me only a few days ago. This is simply to have a uniform practice as far as officers and other ranks are concerned. That is why, while I was introducing this amendment, I clearly stated that if the House will accept this it may be considered.

**Shri K. Santhanam:** What was the difficulty in giving notice to us two days back?

**The Honourable Sardar Baldev Singh:** This was omitted as I said, and it was brought to my notice only the day before yesterday and I did not know my Bill was coming up today.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): I submit that in a small Bill like this, there should have been a considerable amount of care and caution in bringing it before this House. It has become a habit to introduce Bills without much consideration and then amend them on the floor of the House without any notice. Perhaps nothing of a mischievous kind will come out of this, but it is a pernicious practice. It puts us to a disadvantage and shows that members are not taken very seriously.

**The Honourable Sardar Baldev Singh:** If there is any objection to this amendment, I am not pressing it. It is only with the agreement of the House that I want to move this amendment, but I am not pressing it.

**Mr. Speaker:** I wanted to be clear myself as to what the substance of the amendment is, and if it is really of a very minor nature and improves the provisions, there is no reason why the House should not accept it. The only point is they must know what the amendment actually is.

**Shri K. Santhanam:** My point of order was not any objection to introducing a new clause in the Bill but it seeks to amend another clause of the original Bill which did not come before the Select Committee. That was my objection.



**Mr. Speaker:** I did not understand the Honourable Member's point of order in that light. I will just look into it.

**Pandit Hirday Nath Kunzru (U.P.: General):** Sir, if the Honourable Minister of Defence wants to proceed with his amendment only if we do not object to it, let me tell him that I for my part do object to it. In the first place, whatever the character of the amendment, he has had ample time to place it before the House earlier. In the second place, I am not much impressed by the argument of uniformity which he has urged. It may be right to allow the relatives of a deceased officer only three months to put forward their claims but a longer period may well be allowed in the case of the other ranks whose relatives will be uneducated and will not be conversant with the Army Rules and Regulations. No harm will be done if the periods relating to the disposal of claims with regard to property for the Commissioned Officers and other ranks are left as they are in the Bill. I do not see why the period allowed in the case of the other ranks should be reduced even by a day. On the other hand, I feel it is desirable to allow a longer time to the relatives of the other ranks to put forward their claims. I hope therefore that the House will not permit my Honourable friend to put forward his amendment and that if it is allowed to be put forward, it will be rejected.

**Mr. Speaker:** I find that section 126, which this amendment seeks to amend, is already the subject matter of an amendment in clause 4 of the present Bill. Any way, as the Honourable Minister is not pressing his amendment, I do not think the question arises for decision as to whether the amendment is in order or not. If he wishes to press it, I must, of course, rule that it is in order. As to whether he should press it and the House should accept it, it is for the House to consider. The point that was raised by the Honourable Mr. Santhanam was that when we have, an amending Act, you cannot as a general principle, touch, by way of further amendment, any sections which the Bill itself does not cover. I here find that clause 4 seeks to amend section 126 of the Air Force Act which this amendment touches. Therefore technically speaking, it cannot be said to be out of order on the ground that the amending Bill does not touch the original section of the Act. Of course these are general remarks. There are various other considerations for deciding on a particular motion. Sometimes a particular section includes various matters. For example where you give rule-making power, that section includes so many items and so many matters, but because that particular section is touched, it will not be permissible to move an amendment with reference to powers which are not dealt with in the particular amending Bill. I am making only a general proposition. Any way I understand, the Honourable Minister is not pressing his amendment.

**The Honourable Sardar Baldev Singh:** I have already stated that if the House has serious objection, I do not press my amendment, but my only point in putting forward this amendment was to reduce the period in the case of the other ranks also. My Honourable friend Pandit Hirday Nath Kunzru has pointed out that it is necessary to give a longer period for the other ranks. I think personally that it will be appreciated by the other ranks if the period is cut down because 12 months is too long a period. It is from that point of view that I have put forward this amendment before this House and I still maintain that if the House has not got any serious objection, this amendment will be appreciated by the other ranks, but in case there is objection, as I have already stated, I would not press my amendment.

**Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim):** After all this is a Government Bill and it need not be confined to a non-official day. He can call a meeting of the Select Committee and then proceed with the Bill.

**Mr. Speaker:** That is for the House and the Honourable Minister to decide. Personally, I do not think a'l that is necessary. He can as well bring forward another small amending Bill, but it appears from the discussion that the implications of sub-clause (5) of section 126 are not quite clear or understood. However, I will not go into the merits of the thing. I will not put this motion before the House now, as the Honourable Minister is not pressing his amendment.

The question is:

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

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. Speaker:** I will put all the clauses together. I find they are not controversial.

The question is:

"That clauses 3 to 6, stand part of the Bill."

The motion was adopted.

Clauses 3 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sardar Baldev Singh:** Sir, I move:

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

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

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

The motion was adopted.

#### DENTISTS BILL—concl'd.

**Mr. Speaker:** The House will now proceed with the further consideration of the motion by the Honourable Rajkumari Smrit Kaur namely:

"That the Bill to regulate the profession of dentistry, as reported by the Select Committee, be taken into consideration."

I understand discussion on the Bill was over by a closure motion yesterday.

**The Honourable Rajkumari Amrit Kaur** (Minister for Health): Sir, I am grateful to the House for the favourable reception that they have given to this measure. There were three or four points raised during the debate to which I think I ought to reply.

There were some Members who objected to there being two Registers—Part A and Part B. In presenting the Bill before the House, I have already given my reasons for this very essential measure because it is impossible for us to raise the standards of this profession if those who are not fully qualified are allowed to go on one Register. There were others who wanted not to have Register B at all, for the reason that none of those who had not got the requisite qualifications should practise. That also, in my opinion, would be an injustice. Therefore I think that the method that we have adopted in this Bill of having two Registers—Parts A and B—is the best course that we could possibly have adopted; it does injustice to nobody and it does allow us to proceed with raising the standards of the profession, regulating it and providing training etc. straightaway, and will also enable us in the future for arrangements for reciprocal recognition with foreign countries.

There is also some measure of confusion in regard to Parts I, II and III of the Schedule. I would like to turn the attention of the Members to Section 10 of the Bill in which it is made perfectly clear why the Schedule has been divided into three sections. It does not for one moment mean that those who come under Part I only shall be put on to the Register A; the division had to be made simply because of foreign countries.

Then one Honourable Member objected to the fact that in the Schedule there are names of many more foreign Dental Universities and very few of India. The real fact of the matter is that we have not got these Colleges in India, and the recognition that has been given to all these in this Schedule has been carefully looked into—many of the dentists practising in India today have actually got qualifications from these institutions. Moreover, it will be within the powers of the Dental Council, if the present institutions do not come up to standard in the future, to delete them from the Schedule and to put in any others that may come up to standard—as for example, two of which have been mentioned by members in their speeches, namely the City Dental College of Calcutta and the American Dental College in Madras. These two have not been included in the Schedule simply because the Provincial Governments have not recognised them and objected to their recognition and it would not be right to go against the opinion of the Provincial Governments in this matter. As far as the Karachi Dental College is concerned, I have made further enquiries and find that it has been recognised from its inception; so also the Calcutta Dental College.

I want to assure Honourable Members that the Health Department will do all in its power to provide for schemes for the institution of Dental Colleges everywhere. It is a very necessary thing and until we do have proper training facilities for our students, we will not be able to have the requisite number of dentists in our country.

I do not think that there were any more points that were raised which need any answer. I am glad that the Bill has been favourably received and I hope that it will be passed now as amended.

One thing I would like to ask you, Sir, before we take up the amendments, and that is in order to save the time of the House. There are several amendments which refer simply to spelling errors, or just "and's", or other conjunctions, prepositions or commas. Those might be referred to the draftsmen so that the time of the House might not be wasted.

**Shri H. V. Kamath** (C. P. and Berar: General): May I submit, Sir, that the doubt which I expressed with regard to Section 2 has not been cleared? That section as it stands precludes a dentist.....

**Mr. Speaker:** There is no further opportunity now. When clause 2 is put to the House the Honourable Member may ask that question.

The question is:

"That the Bill to regulate the profession of dentistry, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Speaker:** Before we proceed with the clause-by-clause stage, we must clarify the ground as regards the large number of amendments some of which are tabled by our friend Mr. Naziruddin Ahmad—perhaps the largest number, from the point of view of corrections of mistakes in punctuation and amendments of a verbal character. I find that more than 240 amendments are included in all these three lists and even if we are to take half a minute to dispose of as to whether a particular amendment should or should not be there, it would mean a lot of time. So I was just considering as to whether the Chair should exercise its power of selecting amendments. As far as possible, I do not propose to exercise that power but I think we can come to some conclusion by agreement. We will refer to them as and when the amendments are reached.

Mr. Naziruddin Ahmad has got a number of amendments. Which particular one would he like to move? As I stated, so far as punctuation or spelling mistakes are concerned, it will be a matter which will go to the draftsmen as

[Mr. Speaker]

it ought to go. Even during discussion of the last Bill, I said that and I did carry out the promise and send to the draftsmen those amendments for scrutiny and acceptance wherever necessary, because these will be matters which will be patent on the face of the Bill. And I have informed him and also the House that so far as there remain any patent mistakes, the Chair has got the authority of correcting those mistakes even when the final copy of the Bill comes to him for signing for assent. The power is something like,—if I may use an analogy—the power of a judge, who after having signed even a judgment is competent to correct patent mistakes. If the judgment says two and two is three, the judge can as well strike it out and say it is four. So mistakes of that type need not be brought in here by way of amendments. That power is there and I shall exercise it. With this background in mind, let us examine all the amendments before the House.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Sir, may I suggest that as the amendments have been for some time before the House and before the Department, it would save time if we are told which amendments the Departments consider to be acceptable. Agreed amendments can then be moved. As regards punctuations, as you have already pointed out, much depends upon some punctuations. Some punctuations may alter the sense unconsciously. There are some amendments of that type, but in regard to patent mistakes, they can be corrected by you. But I beg to submit that in view of the large number of mistakes that occasionally occur in Bills, it is better that the House should have some knowledge of the extent to which mistakes are committed. The difficulty really is that these mistakes at all come before the members.

