

lated and the recommendations made by the Finance Commission in its report, dated the 30th day of September, 1957.' "

*The motion was adopted.*

Shri B. R. Bhagat: I beg to move:

"That the amendment recommended by Rajya Sabha be agreed to."

Mr. Speaker: I shall now put the motion to the vote of the House.

The question is:

"That the amendment recommended by Rajya Sabha be agreed to."

*The motion was adopted.*

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**ESTATE DUTY AND TAX ON RAILWAY PASSENGER FARES (DISTRIBUTION) BILL**

Shri B. R. Bhagat: I beg to move that the following amendment made by Rajya Sabha in the Bill to provide for the distribution of the net proceeds of the estate duty and the tax on railway passenger fares among the States be taken into consideration:—

"That at page 1, in the long title, the following be added at the end, namely:—

"in pursuance of the principles of distribution formulated and the recommendations made by the Finance Commission in its report, dated the 30th day of September, 1957.' "

Mr. Speaker: I shall now put the motion to the vote of the House.

The question is:

that the following amendment made by Rajya Sabha in the Bill to provide for the distribution of the net proceeds

of the estate duty and the tax on railway passenger fares among the States be taken into consideration:—

"That at page 1, in the long title, the following be added at the end, namely:—

"in pursuance of the principles of distribution formulated and the recommendations made by the Finance Commission in its report, dated the 30th day of September, 1957.' "

*The motion was adopted.*

Shri B. R. Bhagat: I beg to move:

"That the amendment made by Rajya Sabha be agreed to".

Mr. Speaker: I shall put the motion to the vote of the House.

The question is:

"That the amendment made by Rajya Sabha be agreed to."

*The motion was adopted.*

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**COUNTESS OF DUFFERIN'S FUND BILL**

Mr. Speaker: We will now take up "Bills for consideration and passing".

Shri V. P. Nayar (Quillon): May I raise a point of order about the competence of this House to discuss this Bill?

Mr. Speaker: Let the Minister first move the motion.

Shri V. P. Nayar: If my point of order is sustained, we cannot discuss this matter at all.

Mr. Speaker: That is another matter. No point of order can be raised unless a motion is before the House. We do not raise points of order because the items are in the agenda. We have got rules in the matter. Let the motion be moved first. Then we will take up the point of order.

The Minister of Health (Shri Karmarkar): I beg to move:

"That the Bill to provide for the transfer of the Fund known as the Countess of Dufferin's Fund to the Central Government, be taken into consideration."

I should like to say a few words in addition to what has been stated in the Statement of Objects and Reasons.

The National Association for Supplying medical aid by women to the women of India was established in 1885 with the object of imparting medical education to women, rendering medical relief, and supplying nurses and midwives for hospitals and private work. In 1888 the Association was registered as a Society under the Societies Registration Act, 1860. The fund which was raised by public subscriptions both in India and the United Kingdom, was known as "The Countess of Dufferin's Fund" and was managed by the Association. A Central Committee at Delhi was entrusted with the general management of the affairs of the Fund, while in the various States local committees were formed which were allowed to manage their own affairs and funds, but which were affiliated to the Central Council. Each local committee was responsible for the establishment of hospitals for women and children and for supplying female medical aid to the women of that State according to the Funds at their disposal. "Branches" were formed in the then Provinces of Assam, Baluchistan, Bengal, C. P. and Berar, Bihar and Orissa, Bombay, Burma, Madras, Punjab, United Provinces, North West Frontier Province, and later in Orissa and in Sind

After partition it became necessary to divide the assets of the Countess of Dufferin's Fund between India and Pakistan. For this purpose Resolutions were passed on the 19th April, 1948, at an Extraordinary General Meeting of the Association for the winding up of the Association and for

distributing the balance of funds left after meeting the liabilities, between the Red Cross Societies of India and Pakistan in the ratio of 35:8 which was based on the number of W. M. S. Officers to be absorbed in India and Pakistan respectively. The relevant resolution was passed.

As the actual number of Officers who elected to continue in service was 37 and the number of officers who remained in the respective countries was 34 in India, and 3 in Pakistan, it was subsequently decided that the ratio should be changed from 35:8 to 34:3, the percentage being 92:8.

