

श्री एम० एल० द्विवेदी : मैं विधेयक को पुरस्थापित करता हूँ ।

INDIAN PENAL CODE AMENDMENT BILL

(INSERTION OF NEW SECTIONS 295B,
295C AND 295D).

Shri V. G. Deshpande (Guna): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Shri V. G. Deshpande: I introduce the Bill.

INDIAN CATTLE PRESERVATION BILL

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved by Seth Govind Das on the 27th November, 1953:

"That the Bill to preserve the milch and draught cattle of the country be taken into consideration."

[Shri Krishnappa]

Shri V. G. Deshpande (Guna): I might mention that closure was moved and passed by the House.

The Minister of Agriculture (Dr. P. S. Deshmukh): So far as this Bill is concerned, a point was raised that the Bill is *ultra vires*. I suggested that the Law Minister may be pleased to give his views so far as this point is concerned.

Shri V. G. Deshpande: A ruling was given that it is not *ultra vires* and it can be introduced, and therefore why should we go on taking time over it?

Pandit Thakur Das Bhargava (Gurgaon): This point was raised and the 8 P.S.D.

Chairman: I have given the ruling that according to the precedents in the House this question of validity has to be decided by the House and the Bill was declared as *intra vires*. Therefore that point cannot be raised.

Seth Govind Das (Mandla-Jabalpur South): This ruling has been given by you.

Mr. Deputy-Speaker: The ruling is consistent with my calling upon the Law Minister to give his opinion to the House. My calling upon the Law Minister to give his opinion is for the purpose of placing the House to vote on one way or the other. It is not inconsistent with my ruling. It is the right of the House to hear the Law Minister. The Law Minister is entitled to address the House. Therefore, he will speak.

Dr. P. S. Deshmukh: May I intervene for a minute? It was our desire that the Attorney-General should give his views on this point, but unfortunately he is not available. If the hon. Mover or yourself is agreeable, I would like that we postpone consideration of this to another day.

Mr. Deputy-Speaker: Then some hon. Member should formally make a motion.

Pandit Thakur Das Bhargava: According to the provisions of the Constitution, the Attorney-General has the right to address the House. I submit it will be better if we adjourn further consideration of the Bill to some other official day because now this Bill has got priority, and the whole country is interested in the Bill. I would respectfully ask the Government to give priority to this Bill so that when this Bill is taken up on an official day, it will not take more than half an hour.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): On any official Legislative Business day Government will be prepared to provide time for it.

Shri N. C. Chatterjee (Hooghly): May I have an idea on what day of official legislative business?

Shri Satya Narayan Sinha: After the Demands for Grants are finished we shall get about 15 or 16 clear working days for official business. We can provide time on any one of those days.

Pandit Thakur Das Bhargava: If this Bill gets priority by virtue of the ballot and comes up earlier than the official date need not be given. If it is not balloted, then alone it should get time on an official day.

सेठ गोविन्द दास : मुझे यह कहना है कि अगर आप इस विधयक को किसी गैर सरकारी दिन के लिए मुलतवी करना चाहते हैं तो वह मुझे मंजूर नहीं है क्योंकि गैर सरकारी दिन के लिए इस को बैलट में लाना होगा, लेकिन अगर मुझे सरकारी दिन मिलता है और वह भी इसी सेशन में, जल्दी से जल्दी, तो मुझे कोई आपत्ति नहीं है।

Shri V. G. Deshpande: On a point of order. Closure was moved and passed.

Mr. Deputy-Speaker: The hon. Member is rising to a point of order, just when I am getting up. So far as this Bill is concerned, there need be no difficulty, because it is part-heard, and therefore it will be given priority over any other Bill.

Seth Govind Das: But according to the Rules, that is not done. I had consulted the Secretary, and he told me that if it is adjourned for any non-official day, it will have to be sent to the ballot. I do not want any ballot on this Bill

Mr. Deputy-Speaker: The hon. Minister is agreeable to having it, immediately after the Demands for Grants are passed.