**Mr. Speaker:** That will defeat the very object of the suggestion I was making. If all these little things are to come before the House, then of course it means that the House has to waste its time. To my mind, it is a definite waste of time to go into these mistakes, because, as I said last time, I am not quite sure whether the printer will not again repeat those mistakes. If therefore, there is a change in the wording, say, for example, 'and' to be substituted for 'or', or a changed word should be added, or something like that, in those cases, amendments may be moved but any changes of punctuation or of spelling corrections or conversion of small letters into capital letters or capital letters into small ones—all these, I do not propose to allow. That is my reaction and with a view to achieve the common object of the Honourable Member and the House, I made the suggestion that such amendment should be dealt with outside the House. While inside the House, we shall only deal with substantial amendments. That is the general line. I cannot rule for each and every amendment, because each will have to be judged on its own merits and facts.

Now, as far as the Honourable Member, Mr. Naziruddin Ahmad's amendments are concerned, he has supplied me with a list of amendments which are not of a substantial character and which fall in the category of correction of patent mistakes.

**Mr. Naziruddin Ahmad:** I do not move them. Sir.

**Mr. Speaker:** Then there are amendments with reference to the words "punished" and "punishable".

**Mr. Naziruddin Ahmad:** These, Sir, will have to be considered because the House has changed its mind.

**Mr. Speaker:** In that case, we shall do one thing. We shall take up one amendment, have a debate on that and then that will decide the fate of the other amendments.

Then there are other amendments relating to punctuation which are not of a purely drafting nature. They need not be taken up.

**Mr. Naziruddin Ahmad:** But the difficulty there, Sir, is as you have pointed out on previous occasions, with regard to a comma, the effect may not be exactly punctuation but it may alter the sense.

**Mr. Speaker:** If there are any punctuation amendments of that type, we shall take them up and omit the rest.

**Shri Ramnarayan Singh (Bihar: General):** May I just interrupt for a minute, Sir? The Chair's ruling is perfectly all right, that in such small matters the time of the House must not be taken up. But may I ask why is it that mistakes either of punctuation or of any kind at all is allowed to creep in into the draft?

**Mr. Speaker:** As I said, I do not propose to allow any mistakes. If I could get accurate work of the type the Honourable Member means, I am not going to say "No, you should not be accurate", but in the situation in which we are today we find that we are practically helpless. That is the whole difficulty. We must face realities. That is the point.

**Mr. Naziruddin Ahmad:** Sir, may I make a suggestion? The Honourable Minister should give us an idea of the amendments which she would be prepared to accept. That would save time.

**Mr. Speaker:** Has she got such a list? If so, and if a copy is given to me, I shall call upon the Honourable Member to move only those which she is willing to accept.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in part (a) of clause 2 of the Bill, for the inverted commas and the words 'the Council', the inverted commas and the word 'Council', be substituted."

Sir, with regard to this amendment I have some submissions to make. In fact, the Honourable Minister proposes to accept it, but probably in view of certain considerations, it may be necessary to reconsider the matter and have a wider amendment.

Sir, the point that I wish to make with regard to this amendment is this. In the Bill, there are a large number of words with the common word "Council". There is the "Medical Council of India" in Clause 3(b); there is the "Council of Medical Registration" in Clause 21(b); there is again the "Dental Council of India" in Clause 4; then there is the "Provincial Council" in Clause 21; then there is the "Joint Provincial Council" in Clause 22(a). Thus we have got so many "Councils". The Bill makes a reference to the Provincial Council as the "Provincial Council", but with regard to the Dental Council of India, the nomenclature proposed in the Bill is "the Council". I wanted to make it merely "Council". "The" cannot be part of the name; it is an article.

But, Sir, I beg to submit that even the word "Council" will create confusion. We have so many Councils that there is a confusion in certain clauses where it is said, for instance, that "the Provincial will refer a matter to the Council", i.e. to the "All-India Council". My submission is that this should be described as the "Central Council".

**Mr. Speaker:** The point is that the Honourable Minister states that she is accepting this amendment. The Honourable Member wishes her to accept No. 3.

**The Honourable Rajkumari Amrit Kaur:** I will not accept No. 3, because, in my opinion the Council is already given here as meaning the Dental Council of India and I do not think that the Central Council would be adequate.

**Mr. Naziruddin Ahmad:** Let us take an example: In sub-clause (2) of clause 16 it is stated:

"On receipt of the explanation, or where no explanation is submitted within the period fixed, then on the expiry of the period, the Provincial Government shall after consulting the Provincial Council, forward its recommendations and those of the Provincial Council, if any, to the Council."

This is inartistic. If you say 'Central Council,' I think it will look much better. Could we say the 'Provincial Government' refers to the 'Government', meaning the 'Central Government'. Why do we say 'Central Government' at all if the word 'Government' would suit our purpose. It seems to be grossly tautological to use words in this way. I think the word 'Council' and 'Provincial Council' and 'other councils' may lead to inconvenience, if not to actual confusion.

There lived a couple and there was some noise outside; the husband wanted to know what the noise was about. The wife said: "My dear, your children and my children are quarelling with our children." So the word 'Council' is used like that and I therefore beg to submit that the word 'Central Council' would be better.

**Shri K. Santhanam (Maddas: General):** I do not think the point raised by the Honourable Member is relevant. It is only a making of definition. The Council is an All India Council. I do not see why the Honourable Member wishes to add one hundred words to this Bill.

**Mr. Speaker:** He has made his statement. I do not think there need be any long arguments over such points now.

**Shri K. Santhanam:** Sir, the amendment of the Honourable Member if accepted, would require extensive alteration of the Bill. The 'Council' referred to is the All India Dental Council, and therefore, I think this is not a proper amendment, Sir.

**Mr. Speaker:** The Honourable Member does not know that I am proceeding on the assumption that such of the amendments as are of a verbal character which are accepted by the Honourable Minister should be placed before this House. This amendment I am told, is accepted by the Honourable Minister. What is the position?

**The Honourable Rajkumari Amrit Kaur:** I consulted the draftsman about it and he said I could accept this amendment. If there are consequential changes we will make the necessary alterations.

**Pandit Thakur Das Bhargava (East Punjab: General):** Sir, this is not a question between the Honourable Mover and the Honourable Member who moves the amendment. The whole thing is before the House and I think that this amendment is quite unnecessary and would defeat the very object of the Mover of the amendment and I fear if it is accepted, the whole Bill shall have to be altered. Sub-clause 2 of clause 16 is absolutely clear. The 'provincial Council' as opposed to 'the council' has got a different meaning and the amendment has not made the meaning clear. I do not understand how tautology comes in. The definition given here has got an exact meaning.

**The Honourable Rajkumari Amrit Kaur:** Sir, I withdraw my acceptance of the amendment as the majority opinion seems to be that the clause should remain as it is.

**Mr. Naziruddin Ahmad:** This places me in a very difficult position. I had given certain amendments and there was an agreement.

**Mr. Speaker:** So far as this particular amendment is concerned, I shall put it to the House.

The question is:

"That in part (a) of clause 2, of the Bill, for the inverted commas and the words 'the Council', the inverted commas and the word 'Council', be substituted."

The motion was negatived.

**Shri H. V. Kamath:** I am sorry, Sir. I was called by the Defence Minister. I apologize to you and to the House for my absence. The point that I made out yesterday was that sub-clause (d) of clause 2 seemed defective and I find from the list of amendments that my Honourable friend, Pandit Thakur Das Bhargava had given notice of an amendment, which I think has since been withdrawn. This refers to the tail end of clause 2(d) (iv) which reads: "and the performance of any such operation and the giving of any such treatment, advice or attendance, as is usually performed or given by dentist". Sir, it is not defined what advice and what treatment is given by dentists. I consider that this tail end had better be deleted, because it does not make any addition to the meaning of the definition of dentistry. The other point was that a dentist can be a 'dental hygienist' and a 'dental mechanic' but not *vice versa*. Hygienists and mechanics cannot be dentists. So if we would define dentistry, it would be that it includes the following, besides what is in sub-clauses (b) and (c). Then it would be clearly defined and not partially as is sought to be done in clause 2(d). I would therefore request the Honourable Minister to tell us what is exactly meant by dentistry and why these words at the tail-end of 2(d) (iv) have been inserted.

**Pandit Thakur Das Bhargava:** Sir, I had tabled an amendment in the belief that these words "and the performance of any such operation" etc. were vague, but when these words were explained to me by the Honourable Minister and a very distinguished authority for whom I have great respect, I came to the conclusion that my amendment was not justified. If the Honourable member reads sub-clause (iv) with some attention he will find that the speech which he made yesterday is answered by these last words which appear here read with the previous three lines. Besides the things mentioned here there are many other matters which a practitioner of dentistry has to do. For instance, he has to give advice as regards the prevention of disease in future. That will have nothing to do with "fitting, inserting," etc. Therefore my humble submission is that the definition, though it would appear vague in the last three lines, would not be inclusive of all matters which are dealt with by dentists as such, if these words are not included.

As regards the other objection, the word "includes" in sub-clause (d) shows that dentistry is not confined to these three or four matters alone which are mentioned under the definition of dentistry. A practitioner of dentistry would certainly be able to act as dental hygienist or dental mechanic. Therefore I think the words as they are in the definition are quite right.

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

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

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That for part (c) of clause 3 of the Bill, the following be substituted:

(c) not more than four members elected from among themselves, by the heads of dental colleges in the Provinces of India which grant recognised dental qualifications."

I have attempted to recast the language and I understand this is acceptable to the Honourable Minister. Sir, I move.

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

"That for part (c) of clause 3 of the Bill, the following be substituted:

'(c) not more than four members elected from among themselves, by the heads of dental colleges in the Provinces of India which grant recognised dental qualifications'."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That in part (e) of clause 3 of the Bill, for the words 'who is', the words 'from persons', be substituted."

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept the amendment.

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

"That in part (e) of clause 3 of the Bill, for the words 'who is', the words 'from persons', be substituted."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That in part (f) of clause 3 of the Bill, before each of the words 'one' and 'two', the words 'at least', be inserted."

This is necessary to make it clear that the Governments are not bound to nominate only one of such persons.

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

"That in part (f) of clause 3 of the Bill, before each of the words 'one' and 'two', the words 'at least', be inserted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in part (f) of clause 3 of the Bill, for the word 'practising', the words 'practising as a dentist', be substituted."

The word "practising" in the third line of sub-clause (f) does not state what he is supposed to be practising.—law or medicine or dentistry or anything else. He should obviously be practising as a dentist; the point should be made clear. Sir, I move.

**The Honourable Rajkumari Amrit Kaur:** Sir, I submit that in this clause it can mean nothing except the practice of dentistry.

**Mr. Naziruddin Ahmad:** Sir, I do not press the amendment.

Sir, I move:

"That in part (f) of clause 3 of the Bill, the commas occurring after the words 'practising' in line three and 'dentists' in line four, be omitted."