Since it was not possible to calculate the exact amount of the liability of the Fund and to arrive at the figures of surplus balance to be divided between India and Pakistan before the 31st March, 1953, it was decided to divide the funds as they stood on that date between the two countries.

The audited accounts of the Countess of Dufferin's Fund as they stood on the 31st March, 1953, have now become available and the assets of the funds as on the date amount to Rs. 13,76,203. According to the ratio of 92:8, Pakistan's share comes to Rs. 1,10,096 and India's Rs. 12,66,107. In addition to Pakistan's share of Rs. 1,10,096 there is liability amounting to Rs. 44,726 payable to Pakistan on account of leave salary, study leave salary and allowances and passage money in respect of three ex-W.M.S. officers who opted for Pakistan. This leave was earned by these officers during their service in India prior to their going to Pakistan. The total amount payable to Pakistan therefore comes to Rs. 1,54,822 (Rs. 1,10,096 plus Rs. 44,726) and the sum of Rs. 12,21,381 will be the net balance available for India.

Later on Government took the decision that in stead of transferring it to the Red Cross, the amount may as well remain with the Government. There are some other details about which I need not trouble the House.

We were legally advised, when the question was referred whether the resolution of the Association was legally in order in providing for the winding up of its affairs and for transferring the balance of its funds to the Red Cross Societies, that under the Societies Registration Act, 1860, the Association was not competent to resolve to give funds to the Red Cross Societies in India and Pakistan. We were advised that in order to give effect to the resolutions, it would be necessary to enact legislation for the transfer of funds to the Red Cross Societies in India and Pakistan, or to any bodies which we liked.

I do not want to tire the House with all the details. About the division of assets of the Fund, I would like to refer to one matter. Money is due to us on account of West Punjab (Pakistan Branch). It owes to the Punjab (Indian Branch) an amount of, according to us, Rs 1,80,000. But that will be a matter for negotiation later on. So, it was considered advisable to legislate for adjustment of Pakistan's share.

Under the circumstances, this legislation has been undertaken, providing for the transfer of assets and liabilities of the Central Association to the Central Government to be utilised in consonance with the objects of the Fund. I should like to underline this. It is not as if the Fund comes as a windfall to the Government. The Government will have to utilise the fund in accordance with the original purpose along with the residual ministerial staff consisting of an Assistant and a peon. That is the only staff. The legislation has also provided for the validation of action taken under the Resolution passed on 19th April, 1948. After the property has been vested in the Central Government, it will be for the Government as successors of the Association to deal with the claims of Pakistan if they pursue it. That is the purpose of the Bill.

According to the present scheme, those assets that have been transferred,

which belonged to that Fund, with a specific objective, when this Bill is passed, will be vested in the Government for use for the purposes for which the Fund was intended.

There are amendments to have this Bill to refer to a Select Committee. This is a simple measure. If, in the course of the debate, any information is asked for, I shall be very happy to supply it to the House. This Bill does not make any departure from the objective of the Fund. It is because a situation arose and we were legally advised that this was necessary, we have come to the House for a transfer of the funds from the Countess of Dufferin's Fund to the Government of India for such adjustments as may be found necessary with Pakistan as also for the utilisation of the Funds for the purpose and in the manner they were originally intended. I shall be very happy to supply, during the course of the debate, any information that any hon. Member may like to have.

Mr Speaker: Motion moved

That the Bill to provide for the transfer of the Fund known as the Countess of Dufferin's Fund to the Central Government, be taken into consideration."

Before we take up the amendments to this motion I shall hear Shri V. P. Nayar.

Shri V. P. Nayar: The Bill as introduced in the House seems to be beyond the competence of this House to discuss. The purport of this Bill is the transfer of certain assets which once belonged to an Association which is defunct today. It is well known that a transfer cannot be made without the consent of two parties. There must be a transferor and a transferee. This Society was registered under the Societies Registration Act which also

[Shri V. P. Nayar]

provides for the dissolution of such society under section 13. If I may be permitted to read the relevant portion:

"Any number not less than three-fifths of the members of any society may determine that it shall be dissolved and thereupon, it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities."