Shri N. C. Chatterjee: If he is agreeable, let us have an early date, after the Budget is passed.

Shri Satya Narayan Sinha: We have given that assurance. What else do they want?

Shri N. C. Chatterjee: We want that it should not be only half an hour. If the Law Minister and the Attorney-General are going to talk on the *ultra vires* character of the Bill, I submit we should also be given the chance to make our submissions in this regard.

Dr. P. S. Deshmukh: We have no desire to restrict the time.

Mr. Deputy-Speaker: Some hon. Member must make a formal motion that the further consideration of this Bill be postponed.

Seth Govind Das: For some official day.

Mr. Deputy-Speaker: No such assurance can be given by the House.

Pandit Thakur Das Bhargava: May I move a formal motion in this regard, *viz.*, that this Bill be adjourned for some other day? If in the ballot for a non-official day, we get a date earlier than the official day...

Mr. Deputy-Speaker: There cannot be a condition like that.

Pandit Thakur Das Bhargava: There is no condition. You have been pleased to observe just now that this Bill will get priority. I am only anxious that this Bill may be taken up as soon as possible. If it does not get the priority in the ballot, we shall have it on the first official day. I beg to move:

"That further consideration of the Bill be postponed."

Seth Govind Das: Kindly add, till the first official day, after the Budget discussion is over.

Mr. Deputy-Speaker: I cannot fix up a date here. The Rules are there, and they will take care of it.

Dr. P. S. Deshmukh: Our assurance is there.

Seth Govind Das: According to the Rules also, if the Chief Whip of the Government party assures us that he is ready to take it up on an official day, earlier than a non-official day, I think there should not be any objection to it.

Shri Satya Narayan Sinha: I have given that assurance already. I do not know what else they want.

Mr. Deputy-Speaker: The hon. Minister has given the assurance that some official time will be allotted for the consideration of his matter—official time meant time for legislative business, and not for Budget discussion.

I shall now put the question to the vote of the House.

The question is:

“That further consideration of the Bill be postponed.”

The motion was adopted.

MUSLIM WAKFS BILL

Mr. Deputy-Speaker: The House will now take up the consideration of the Muslim Wakfs Bill, 1952, as reported by the Select Committee.

Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West): I beg to move:

“That the Bill to provide for the better governance and administration of Muslim Wakfs and the supervision of Mutawallis’ management of them, in India, as reported by the Select Committee, be taken into consideration.”

Hon. Members will remember that when this Bill came up before the House on the previous occasion, it was referred to a Select Committee. In the Select Committee, most of the provisions of the Bill that were the subject-matter of criticism were very calmly considered by all the Members, and they have arrived at certain decisions which have almost taken away the objections to the Bill.

The first objection that was raised was that there was no proper representation for all classes of people. That was the difficulty felt by the Select Committee also, for it was not an easy matter to decide upon the various electoral colleges from which the representatives should come. Ultimately it was thought that the matter might better be left to Government, who may consider the various categories mentioned in the Bill, for nominating persons to the Board.

The other important matter was whether the whole power should vest in one person or in the Board. Under the present circumstances, everybody will concede that to have the power vested in a number of persons is much better than to have it vested in one particular person. Even though the administrative work is to be done by the secretary of the Board, and his appointment is to be made by Government, still he will be under the administrative control of the Board itself. That is a very important change that brings into prominence the aspects of representation and administration under the control of the Board itself.

There are certain powers given to the Board, such as that of determining the surplus funds of a wakf and the uses to which such funds should be put, in accordance with the cypres doctrine. If on this matter, the Board is required to go to court, it will mean a dilatory procedure, and also litigation without any purpose. So, the Select Committee have provided that the Board will have the power to decide the whole thing, but it will be open to any person to go to court and dispute the decision of the Board, and the decision of the court shall be final.

We have given thought to all these matters in the Select Committee. We have also decided that this Bill, as it stands, should apply to all the States, excepting those States, where some wakf Acts are already in force. The reason for doing so was that they were based mostly on an election basis, a basis which has really not