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept the amendment.

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

"That in part (f) of clause 3 of the Bill, the commas occurring after the words 'practising' in line three and 'dentists' in line four, be omitted."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That to clause 3 of the Bill, the following proviso be added:

'Provided that pending the preparation of registers the Provincial Governments may nominate to the first Council members referred to in parts (a) and (e) and the Central Government members referred to in part (f) out of persons who are eligible for registration in the respective registers and such persons shall hold office for such period as the Provincial or Central Government may, by notification in the official Gazette specify.'

The object of this amendment is to be enable the Central and Provincial Governments to bring into being the Dental Councils without waiting for the procedure for filing up the registers. It will take some time to prepare the



registers as there may be complaints, there may be tribunals of all kinds and disputes, and it may take six months or one or two years. It is not desirable that the Act should wait for the preparation of registers before the Councils are brought into being. My amendment gives powers for this.

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That to clause 3 of the Bill, the following proviso be added :

'Provided that pending the preparation of registers the Provincial Governments may nominate to the first Council members referred to in parts (a) and (e) and the Central Government members referred to in part (f) out of persons who are eligible for registration in the respective registers and such persons shall hold office for such period as the Provincial or Central Government may, by notification in the official Gazette specify.'

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.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in clause 4 of the Bill, the words and figure 'constituted under section 3', be omitted."

The passage is: "The Council constituted under section 3 shall be a body corporate by the name of the Dental Council of India,.....". It is a Council which is constituted under Section 3 and from its very definition this is implied. The words are unnecessary.

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That in clause 4 of the Bill, the words and figure 'constituted under section 3', be omitted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in clause 4 of the Bill, for the words 'acquire and hold property', the words 'acquire, hold and transfer property', be substituted."

The power to transfer property should be given. That has not been given in the Bill. I want to make it clear that they can acquire and hold as well as transfer property subject to conditions. But the power to transfer is not given. It cannot be implied. It may be necessary that some properties moveable and immoveable may have to be sold or transferred or disposed of in some way.

**The Honourable Rajkumari Amrit Kaur:** I would beg to point out that even as the clause stands, the Council will be competent to transfer property. Therefore, the amendment is not necessary.

**Mr. Naziruddin Ahmad:** In that case I do not press for it.

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

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

The motion was adopted.

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

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

"That clause 5, stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

**Mr. Naziruddin Ahmad:** I do not wish to move my amendment but I wish to point out that sub-clause (3) of clause 6 is very roundabout in expression. I had no time to consider its redrafting and that is why I gave notice for its deletion just to draw attention to it. I hope the Honourable Minister will read it and just satisfy herself that it is rendered in plain English.

**The Honourable Rajkumari Amrit Kaur:** I have considered it and it is necessary to retain the provision contained in sub-clause (3).

**Mr. Naziruddin Ahmad:** The wording!

**The Honourable Rajkumari Amrit Kaur:** You mean "longer"? Any change here would be completely wrong.

**Mr. Speaker:** He merely wishes to invite the Honourable Minister's attention to sub-clause (3) of Clause 6.

**The Honourable Rajkumari Amrit Kaur:** It is necessary to retain these provisions in sub-clause (3).

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

"That clause 6, stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in the second proviso to sub-clause (1) of clause 7 of the Bill, for the words 'at the pleasure' the words 'during the pleasure', be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That in the second proviso to sub-clause (1) of clause 7 of the Bill, for the words 'at the pleasure' the words 'during the pleasure', be substituted."

The motion was adopted.

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

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

**Shri K. Santhanam:** Sir, I move:

"That in part (a) of sub-clause (1) of clause 8 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Council', be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That in part (a) of sub-clause (1) of clause 8 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Council', be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in part (a) of sub-clause (1) of clause 8 of the Bill, the comma occurring after the word 'Secretary', be omitted."

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That in part (a) of sub-clause (1) of clause 8 of the Bill, the comma occurring after the word 'Secretary', be omitted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That to part (c) of sub-clause (1) of clause 8 of the Bill, the word 'and' be added at the end."

It is only a drafting amendment.

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That to part (c) of sub-clause (1) of clause 8 of the Bill, the word 'and' be added at the end."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in part (d) of sub-clause (1) of clause 8 of the Bill, for the words 'and members', the words 'and other members', be substituted."

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

"That in part (d) of sub-clause (1) of clause 8 of the Bill, for the words 'and members', the words 'and other members', be substituted."

The motion was adopted.

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

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

*The Assembly then adjourned for Lunch till Half Past Two of the Clock.*

*The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in ~~The~~ Chair.*

**The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

"That to sub-clause (1) of clause 10, of the Bill, the following be added at the end:

'but shall not entitle persons other than British subjects of Indian domicile to registration unless by the law and practice of the State or country to which such persons belong, persons of Indian origin holding dental qualifications registrable in that State or country are permitted to enter and practise the profession of dentistry in such State or country.'"

Sir, this is merely to stop people, other than Indians, from coming and taking qualifications here and practising, regardless of the fact whether we have reciprocal recognition with their State or not.

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

"That to sub-clause (1) of clause 10, of the Bill, the following be added at the end:

'but shall not entitle persons other than British subjects of Indian domicile to registration unless by the law and practice of the State or country to which such persons belong, persons of Indian origin holding dental qualifications registrable in that State or country are permitted to enter and practise the profession of dentistry in such State or country.'"

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That in sub-clause (2) of clause 10 of the Bill, after the word 'Government', the words 'and the Provincial Council', be inserted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

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

"That in sub-clause (2) of clause 10 of the Bill, after the word 'Government', the words 'and the Provincial Council', be inserted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** I move:

"That in sub-clause (5) of clause 10 of the Bill, for the words 'any State' in line 6, the words 'any such State', be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

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

"That in sub-clause (5) of clause 10 of the Bill, for the words 'any State' in line 6, the words 'any such State', be substituted."

The motion was adopted

**Mr. Naziruddin Ahmad:** I move:

"That in sub-clause (5) of clause 10 of the Bill, the words 'outside India', be omitted."

They are implied already.

**The Honourable Rajkumari Amrit Kaur:** The amendment is acceptable.

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

"That in sub-clause (5) of clause 10 of the Bill, the words 'outside India', be omitted."

The motion was adopted.

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

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10 as amended, was added to the Bill.

**Shri K. Santhanam:** I move:

"That in clause 11 of the Bill, after the word 'Government' the words 'and the Provincial Council', be inserted."

The wording "*or* the Provincial Council" in the printed list is a mistake. It should be "and the Provincial Council".

**Mr. Speaker:** Amendment moved:

"That in clause 11 of the Bill, after the word 'Government' the words 'and the Provincial Council', be inserted."

**The Honourable Rajkumari Amrit Kaur:** I accept that.

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

"That in clause 11 of the Bill, after the word 'Government' the words 'and the Provincial Council', be inserted."

The motion was adopted.

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

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** With regard to clause 12 I only desire to draw the attention of the House to the rather indiscriminate use of the word "prescribe". It has been a custom to use it for all possible purposes and the tendency was pronounced in recent Bills. I simply register my protest against the free use of this word, but I do not wish to move my amendment.

**The Honourable Rajkumari Amrit Kaur:** May I bring to the notice of the Honourable Member that the word has been defined in clause 2(g)?

**Mr. Naziruddin Ahmad:** It has been rather too freely defined. That is my point.

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

"That clause 12, stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

**Mr. Naziruddin Ahmad:** I beg to move:

"That in clause 13 of the Bill, the word 'other', occurring in line 2, be omitted."

**The Honourable Rajkumari Amrit Kaur:** I accept that.

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

"That in clause 13 of the Bill, the word 'other', occurring in line 2, be omitted."

The motion was adopted.

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

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** I beg to move:

"That in clause 14 of the Bill, the words 'from time to time' be omitted."

Under the General Clauses Act, if any power or authority is given to anybody, whoever he might be, he may exercise power from time to time as occasion may arise. This is the explanation in the General Clauses Act. We have already accepted deletion of these words in the consideration of other Bills and in order to maintain uniformity I suggest that these words be deleted. They are not necessary.

**The Honourable Rajkumari Amrit Kaur:** May I say that 'from time to time' makes it quite clear that the Council can call for information at any time?

**Mr. Naziruddin Ahmad:** I do not deny that. The only reason for my amendment is it is not necessary to use those words by reason of the General Clauses Act.

**The Honourable Rajkumari Amrit Kaur:** I am not accepting it.

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

"That clause 14, stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

**Shri K. Santhanam:** I request your permission, Sir, to move my two amendments together. I beg to move:

"(1) That in sub-clause (1) of clause 15 of the Bill, after the word 'attend', the word 'at', be inserted"; and

"(2) That in sub-clause (2) of clause 15 of the Bill, after the word 'examination', where it occurs for the second time, the word 'at', be inserted."

There was a dispute as to the meaning of the words 'attending an examination' and 'attending at an examination' in the Pharmacy Bill and it was decided that "attend at" does not actually mean attending an examination, and inspectors are not expected to attend examinations.

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

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

"(1) That in sub-clause (1) of clause 15 of the Bill, after the word 'attend', the word 'at', be inserted"; and

"(2) That in sub-clause (2) of clause 15 of the Bill, after the word 'examination', where it occurs for the second time, the word 'at', be inserted."

The motion was adopted.

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

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

**Shri C. Subramaniam (Madras: General):** Mr. Speaker, Sir, this clause relates to the withdrawal of recognition, that is an authority or institution is already recognized to grant qualifications in dentistry or dental hygiene, and subsequently if it is found that the institution or authority does not maintain

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a certain standard, or if it does not satisfy the requirements of the Council, this clause empowers the Council to withdraw the recognition, and the procedure is laid down in clause 16. What I want to impress upon the House is this. Once having been recognized, if subsequently any deficiency or defects are found in the standard maintained by the institution or authority an opportunity should be given to the institution or authority to remedy the defects so that it can either raise the standard or if there is any defect pointed out, it can be rectified. So I want that an opportunity should be given to the institution so that it may rectify defects if there are any, and if within a specified time those defects are not remedied to the satisfaction of the Council, then alone recognition should be withdrawn. It is only with that object in view that I gave notice of an amendment. But even under the clause as it stands I feel, the Council may call upon an institution to remedy defects, and grant time for that purpose but it is not obligatory upon the Council to do so. So in framing the rules this may be kept in view, that whenever recognition is to be withdrawn, an institution or authority should be given an opportunity to rectify those defects, and if it is not done within a prescribed time, then alone recognition should be withdrawn. It is only for that purpose I wanted to move my amendment, but it could be done even by the rules or regulations to be framed under the Act.