This is section 13. Actually, there is a saving that there has to be the consent of the Government. By an amendment, the legislature said that the consent of the Government should be there. There is a proviso which says:

"Provided that whenever any Government is a member of, or a contributor to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved without the consent of the Government of the State of registration."

Mr. Speaker: What happened to the fund? Dissolution has taken place?

Shri V. P. Nayar: Dissolution has taken place in effect. A portion of the fund, the corpus of the fund belonging to the Association, has already been transferred to the Pakistan Red Cross Association.

Mr. Speaker: A portion?

Shri V. P. Nayar: A portion. So that, that portion transferred to Pakistan could not have been transferred unless dissolution had taken effect. There is no question of the transfer till then. I am not against the Government acquiring Rs 12 lakhs. I want it. I want to ensure that there is no legal flaw. That is all.

Legal opinion seems to be that there is nothing wrong. On the other

hand, if once you concede that it cannot by any stretch of imagination amount to a transfer because there is no transferor here, if at all it vests after dissolution, it has to be vested in some body and that is only the Indian Red Cross Association. I do not know what that organisation has stated. I have got a copy of the Resolution here. The hon. Minister was pleased to place two copies in the Library. It is said here:

"the corpus of the Fund belonging to the Association be handed over to the Indian and Pakistan Red Cross Societies and the Societies will keep a separate account in respect thereof;

"That the Red Cross Society will administer the fund in consonance with the objects of the Counsellors of Dufferin's Fund . . ."

We do not have the objectives of the Fund before us.

Mr. Speaker: That will be in the memorandum and articles of association.

Shri V. P. Nayar: We ought to have been supplied that. I do not argue on that. The organisation, before dissolution, had passed a resolution under which a portion of the fund has already been transferred to the Pakistan organisation. Therefore, if the remaining fund vests in India, the dissolution having taken effect, it can only vest in the Indian Red Cross Association.

Mr. Speaker: Did the share of Pakistan . . .

Shri V. P. Nayar: Yes. The notes.

Mr. Speaker: Order, order. What is the meaning of answering before understanding my question? Did that portion which has been transferred to Pakistan given to the Red Cross Society of Pakistan?

**Shri V. P. Nayar:** Yes. That is what I find from the note.

"As the Provident Fund Accounts of W.M.S. Officers who had opted for Pakistan had been finally settled and the money due to them had been paid, the reserve of Rs. 2,50,007 was to remain with India."

So that, if the Government wanted, certainly, it could have withheld consent at this stage. The fact that a portion of the fund has already been allowed to be transferred to Pakistan shows that the Government did not exercise the power to withhold consent. Therefore, I contend that dissolution has taken effect. Even supposing there is no dissolution, how can the Government take over unless there is consent? A transfer, as you know, cannot be made by one party alone. It cannot be the subject of unilateral action. If there is a transfer, it presupposes there must be a transferor. If there is no transfer, it will be an acquisition which will violate the provisions of the Constitution under article 13(2) and also article 31(2).

It is expressly provided in the Constitution,—I may be permitted to read the relevant portion—

"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention, of this clause shall, to the extent of the contravention, be void."

Article 31(2) says:

"No property shall be compulsorily acquired...."

Government may say that it is not compulsory acquisition. So long as there is no transferor, there cannot be anything which cannot but be construed as compulsory acquisition. The article says, there shall not be compulsory acquisition, save for a public purpose. The public purpose may be there. It is not mentioned. It says:

"...save by the authority of law which provides for compen-

sation for the property so acquired or requisitioned"

Therefore, I contend that even if by a particular section, we oust the jurisdiction of all courts,—now it is settled law that we cannot do it—it will create legal complications. I want the Government to ensure—they must take over the fund, there is no question of that and the fund should be utilised for welfare—when they do it, they must make it fool-proof and not allow any opportunity for litigation on this point

"

In view of what I submitted, I feel that it is beyond the competence of the House in the form in which the Bill is presented and on the basis of the arguments of the hon. Minister, we cannot consider this Bill.