**The Honourable Rajkumari Amrit Kaur:** Sir, I do not think the Honourable Member need have any fear in regard to that because it is obvious that those from whom the Council would wish to withdraw recognition will have ample time and opportunity to put their house in order.

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

"That clause 16, stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clauses 17, 18 and 19 were added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move.

"That in sub-clause (1) of clause 20 of the Bill, for the words 'consistent with this Act', the words 'not inconsistent with the provisions of this Act', be substituted."

Sir, the amendment which I seek to introduce is the ordinary way and, I submit, the universal way of putting it. A thing "not be inconsistent with the provisions of this Act" is wider, and a thing which is "consistent with the Act" is not so wide. That is why I wanted to move this amendment. The clause appears like this:

"The Council may, with the approval of the Central Government, make regulations consistent with this Act to carry out the purposes of this Chapter."

The usual term is "not inconsistent with this Act". So far as I know this has been the universal practice—in fact it makes a difference, it is not a drafting change only. In fact, with the amendment which I have submitted, the power would be wider: without the amendment and with the clause as it stands, the power would be restricted. In these circumstances I submit this amendment should be accepted.

**Mr. Speaker:** Amendment moved:

"That in sub-clause (1) of clause 20 of the Bill, for the words 'consistent with this Act', the words 'not inconsistent with the provisions of this Act' be substituted."

**Shri M. Ananthasayanam Ayyangar** (Madras: General): Sir, here we are giving power to make rules under this Act. There may be many things which may not be inconsistent, that is they may be irrelevant—directly they may not be in conflict but they may not be appropriate to the subject matter on hand. Therefore you must not only be not inconsistent but consistent to the provisions of this Act. You may bring in provisions for the dental surgery of

animals. What is all this? That may be "not inconsistent",—you must have something relevant, you are giving power into the hands of the authority. He must do things relevant to the subject matter of this Bill. Therefore I do not understand why you should change the word "consistent" into a negative aspect of "not inconsistent".

**Shri K. Santhanam:** Sir, I think in this point Mr. Naziruddin Ahmad is correct and in spite of the legal knowledge of Mr. Ananthasayanam Ayyangar, Mr. Naziruddin Ahmad's amendment is wider. Sometimes it may be difficult to know whether it is exactly consistent or slightly outside the scope of consistency, but so long as it is not inconsistent it should be possible to bring them in.

**Pandit Lakshmi Kanta Maitra** (West Bengal: General): Sir, I think the way in which Mr. Naziruddin Ahmad has put this amendment is quite in consonance with such provisions in other legislative measures. It is the usual practice in legislation to put such a thing in the negative—we have got plenty of instances. I think that the amendment serves the purpose better than the original draft.

**The Honourable Rajkumari Amrit Kaur:** Sir, I had not accepted the amendment in the first instance because I thought the change was unnecessary. If the majority opinion in the House is in favour of it I would waive my opposition and accept the amendment.

**Mr. Speaker:** I do not think I am expected to express my opinion. Ordinarily the phraseology used is "not inconsistent with" and not "consistent with". I do not know why in this particular Act, it has been used like this. If nothing more, the better phraseology will be, with due deference to our friend Mr. Ayyangar, "not inconsistent with".

**Shri M. Ananthasayanam Ayyangar:** We have been doing negative things in the previous Government, let us do something positive now.

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

"That in sub-clause (1) of clause 20 of the Bill, for the words 'consistent with this Act' the words 'not inconsistent with the provisions of this Act' be substituted."

The motion was adopted.

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

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That after part (d) of clause 21 of the Bill, the word 'and' be added."

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept it.

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

"That after part (d) of clause 21 of the Bill, the word 'and' be added."

The motion was adopted.

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

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in part (b) of sub-clause (1) of clause 22 of the Bill, for the words 'a Provincial Council', the words 'the Provincial Council' be substituted."

**The Honourable Rajkumari Amrit Kaur:** Sir, I would accept this amendment. "The Provincial Council" is better than "a Provincial Council" because each Province can only have one Council.

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

"That in part (b) of sub-clause (1) of clause 22 of the Bill, for the words 'a Provincial Council', the words 'the Provincial Council' be substituted."

The motion was adopted.

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

"That clause 22, as amended, stand part of the Bill."

The motion was adopted.

Clause 22, as amended, was added to the Bill.

Clause 23, was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in clause 24 of the Bill, the words 'both movable and immovable', be omitted."

3 P.M. The reason why I move this is not that I do not agree that there should be power with regard to movables and immovables, but if we use the word "property" movables and immovables are implied. In fact the words "movable and immovable" have not been used in a similar context in other Bills, where power has been taken for disposal of property etc. That would exclude also incorporeal rights. "Property" is quite enough.

**The Honourable Rajkumari Amrit Kaur:** I do not know what the feeling of the House is, but I was told that the deletion of these words was unnecessary and that similar wording is used in other Acts.

**Mr. Speaker:** Are not similar words used in this Act itself?

**Mr. Naziruddin Ahmad:** I shall tell you in a minute, Sir. Yes, Sir. It is used in Clause 4.

**Mr. Speaker:** So let the expression remain there. I am not putting the amendment to the House.

The question is:

"That clause 24, stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in the proviso to sub-clause (1) of clause 25 of the Bill, for the words 'at the pleasure', the words 'during the pleasure' be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept that, Sir.

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

"That in the proviso to sub-clause (1) of clause 25 of the Bill, for the words 'at the pleasure', the words 'during the pleasure' be substituted."

The motion was adopted.

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

"That clause 25, as amended, stand part of the Bill."

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clause 26 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in sub-clause (2) of clause 27 of the Bill, for the words 'the seat of such member', the words 'his seat' be substituted."

The text says: "the seat of such member shall thereupon become vacant" I may explain, Sir. If we say "his seat" it means the "seat of such member". I want to effect some economy of words.

**The Honourable Rajkumari Amrit Kaur:** I do not think it is necessary, Sir.

The present wording is clearer.



**Mr. Naziruddin Ahmad:** Then I do not press. I have another amendment, which is going to be accepted. Sir, I beg to move:

"That for sub-clause (3) of clause 27 of the Bill, the following be substituted :

'(3) An elected or nominated member shall be deemed to have vacated his seat—

- (a) if he is absent without excuse, sufficient in the opinion of the Provincial Council, from three consecutive ordinary meetings of the Provincial Council, or
- (b) in the case of a member whose name is required to be included in any Provincial register, if his name is removed from the register, or
- (c) where he has been elected under clause (d) of section 21 or under clause (d) of section 23, if he ceases to be a member of the Medical Council or the Council of Medical Registration of the Province as the case may be."

**The Honourable Rajkumari Amrit Kaur:** I accept this amendment, Sir.

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

"That for sub-clause (3) of clause 27 of the Bill, the following be substituted .

'(3) An elected or nominated member shall be deemed to have vacated his seat—

- (a) if he is absent without excuse, sufficient in the opinion of the Provincial Council, from three consecutive ordinary meetings of the Provincial Council, or
- (b) in the case of a member whose name is required to be included in any Provincial register, if his name is removed from the register, or
- (c) where he has been elected under clause (d) of section 21 or under clause (d) of section 23, if he ceases to be a member of the Medical Council or the Council of Medical Registration of the Province as the case may be."

The motion was adopted.

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

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

**Shri K. Santhanam:** Sir, I beg to move:

"That in part (a) of sub-clause (1) of clause 28 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Provincial Council' be substituted."

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

"That in part (a) of sub-clause (1) of clause 28 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Provincial Council' be substituted."

The motion was adopted.

**The Honourable Rajkumari Amrit Kaur:** Might I just say one thing, Sir? Now that 124 is adopted, if (a) is recast as follows, that would meet amendment No. 125 also:

"appoint a Registrar who shall act as its Secretary, and if so directed by the Provincial Council, also as its Treasurer."

**Mr. Naziruddin Ahmad:** That is my amendment No. 125. This recasting will satisfy me, Sir.

**Mr. Speaker:** Both are practically the same?

**The Honourable Rajkumari Amrit Kaur:** Yes, Sir.

**Mr. Speaker:** The point strikes me as a procedural point. I think in view of form of the amendment will have to be a little different. I think in view of the fact that Item 124 is already accepted by the House, we shall have to make an amendment of the subsequent portions only, i.e., instead of the words "treasurer of the Provincial Council" substitute the words "also as its treasurer".

The difficulty which I was experiencing was that amendment No. 124, having been carried by the House, I could not change it. So that amendment

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stands as it is, and the subsequent amendment deals with further points which are not covered by the first amendment, so that when the subsequent amendment as changed by me is accepted by the House, the clause will read as follows:

"28. (a) appoint a Registrar who shall act as its Secretary, and if so decided by the Provincial Council, also as its Treasurer."

The Honourable Minister will see that the phraseology "if so decided by the Provincial Council" has already been accepted by the House in the previous amendment.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in part (a) of sub-clause (1) of clause 28 of the Bill, for the words 'Treasurer, of the Provincial Council', the words 'also as its treasurer' be substituted."

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

"That in part (a) of sub-clause (1) of clause 28 of the Bill, for the words 'Treasurer, of the Provincial Council', the words 'also as its treasurer' be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in parts (c) and (d) of sub-clause (1) of clause 28 of the Bill, for the word 'Secretary', the word 'Registrar' be substituted."

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

"That in parts (c) and (d) of sub-clause (1) of clause 28 of the Bill, for the word 'Secretary', the word 'Registrar' be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move that in part (e) of sub-clause

**The Honourable Rajkumari Amrit Kaur:** May I point out that there must be a printing mistake here. It should really read: "fix the rate of allowances payable to members" instead of "rates and allowances". It is just a printing error.

**Mr. Naziruddin Ahmad:** If it is a printing mistake it is within your jurisdiction.

**Mr. Speaker:** It is not in my jurisdiction in that way.

**The Honourable Rajkumari Amrit Kaur:** It should be "fix the rate of allowances payable to members".

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in part (e) of sub-clause (1) of clause 28 of the Bill, for the words 'fix the rates and allowances', the words 'fix the rate of allowances' be substituted."

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

"That in part (e) of sub-clause (1) of clause 28 of the Bill, for the words 'fix the rates and allowances', the words 'fix the rate of allowances' be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in sub-clause (2) of clause 28 of the Bill, the words 'who shall hold office during the pleasure of the Provincial Government' be omitted."

These words are not necessary in view of the General Clauses Act.

**The Honourable Rajkumari Amrit Kaur:** I cannot accept this amendment.

**Mr. Naziruddin Ahmad:** Under the General Clauses Act many words which should be written out have been held by virtue of the said Act to be deemed to have been incorporated in the text. This is a drafting device. They are unnecessary in view of the General Clauses Act. In fact if there is any power of appointment the power of dismissal and suspension is implied and therefore that is not necessary.

Section 16 of the General Clauses Act upon which I rely reads thus.

"Where by any Central Act or Regulation a power to make any appointment is conferred then, unless a different intention appears, the authority having for the time being the power to make the appointment shall also have the power to suspend or dismiss a person appointed by itself or by any other authority in exercise of that power."

The power of removal is given along with the power of appointment. In this view of the matter these words are not necessary.

**The Honourable Rajkumari Amrit Kaur:** Sir, I think the deletion of the words is unnecessary.

**Mr. Naziruddin Ahmad:** Sir, I do not press the amendment.

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

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Clause 29 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in sub-clause (1) of clause 30 of the Bill, the words 'from time to time' be omitted."

Section 14 of the General Clauses Act says:

"Where by any Central Act or Regulation made after the commencement of this Act any power is conferred then, unless a different intention appears, that power may be exercised from time to time as occasion requires."

This section has been cited before in connection with other Bills and the point was accepted. Although we have retained these words here in certain places it is not necessary that they should be retained here for the sake of consistency. I think the General Clauses Act should be respected and I find that the framers of our draft Constitution have also accepted it. So in view of the recognition of the efficacy and importance of this Act I think we may delete these words as being unnecessary. Sir, I move.

**Mr. Speaker:** If in the same measure, the same words have been retained in some places and they are not used in other places, there is likelihood of confusion and enough material for lawyers to argue. So I need not put it to the House.

The question is:

"That clause 30, stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move.

"That in sub-clause (4) (d) of clause 31 of the Bill, after the words 'professional address', and the semicolon, the word 'and' be inserted."

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

"That in sub-clause (4) (d) of clause 31 of the Bill, after the words 'professional address', and the semicolon, the word 'and' be inserted."

The motion was adopted.

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

"That clause 31 as amended, stand part of the Bill."

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clause 32 was added to the Bill.

**Shri Khurshed Lal (U.P.: General):** Sir, I move.

"That the words 'in any Province of India', occurring in part (b) of sub-clause (1) and in sub-clause (2), of clause 33 of the Bill, be omitted."

The object of the amendment is that at present we have got a large number of people who have come here from West Punjab and other portions of Pakistan, among whom there are some who have been practising dentistry. And if we have those words "in any province of India" they will be excluded because

they have not practised for five years in any province of India as it exists today. The intention therefore is that refugee dentists should be allowed to practise and be put on the register. Sir, I move.

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept the amendment.

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

"That the words 'in any Province of India', occurring in part (b) of sub-clause (1) and in sub-clause (2), of clause 33 of the Bill, be omitted."

The motion was adopted.

**The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

"That for the first Proviso to sub-clause (1) of clause 33 of the Bill, the following be substituted:

'Provided that no person other than a British subject of Indian domicile shall be entitled to registration by virtue of a qualification:

- (a) specified in Part I of the Schedule unless by the law and practice of the State or Country to which such person belongs persons of Indian origin holding dental qualifications registrable in that State or Country are permitted to enter and practise the profession of dentistry in such State or Country, or
- (b) specified in Part II of the Schedule unless the Council has, in pursuance of a scheme of reciprocity, declared that qualification to be a recognized dental qualification'."

**Mr. Speaker:** Amendment moved:

"That for the first Proviso to sub-clause (1) of clause 33 of the Bill, the following be substituted:

'Provided that no person other than a British subject of Indian domicile shall be entitled to registration by virtue of a qualification:

- (a) specified in Part I of the Schedule unless by the law and practice of the State or Country to which such person belongs persons of Indian origin holding dental qualifications registrable in that State or Country are permitted to enter and practise the profession of dentistry in such State or Country, or
- (b) specified in Part II of the Schedule unless the Council has, in pursuance of a scheme of reciprocity, declared that qualification to be a recognized dental qualification'."

**Mr. Naziruddin Ahmad:** Sir, with regard to this amendment I have a suggestion to make, if you will permit me to do so. There are three provisos to this sub-clause. While at the end of the first proviso you find a full-stop, at the end of the second proviso there is a colon. I suggest that there should be a colon after the first proviso, because, the sentence runs on. However, as this is a matter of punctuation, I leave it to you.

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

"That for the first Proviso to sub-clause (1) of clause 33 of the Bill, the following be substituted:

'Provided that no person other than a British subject of Indian domicile shall be entitled to registration by virtue of a qualification:

- (a) specified in Part I of the Schedule unless by the law and practice of the State or Country to which such person belongs persons of Indian origin holding dental qualifications registrable in that State or Country are permitted to enter and practise the profession of dentistry in such State or Country, or
- (b) specified in Part II of the Schedule unless the Council has, in pursuance of a scheme of reciprocity, declared that qualification to be a recognized dental qualification'."

The motion was adopted.

**Shri K. Santhanam:** Sir, I beg to move:

"That in the third Proviso to sub-clause (1) of clause 33 of the Bill, the following be added at the end:

'if he had been registered on or before 31st December 1947'."

Sir, "as a result of this amendment persons who are registered under the Bengal Dentists Act have to pay fees to the Dental Council for registration, if they are registered after the 31st December 1947. If the amendment were not there such people will not contribute at all to the Dental Council.

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept the amendment.

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

"That in the third Proviso to sub-clause (1) of clause 33 of the Bill, the following be added at the end:

'if he had been registered on or before 31st December 1947.'"

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in sub-clause (2) of clause 33 of the Bill, the words 'or more than five' be omitted."

Sir, the words "for a period of five years" is already provided in line two. I shall read that sentence. "A person domiciled in a Province of India shall be entitled on payment of the prescribed fee to temporary registration as a dentist for a period of five years,....."

**The Honourable Rajkumari Amrit Kaur:** I am not accepting this amendment. You will see that in the amendment immediately following I am agreeing to the substitution of the words "or more than five years before" by the words "years during the five years prior to".

**Mr. Naziruddin Ahmad:** Then I am not pressing my amendment.

**Shri K. Santhanam:** Sir, I beg to move:

"That in sub-clause (2) of clause 33 of the Bill, for the words 'or more than five years before', the words 'years during the five years prior to' be substituted."

The idea of my amendment is, to make it obligatory that those people who are asking for temporary registration should have worked for not only two years, but also two years within the previous five years. It is not enough if they had practised two years a generation before the date of registration. They would have forgotten all knowledge of dentistry.

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

"That in sub-clause (2) of clause 33 of the Bill, for the words 'or more than five years before', the words 'years during the five years prior to' be substituted."

The motion was adopted.

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

"That clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill

**Shri Khurshed Lal:** Sir, I beg to move:

"That in part (ii) of clause 34 of the Bill, the words 'in any Province of India', be omitted."

Sir, this is a consequential amendment.

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

"That in part (ii) of clause 34 of the Bill, the words 'in any Province of India', be omitted."

The motion was adopted.

**The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

"That for the first Proviso to clause 34 of the Bill, the following be substituted:

'Provided that no person other than a British subject of Indian domicile shall be entitled to registration by virtue of a qualification:

(a) specified in Part I of the Schedule unless by the law and practice of the State or Country to which such person belongs persons of Indian origin holding dental qualifications registrable in that State or Country are permitted to enter and practise the profession of dentistry in such State or Country; or

(b) specified in Part II of the Schedule unless the Council has, in pursuance of a scheme of reciprocity, declared that qualification to be a recognized dental qualification."

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

"That for the first Proviso to clause 34 of the Bill, the following be substituted:

'Provided that no person other than a British subject of Indian domicile shall be entitled to registration by virtue of a qualification:

- (a) specified in Part I of the Schedule unless by the law and practice of the State or Country to which such person belongs persons of Indian origin holding dental qualifications registrable in that State or Country are permitted to enter and practise the profession of dentistry in such State or Country, or
- (b) specified in Part II of the Schedule unless the Council has, in pursuance of a scheme of reciprocity, declared that qualification to be a recognized dental qualification."

The motion was adopted.

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

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

**Shri K. Santhanam:** Sir, I move:

"That to sub-clause (2) of clause 35 of the Bill, for the existing proviso the following proviso be substituted:

'Provided that no person, whose name has under the provisions of this Act been removed from the register of any Province, shall be entitled to have his name entered on the register except with the approval of the Provincial Council from whose register his name was removed'."

This is necessary so that one person debarred in one province may not go to another province and be registered there.

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

"That to sub-clause (2) of clause 35 of the Bill, for the existing proviso the following proviso be substituted:

'Provided that no person, whose name has under the provisions of this Act been removed from the register of any Province, shall be entitled to have his name entered on the register except with the approval of the Provincial Council from whose register his name was removed'."

The motion was adopted.

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

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clauses 36, 37 and 38 were added to the Bill.

**Shri K. Santhanam:** Sir, I move:

"That in the Proviso to sub-clause (2) of clause 39 of the Bill, for all the words occurring after the words 'on payment' to the end, the words 'in such manner as may be prescribed' be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

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

"That in the Proviso to sub-clause (2) of clause 39 of the Bill, for all the words occurring after the words 'on payment' to the end, the words 'in such manner as may be prescribed' be substituted."

The motion was adopted.

**Shri K. Santhanam:** Sir, I move:

"That sub-clause (4) of clause 39 of the Bill, be omitted."

This is consequential to my other amendment, which has already been accepted.

**The Honourable Rajkumari Amrit Kaur:** I accept it.

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

"That sub-clause (4) of clause 39 of the Bill, be omitted."

The motion was adopted.

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

"That clause 39, as amended, stand part of the Bill."

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Clause 40 was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in part (ii) of sub-clause (1) of clause 41 of the Bill, for the word 'offence', the words 'offence involving moral turpitude', be substituted."

We are going to penalise certain registered persons for their being convicted of any offence. The word 'offence' means anything which is made punishable by law. There may be many offences, *e.g.*, a case of simple assault which does not involve any moral turpitude. In principle it is good to penalise a man by removing him from a registered list if he is guilty of any offence involving moral turpitude. Even in the case of Government officers, any and every conviction does not require removal from service. The question of involving moral turpitude is essential. It will save many innocent persons of having been convicted for merely technical offences such as electrical offences motoring offences not involving moral turpitude.

**Mr. Speaker:** Amendment moved:

"That in part (ii) of sub-clause (1) of clause 41 of the Bill, for the word 'offence', the words 'offence involving moral turpitude', be substituted."

**The Honourable Rajkumari Amrit Kaur:** I cannot accept this amendment. As the clause stands the offence will have to be one which in the opinion of the Provincial Council renders the person unfit to be kept on the register, and this is adequate.

**Mr. Naziruddin Ahmad:** We have inserted these words in other cases too.

**Mr. Speaker:** But there can be incompetency without moral turpitude?

**The Honourable Rajkumari Amrit Kaur:** There might for example, be professional misconduct.

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

"That in part (ii) of sub-clause (1) of clause 41 of the Bill, for the word 'offence', the words 'offence involving moral turpitude', be substituted."

The motion was negatived.

**Shri Brajeshwar Prashad (Bihar: General):** Sir, I move:

"That in sub-clause (2) of clause 41 of the Bill, for the word 'the', occurring before the word 'person', the word 'any' be substituted."

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

"That in sub-clause (2) of clause 41 of the Bill, for the word 'the', occurring before the word 'person', the word 'any' be substituted."

The motion was adopted.

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

"That clause 41, as amended, stand part of the Bill."

The motion was adopted.

Clause 41, as amended, was added to the Bill.

Clauses 42 to 45 were added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in sub-clause (3) of clause 46 of the Bill, for the word 'institution', the words 'similar institutions' be substituted."

[Mr. Naziruddin Ahmad]

The text of the Bill is to this effect: "In any dispensary, hospital or other institution....." The question is whether 'other institution' includes all other institutions—even institutions not similar to dispensaries and hospitals. I want to make it come into line with the context by saying "similar institutions"—institutions similar to dispensaries, hospitals and other things. It can be argued that the words are to be understood as being similar to these institutions on the principle of *ejusdem generis* but its application is doubtful. It is better to make it absolutely clear I think the word "similar" would remove all doubts and arguments.

**The Honourable Rajkumari Amrit Kaur:** I do not think the amendment is necessary. I think it is quite clear what "other institutions" in the Province mean. They can only be institutions where dentistry is being practised.

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

"That in sub-clause (3) of clause 46 of the Bill, for the word 'institution', the words 'similar institutions' be substituted."

The motion was negatived.

— **The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

"That after sub-clause (4) of clause 46 of the Bill, the following new sub-clause be added :

'(5) Any person who is a registered dentist, registered dental hygienist, or registered dental mechanic in a Province may practise as such in any other Province.'

It is quite obvious why this clause is added.

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

"That after sub-clause (4) of clause 46 of the Bill, the following new sub-clause be added :

'(5) Any person who is a registered dentist, registered dental hygienist, or registered dental mechanic in a Province may practise as such in any other Province.'

The motion was adopted.

**Shri K. Santhanam:** Sir, I want to say a word about this clause. I have tabled an amendment to give the right to a dentist registered in Part A to give a death certificate, & in case of death occurring during his professional service. The definition of dentistry includes the giving of anaesthetic in connection with any operation or treatment. In that case, the dentist must be held responsible for all the consequences of such an operation and if death occurs, then it is but right that he should be allowed to give a death certificate. At the same time the authorities should keep a watch over any death that occurs at the hands of the dentist. It is said that he is not a competent medical practitioner and it is better that he called another medical practitioner to give a death certificate. This will mean that he will escape from the responsibility and somebody else will be responsible. I think that the All India Dental Conference should as early as possible consider whether this right should be given to him or not so that the necessary amendment may be inserted.

**Mr. R. K. Sidhva (C. P. and Berar: General):** Sir, I also rise to support my Honourable friend Mr. Santhanam. Under the law the dentist will be recognised as an expert on the diseases in teeth. It is only fair that while administering anaesthetics if death occurs, he is the only competent person to certify that death has occurred on account of chloroform being given. A medical man who has no knowledge or experience of dentistry will be asked to come and certify in the event of death. The man will be taken to a hospital and asked how the death occurred. In other countries where a similar act exists the dentist is allowed to give a certificate of this nature. I hope the Dental Council when it comes into existence will consider this matter.



I do not understand why the Honourable Minister has not accepted Mr. Sathanam's amendment, which has not been moved. There is likely to be difference of opinion between the medical officer and the dentist. A medical officer who has no experience in dentistry may give an opinion which may be adverse to the opinion of one who knows what he is talking about. Therefore I support the arguments advanced by my Honourable friend Mr. Sauthamian.

**The Honourable Rajkumari Amrit Kaur:** I would like to assure Honourable Members that the question will be looked into. I could not possibly accept the amendment just now because it is a matter on which we should consult the provincial governments. The matter can always come up before the Dental Council and can be brought in as an amendment later if necessary.

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

"That clause 46, as amended, stand part of the Bill."

The motion was adopted.

Clause 46, as amended was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in clause 47 of the Bill, for the words 'on a register', the words 'in a register', be substituted."

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept the amendment.

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

"That in clause 47 of the Bill, for the words 'on a register', the words 'in a register', be substituted."

The motion was adopted.

**The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

"That in clause 47 of the Bill, the words 'of the Province' occurring in line 2, and the Proviso to the clause be omitted."

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

"That in clause 47 of the Bill, the words 'of the Province' occurring in line 2, and the Proviso to the clause be omitted."

The motion was adopted.

**Pandit Thakur Das Bhargava:** Sir, I beg to move:

"That in clause 47 of the Bill, for the word 'pretends', the word 'represents' be substituted."

**Mr. Speaker:** Amendment moved:

"That in clause 47 of the Bill, for the word 'pretends', the word 'represents' be substituted."

**The Honourable Rajkumari Amrit Kaur:** Sir, I accept the amendment.

**Mr. Naziruddin Ahmad:** Sir, I have another amendment with regard to the text of this clause. I have suggested the word "declares" in place of the word "pretends". It is for the House to consider whether the word "declares" or "represents" would be more appropriate.

**The Honourable Rajkumari Amrit Kaur:** Sir, we have accepted the word "represents" in place of the word "pretends". So this amendment is superfluous.

**Mr. Speaker:** Both the amendments aim at the same thing. Since the Honourable Minister prefers the word "represents" I shall put that amendment to the House.

The question is:

"That in clause 47 of the Bill, for the word 'pretends', the word 'represents' be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I move:

"That in clause 47 of the Bill, for the word 'punishable', the word 'punished', be substituted."

The idea is that if a man is found guilty, he shall be punished. If we say that he shall be punishable it means that he is liable to be punished, which implies in reason and logic that he may or may not be punished. I know that there is discretion on the evidence to find a man guilty or not guilty. But having found a man guilty, the question of punishment comes in automatically, as a matter of course. There is a choice of punishment and the amount of punishment but that is a different matter. I was told on a previous occasion that there is a section in the Criminal Procedure Code which provides that if a convicted man is a first offender, his punishment or rather its execution may be suspended. That does not affect the question whether he shall be punished or may be punished. In fact that is an exception to the Penal Code. But the fact that it is an exception does not affect the general draftsmanship relating to this clause. In addition to that I may say that in the last Bill we have used the word 'punished'. I think the House unconsciously adopted the right word. In the original clause of that Bill the word was 'punished'. There was an amendment moved by the Honourable Minister himself and the word 'punished' also appeared there. My Honourable friend Kazi Syed Karimuddin also unconsciously put the word 'punished' in his amendment. Sir, I think the word is so proper and fitting that it unconsciously entered competent minds thrice in connection with the same clause. I submit that on principle 'punished' should be the word. Having accepted it in the last Bill there is no reason why we should depart from it.

**Mr. Speaker:** Amendment moved:

"That in clause 47 of the Bill, for the word 'punishable', the word 'punished', be substituted."

**Pandit Thakurdas Bhargava:** My Honourable friend has referred to the substitute of the word 'punished' for 'punishable' and he has referred to the Indian Penal Code. May I submit for his consideration that in many of the sections of the Indian Penal Code the wording is "punishable with" as in Chapter III. According to my friend the man should be liable to punishment if the word punishable is used. If he is guilty he is certainly liable to punishment. What does my Honourable friend want to imply by the word 'punished' when warning alone can be given? In my humble opinion the more acceptable wording should be "shall be punishable with". It is used in many other Acts. But here my Honourable friend says that certain friends unconsciously put the word, etc. If it was an unconscious thing he cannot surely rely upon it. He should rely on the conscious thing. The framers of the Indian Penal Code also used the words "punishable with" and this word is used in many other acts and thus this is the right wording.

**Mr. Naziruddin Ahmad:** It is there always "punished".

**Shri L. Krishnaswami Bharathi** (Madras: General): I am afraid my friend Pandit Thakur Das Bhargava is wrong. The word used in the Penal Code is only "punished". I have got the Indian Penal Code in my hand.

**Mr. Speaker:** Order, order. It is not of much importance now. I have been hearing arguments over this word "punished" and "punishable". I really do not understand what the substantial difference between the two expressions is. The section defines an offence and also states what the punishment should be. If a magistrate or other person who tries an offence comes to the conclusion that the person is guilty, he knows that it is his duty to punish him whether the word "punishable" or "punished" is there. It really makes no difference and I do not think the point is of such an importance that we need take more time on it.

I may just mention at this stage—I wanted to mention if after having finished clause 47—that if we are able to finish this Bill today, which it seems we shall be doing within ten or fifteen minutes' time at the rate at which we have been proceeding, there will be no business for tomorrow. As soon as this Bill is finished the House will adjourn and meet again at 5 p.m. on Saturday, the 28th.

**Mr. Naziruddin Ahmad:** I want my Honourable friend Pandit Thakur Das Bhargava to see the Penal Code.

**Mr. Speaker:** That may be done outside the House.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Pandit Thakur Das Bhargava (one of the Panel of Chairmen)].

**Mr. Naziruddin Ahmad:** Sir, I find myself in a rather awkward position. You now occupy a very exalted position as Chairman. But only a minute before you had expressed an opinion contrary to the opinion which I had canvassed in the House.

**Shri C. Subramaniam:** I thought the discussion was over on that point.

**Mr. Chairman:** May I ask the Honourable Member if he wishes to pursue the matter further?

**Mr. Naziruddin Ahmad:** Yes, Sir.

**Mr. Chairman:** The question is:

"That in clause 47 of the Bill, for the word 'punishable', the word 'punished', be substituted."

The motion was negatived.

**Mr. Naziruddin Ahmad:** I move:

"That in clause 47 of the Bill, for the words 'extending to', the words 'which may extend to' be substituted."

**Mr. Chairman:** The question is:

"That in clause 47 of the Bill, for the words 'extending to', the words 'which may extend to' be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** I move:

"That in clause 47 of the Bill, for the words 'not exceeding', the words 'which may extend to' be substituted."

**The Honourable Rajkumari Amrit Kaur:** I have to oppose this amendment. I think this change is unnecessary.

**Mr. Naziruddin Ahmad:** Then I am not pressing it.

**Mr. Chairman:** The question is:

"That clause 47, as amended, stand part of the Bill."

The motion was adopted.

Clause 47, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** I move:

"That in clause 48 of the Bill, for the words 'extending to', the words 'which may extend to' be substituted."

**Mr. Chairman:** The question is:

"That in clause 48 of the Bill, for the words 'extending to', the words 'which may extend to', be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** I move:

"That in clause 48 of the Bill, for the words 'not exceeding', the words 'which may extend to', be substituted."

**The Honourable Rajkumari Amrit Kaur:** I oppose it on the same ground as before.

**Mr. Naziruddin Ahmad:** Then I am not pressing it.

**Mr. Chairman:** The question is:

"That clause 48, as amended, stand part of the Bill."

The motion was adopted.

Clause 48, as amended, was added to the Bill.

**The Honourable Rajkumari Amrit Kaur:** I beg to move:

"That in the Proviso to sub-clause (1) of clause 49 of the Bill, parts (c) and (e) be omitted and part (d) be relettered as part (c)."

Parts (c) and (e) are unnecessary.

**Mr. Chairman:** The question is:

"That in the Proviso to sub-clause (1) of clause 49 of the Bill, parts (c) and (e) be omitted and part (d) be relettered as part (c)."

The motion was adopted.

**Mr. Naziruddin Ahmad:** Sir, I beg to move:

"That in sub-clause (2) of clause 49 of the Bill, for the words 'extending to', the words 'which may extend to' be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

**Mr. Chairman:** The question is:

"That in sub-clause (2) of clause 49 of the Bill, for the words 'extending to', the words 'which may extend to' be substituted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 49, as amended, stand part of the Bill."

The motion was adopted.

Clause 49, as amended, was added to the Bill.

**Shri K. Santhanam:** Sir, I move:

"That in clause 50 of the Bill, for the words 'per month of such failure' be added at the end."

Now the clause provides for punishment for a person who has been removed from a register and fails without sufficient cause to surrender his certificate. The punishment is only a fine of Rs. 50 and the offender can go on using his certificate. So I have provided some further deterrent.

**The Honourable Rajkumari Amrit Kaur:** I accept the principle of the amendment that for continuing the offence, the penalty shall continually increase, but the actual amendment might read as follows, Sir, I move:

"That in clause 50 of the Bill, the following be added at the end:

'and in the case of a continuing offence with an additional fine which may extend to two rupees per day after the first day during which the offence continues'."

**Shri K. Santhanam:** I accept the amendment. I do not press my amendment.

**Mr. Chairman:** Amendment moved:

"That in clause 50 of the Bill, the following be added at the end:

'and in the case of a continuing offence with an additional fine which may extend to two rupees per day after the first day during which the offence continues'."

**Dr. V. Subramaniam (Madras):** General: I suggest an amendment such as "after he receives notice of removal from the register", since he may be living at Cape Comorin or some distant place.

**The Honourable Rajkumari Amrit Kaur:** I think "sufficient cause" surely covers it.

**Mr. Chairman:** This amendment deals with cases in which the offence is a continuing one so that it is a case of more than one infraction, and if he does not surrender the certificate, it is clear no question of notice arises.

**Mr. Chairman:** The question is:

"That in clause 50 of the Bill, the following be added at the end:  
'and in the case of a continuing offence with an additional fine which may extend to two rupees per day after the first day during which the offence continues'"

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 50, as amended, stand part of the Bill."

The motion was adopted.

Clause 50, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** I ask your permission, Sir, to move the amendment which stands in your name, amendment No. 211. I have in addition your written authority to me to submit this amendment.

I beg to move:

"That in part (b) of sub-clause (2) of clause 51 of the Bill, after the word 'employees' the words 'by registered dentists' be inserted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

**Mr. Chairman:** The question is:

"That in part (b) of sub-clause (2) of clause 51 of the Bill, after the word 'employees' the words 'by registered dentists' be inserted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** I beg to move:

"That in the proviso to sub-clause (2) of clause 51 of the Bill, the word 'further', be omitted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

**Mr. Chairman:** The question is:

"That in the proviso to sub-clause (2) of clause 51 of the Bill, the word 'further', be omitted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** I beg to move:

"That in sub-clause (3) of clause 51 of the Bill, for the words 'extending to', the words 'which may extend to', be substituted."

**The Honourable Rajkumari Amrit Kaur:** I accept the amendment.

**Mr. Chairman:** The question is:

"That in sub-clause (3) of clause 51 of the Bill, for the words 'extending to', the words 'which may extend to', be substituted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 51, as amended, stand part of the Bill."

The motion was adopted.

Clause 51, as amended, was added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, in clause 52 I had tabled two amendments which, however, I am not moving. I simply want to draw attention to the fact that there are two printing mistakes. In the word "order" the letter "r" is missing, and in the word "Provincial" the letter "i" after "c" is missing. They are obvious printing mistakes and should be attended to by the office.

**Mr. Chairman:** The question is:

"That clause 52, stand part of the Bill."

The motion was adopted.

Clause 52 was added to the Bill.

Clauses 53 to 55 were added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, with regard to the Schedule, I have one thing to point out. In part II, item (30), there is the expression "Dental Council of

[Mr. Naziruddin Ahmad]  
 India". By definition under clause 2, the word "Council" represents the Dental Council of India. I therefore suggest that for the words "Dental Council of India", the word "Council" be substituted.

**The Honourable Rajkumari Amrit Kaur:** I do not think we can omit the word "Dental" in the Schedule. After all it has to be there in full the 'Dental Council of India'.

**Mr. Naziruddin Ahmad:** All right.

**Mr. Chairman:** The question is:

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

The motion was adopted.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

**Mr. E. K. Sidhva:** Sir, my amendments are there to the Schedule.

**Mr. Chairman:** I am sorry nothing can be done now.

**The Honourable Rajkumari Amrit Kaur:** Sir, I think it was an oversight; perhaps Mr. Sidhva was not looking at the list but his amendment to the Schedule should be accepted because it is only a matter of dates—the figure "1942" and the months have to be substituted in item (3) of Part II of the Schedule. It does make a difference.

**Mr. Chairman:** Apart from that when the question was called the Honourable Member never got up to move his amendment.

**Mr. E. K. Sidhva:** But the amendment is printed on the list.

**Mr. Chairman:** But unless the Honourable Member rises up in his seat to move the amendment.....

**Mr. E. K. Sidhva:** Sir, but the practice has been that the Chair calls the member in whose name the amendment stands.

**Mr. Chairman:** It is not obligatory on the Chair to call every member—he has to take the chance and stand up himself.

**Mr. E. K. Sidhva:** I submit with due deference, to you, Sir, that when you called the Schedule I thought you asked for Schedule I, Schedule II etc.

**Mr. Chairman:** There are no three Schedules, there are only three parts—the Schedule is not put to the House in parts and the Honourable Member should have taken care to see that and should have risen in his seat. He himself was careless and he accuses the Chair.

**Mr. E. K. Sidhva:** I am not accusing the Chair.

**Mr. Chairman:** The only question is: was the Question called or not? When it was, the Honourable Member should have risen in his seat.

**Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim):** With regard to the change of dates, if the Honourable Minister wants it she can have it at the third reading.

**Mr. Chairman:** Yes; there is no difficulty about it. The amendment which the Honourable Member wanted to move is not a matter of substance—it is only formal and can be moved if necessary, at the third reading.

The question is:

"That the title and the Preamble, stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

**Mr. Naziruddin Ahmad:** Sir, before the third reading is called, I beg to draw attention to certain errors which may be corrected at the third reading or by the draftsmen later on. They are of a formal nature. I beg to draw

attention to clause 49. At the end of the proviso the sentence is complete but there is a colon. There was another proviso which has apparently been omitted by the Select Committee and that is the reason why there was a colon. But the Select Committee while omitting the second proviso did not revise the punctuation after the first proviso. I suggest there should be a full-stop. That should be attended to by the draftsman at the proper time.

Then with regard to clause 55, sub-clause (2), at the end of item (b) there is a full-stop—there should be a semicolon instead. It may have been a printing mistake.

Then there is another thing. After clause (i) of sub-clause (2) of clause 55, there should be the word "and". This is also a formal change.

**Mr. Chairman:** It is better if all these matters which the Honourable Member has referred to are given in writing to the Secretary.

**Mr. R. K. Sidhva:** May I be permitted to move my amendment, Sir?

**Mr. Chairman:** As a matter of fact the Honourable Minister has already indicated that it is a very formal amendment and she has already said that she is going to accept it and the thing will be corrected. So the amendment may be taken as having been carried by the House because it is only a formal amendment—only the word "1942" to be substituted by "1943".

**Shri K. Santhanam:** Sir, the change proposed is "31st day of December 1943" instead of "1st January 1942".

**Mr. Chairman:** If the Honourable Minister is accepting it, it can be moved by her at the third reading.

**The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

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

**Mr. Chairman:** Motion moved:

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

**The Honourable Rajkumari Amrit Kaur:** Sir, I beg to move:

"That in Part II of the Schedule to the Bill, in item (3), for the words and figures, 'the 1st day of January 1942', the words and figures 'the 31st day of December 1943', be substituted."

**Mr. Chairman:** Amendment moved:

"That in Part II of the Schedule to the Bill, in item (3), for the words and figures, 'the 1st day of January 1942', the words and figures 'the 31st day of December 1943', be substituted."

**Shri K. Santhanam:** This is certainly not a formal amendment. You are changing two years.

**Mr. Chairman:** May I know what is the objection?

**Shri K. Santhanam:** I said this is not a formal amendment.

**Mr. Chairman:** It has been ruled many a time in this House that formal amendments of this character can be moved at this stage. This is not the first occasion.

**Mr. Naziruddin Ahmad:** But Mr. Santhanam's contention is that this is not a formal amendment at all.

**Mr. Chairman:** This has been held to be one and the Honourable Minister has accepted it. So the House can also treat it as such.

The question is:

"That in Part II of the Schedule to the Bill, in item (3), for the words and figures, 'the 1st day of January 1942', the words and figures 'the 31st day of December 1943', be substituted."

The motion was adopted.

**Mr. Naziruddin Ahmad:** I have also, Sir, a formal amendment, namely;

"That in clause 55 of the Bill, at the end of item (i), the word 'and', be inserted."

**Mr. Chairman:** This is a formal amendment and has been noted by the Honourable Minister and therefore there is no need to put it to the House.

**Dr. V. Subramaniam:** Sir, this Bill was a long pending one. It gives great relief to dental practitioners to know that they will now have State aid and encouragement and that proper arrangements will be made for their education in dentistry.

As regards the Schedules and other things, they are just a beginning. Our Honourable friend Mr. Santhanam's amendment gives powers to the Provinces to nominate a temporary Board until such time as they prepare electoral rolls. In the meanwhile, it would have been much better if the Schedule had been more liberal and included more institutions. There are not many colleges in our country. There are only four—one or two in Bengal, one in Sind which is not in our Dominion and one in Madras. I have to express my sincere sorrow that the American Dental College at Madras which has been doing well for the past 18 years or so, although they have made representations, has not been included in the Schedule. I.

My own feeling is that the Central Government should have been more generous. Some institutions might have written to the Provincial Governments for inclusion and they might not have obtained recognition. The Provincial Governments are very slow. Now the Central Government while writing to the Provincial Governments to form immediately Provincial Boards should press them for inclusion of all colleges which teach regular courses and contain proper equipment and apparatus. Otherwise the students of Madras would be put to much trouble. Students have to go to Bombay or Bengal and even at the expense of Rs. 2000 or more they are not able to obtain recognised degrees in their own provinces. Therefore, I request the Honourable Minister to speed up the matter and induce all Provinces to form Provincial Boards immediately.

**Dr. P. S. Deshmukh** (C.P. and Berar: General): Sir, I think it is but fitting that I should offer my congratulations to the Honourable Minister. This is the first enactment that has been passed by this House by her for the systematisation and better regulation of the medical profession in all its Branches. Sir, this Bill appeared to be extremely contentious in the beginning, and it was also threatened at one time by a very considerable number of amendments—indeed larger in number than any Bill which we have seen so far. And yet to our great surprise and delight the whole Bill has been passed in a very short time. This by itself is a great compliment to the Honourable Minister's tact and ability.

My learned friend Mr. Kamath entertained us to quite a treat by speaking on the philosophy of teeth and stated the various enemies that the teeth had to contend with these days. He feared the hygienists would be probably after him to extricate the fine teeth he has got, which he makes it a point to show to us every now and again. Although his speech was not perhaps appreciated by some Honourable Members, I personally felt that he treated us to a very fine and humorous speech and he deserves our thanks for the same.

I hope, Sir, as one of my Honourable friends has expressed before, that along with the systematisation and regulation of the art of dental science, we shall have more dentists and better facilities for education in this science.

Once again, Sir, I offer my hearty congratulations to the Honourable Minister.



**Shri H. V. Kamath:** May I also suggest that the House do record its sense of gratitude to my Honourable friend Mr. Naziruddin Ahmad, who has taken immense pains over language, drafting, syntax and grammar, and that we should therefore confer on him a popular title—the title of *Bil Navis* . . . ?

**Mr. Chairman:** The Honourable Member may speak on the Bill and not devote himself to paying encomiums to other Honourable Members?

**Shri M. Ananthasayanam Ayyangar:** Sir, I would like to say only a few words. Certainly this Bill has evoked a lot of criticism and ultimately it has come out in a very improved form. I join my friend Mr. Kamath in paying our tribute to both Mr. Santhanam and Mr. Naziruddin Ahmad. More than both of them, it is our duty to pay our respects and record our sense of appreciation for the able manner in which the Honourable Lady Minister has moved and piloted this Bill. I am sure with some more motions and amendments, she will become a lawyer ere long, especially as she has been able to withstand successfully all the attacks from lawyers of the calibre of Mr. Naziruddin Ahmad.

Sir, it was only recently that the westerners thought that teeth were an important part of the body and that cleaning of teeth was an essential and most important function in our daily routine and health. But this has been recognised long ago in the *Puranas* and in the *Shastras*, where it is said, that as soon as you rise from bed you must clean your teeth, wash your face and then attend to other business. They have also suggested a number of ways in which to preserve the teeth and the gums. I do not know if all the dentistry, all the dental science, of the modern world is only for the purpose of extracting even such good teeth as still remain. The extraction of the teeth is the last weapon with a doctor. They examine, they say something and then if they are not able to diagnose the disease they at once start saying "Something is wrong with your teeth". Once some teeth are extracted, the others also become prematurely old. I hope that this is in a direction in which research is necessary. Some people merely copy. Others on account of climatic and other conditions lose their teeth. Let us not merely learn from the westerners that as soon as a tooth gives some trouble it should be at once pulled out. I do want, Sir, research institutions should be started which will bring harmonious relations between the ancient and the present practices. The extraction of teeth must be the last resort of any dentist or any surgeon and all other avenues for rectifying the teeth must be exhausted. I hope research institutions will be started and adequate funds provided by the Honourable Lady Minister for making researches in the improvement of dentistry. With these few remarks, I congratulate both the Honourable the Lady Minister and the two members who have taken so much pains to make this a perfect Bill. I hope dentistry hereafter will become perfect in this country.

**Mr. R. K. Sidhva:** Such a useful measure I really do not know why should have been contentious, but I am very glad it has passed through. This measure is really a boon to the public as far as health is concerned and our thanks and congratulations are certainly due to the Honourable Minister who piloted this Bill so ably and successfully. We only desire, Sir, that the provisions of this Bill would be useful in the rural areas. In the villages there is really no relief for this kind of disease and I hope immediately the Councils will be formed in the various provinces and also in the Centre and instructions will be issued by the Honourable Minister that efforts should be made to see that measures are taken to create a kind of dentistry in the villages where they are very necessary. Just now the quacks are really playing havoc in the rural area. We know of so many instances. Of course in the cities, in the urban areas, there are people who have been practising on the foot-paths

[Mr. R. K. Sidhva]

their dentistry. I have seen that both in Karachi and Bombay. This measure will put a stop to it in the urban area immediately. There is no doubt about that. I do not know how far it will really be effective in the villages, but I am sure the Honourable Minister who is so very eager in this matter and conscientious about the relief measures to be given to that class of people, will take immediate steps to see that this measure is really applied successfully in the rural areas. With these few words, Sir, I again congratulate her for the measure initiated by her. Some of the amendments, useful reasonable and desirable, she has accepted and a number of others she has rejected and at the end the Bill has come out in such a way that the country should as proud of it.

**Shri B. Shiva Rao** (Madras: General): May I say a word of appreciation of the work of the Health Minister in placing this Bill on the Statute Book? I speak not only as a member of the House, but also as a member of the Bhole Committee, whose attention was drawn to the grossly neglected condition in which dentistry has been all these many years. Tributes have been paid by previous speakers not only to the Minister but to members of the House who have taken part in shaping this Bill.

I should like to add, Sir, as a member of the Bhole Committee a word of sincere praise for the persistence and the ability with which members of the All-India Dental Association have helped at all stages of the Bill. In fact, Sir, the members of the Bhole Committee were impressed by those who are the organizers of this Association that their report would not be complete without some positive recommendation on this neglected subject of dentistry. It was they who drew our attention to the effect that there was hardly any university in India which had any degree or even a diploma in dentistry except two or three institutions, and I think I am not revealing any secret in saying that the chapter in the Bhole Committee's report on dentistry was very largely influenced by the advice which we received from leading members of that Association.

Now that the Bill is about to become law, I would like to say a word to the Health Minister herself. I think her labours are not over. In fact, so far as dentistry is concerned, her labours are just beginning, and I hope she will see to it that this Bill is brought into force with the least avoidable delay; and also during her term of office, that she will try to impress on the various provincial Governments and the universities that they should establish with as little delay as possible degrees and diplomas in dentistry. She should herself set an example by trying to bring into existence either in Delhi or near Delhi an All-India Dental College which would impart dental education of the highest quality. At the present moment, Sir, those of our students who want to do dental research are compelled for lack of facilities in this country, to go abroad. That I think is an extremely unsatisfactory state of things. In very recent years, we have made a very modest and cursory beginning with medical inspection of schools. Now, in most countries of the world which have established medical inspection, the periodical examination of the teeth of children and adolescents is a very important feature, and if we want to make a reality of medical inspection in our country, I think we should see to it that there are an adequate number of dentists who would look after the teeth of our children and adolescents. From that point of view, I think, it is of the utmost importance that the Health Minister should take almost immediate steps for the establishment of a dental college, with facilities for dental research in this country.

**Shri K. Santhanam**: Mr. Chairman, Sir, I have got only one point to make. I congratulate the Minister cordially for this Bill, but there is one danger, which, I hope, she will guard against. Dentistry must be treated as

part of the medical profession. For the moment it may be essential to treat it as a little separate, but in course of time, we must so evolve that the dentist is also a doctor and a doctor a dentist. Especially this is particularly important for the rural areas. Our villages cannot afford to have a rural doctor and a rural dentist. What should be done is that all the rural doctors should be trained in dentistry. Our dental institutions should provide special classes and special diplomas for practising doctors, so that they may become qualified dentists also. In this way the integration of the medical profession as a whole with dentistry should be encouraged, so much so, that after 20 or 30 years, we should cease to have dentists as a separate category altogether. There are various sections in the medical profession. We do not have doctors for one disease and another kind of doctor for another disease. (*An Honourable Member*: "They are specialists".) They are specialists in a particular medicine. But we have not got non-doctors who are specialists in other branches of medicine. It is only, for example, in X-ray and other things that we have got non-doctors who are ancillary workers in the medical profession. I want all dentists to become part and parcel of the medical profession and I hope some measures will be taken to integrate the two. This objective should be held in view and the two should not be allowed to separate further and further. Sir, that is my only point.

**Mr. Naziruddin Ahmad**: Sir, I express my gratitude to three distinguished Members of this House who spoke kindly about the efforts that I have been able to make in this House. It is due more to the charitable nature of the members themselves than to their forbearance that I have been able to do so. Sir, the fact that the Bill has been disposed of in record time while no less than 60 technical amendments have been carried is due to the forbearance of the Honourable Minister herself. She not only represents the fair sex but is fairness personified. It is her conciliatory attitude which enabled us to carry through difficult amendments in such a short time. Sir, I congratulate the Honourable Minister on this.

**Mr. Chairman**: The question is:

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

The motion was adopted.

*The Assembly then adjourned till Five of the Clock in the Afternoon on Saturday, the 28th February, 1948.*