**Shri Karmarkar:** We have tried to make it as fool-proof as possible. I am rather surprised at the arguments of my learned friend. Firstly, the Association has not been dissolved in the eye of law because that dissolution was connected with the transfer of funds. They could not transfer the funds to a body in Pakistan. That was the legal difficulty. Therefore, as I made it clear in my opening remarks, clause 3 of the Bill says,

"On the commencement of this Act—

(a) the Association shall stand dissolved;"

Till then, it does not stand dissolved because it cannot simply pass a resolution or dissolution without making arrangements for its funds. Since this was not a legal transfer to the Red Cross Society in Pakistan—I wish to correct my friend on that point—no funds were transferred to the Red Cross Society of Pakistan—because it could not legally be done, because they could not legally transfer even that share. Therefore, we have come to Parliament with this legislation, and after we have passed this Bill, it will be for Pakistan to make a claim. As against that, there is our counter

[Shri Karmarkar]

claim, as I have said, and then if at all any money is due, then Government will transfer it to Pakistan.

Shri V. P. Nayar: It has been transferred according to your note.

Mr. Speaker: What I understand from Shri Nayar's statement of the case is that the dissolution of the association is under the articles of association. A resolution was passed by the association itself on the 19th day of April 1948, as set out in clause 4—"at the extraordinary general meeting of the association held on the 19th day of April, 1948". The provision of the Societies Registration Act is there, that is in particular cases when the Government has contributed moneys, the consent of the Government is necessary to validate or give effect to the resolution. It is not necessary that the Government should come here and get the consent by an Act of Parliament. The Government might have given its consent. We will assume the consent has not been given, therefore the resolution has not come into effect. The consent is now given. When once the consent is given, the resolution comes into operation, and there is nothing preventing the association from distributing it whether to Pakistan or to any other party, whoever might be the contributories. They have given that portion, they have allocated it to Pakistan; they have given the other portion to the Red Cross here. They are entitled to do it under the Societies Registration Act

All that the Societies Registration Act says is that it is open to the Government to give consent or withhold consent. It is not the Government that has to distribute; it is the society that has to distribute. If the extraordinary resolution has not been given effect to or consented to by Government, they will have to pass another resolution and then dissolve it with the consent of the Government. Thereafter, that resolution will have effect. They can give the proper portion to Pakistan and the other portion to the

Indian Red Cross. If they have not given to the Indian Red Cross, under what article of the Constitution is this Government or Parliament entitled to take away the money legitimately entitled to the Red Cross Society. You cannot pay compensation. Another kind of compensation for money itself seems to be inconsistent. How then can the money of the association be transferred unless the association itself is found up? These are the problems raised.

Shri Karmarkar: The precise problem raised in the first instance was that some money has been transferred either to the Pakistan Government or the Red Cross Society. As a matter of fact, part of these funds were due to officers who were members of the Women's Medical Service by way of things like leave salary or any deficits in pay because the State Governments pay less, or things like that. The members of the Women's Medical Service were guaranteed certain things.

A point of fact that I may mention to the House is that this payment was not made either to the Red Cross or the Pakistan Government. This payment was made in the normal course to the officers to whom leave salary or other overseas salary was due. So, that point does not arise at all. We have not transferred any funds. In fact, our legal advice was—to be precise, I shall read it out—"to refer the question to our Attorney-General as to whether the resolution of the association was legally in order in providing for the winding up of its affairs and transferring the balance of its funds to the Red Cross societies".

He was of the opinion that under the Societies Registration Act of 1960 the association was not competent to resolve to give funds to the Red Cross Society in India and Pakistan and advised that in order to give effect to the resolution, it would be necessary to enact legislation for the transfer of such funds.

**Mr. Speaker:** I want to know first of all who is competent to dissolve the association. Let us go step by step. **Shri Nayar** says the dissolution on resolution is under the articles of association. Under the Societies Registration Act, how does the Government or Parliament come in so far as the dissolution is concerned? Therefore, if the society is entitled to dissolve itself by resolution, then the funds also they can dispose of? Is it anywhere stated that the funds shall be at the disposal of the Government or Parliament? It is an autonomous body. Is it not open to that body to distribute?

**Shri Karmarkar:** That was the precise point which I proposed to deal with. Now I shall read the resolution. The resolution is not first of dissolution, but first to transfer funds

"Resolved that immediate steps be taken to dissolve the National Association for Supplying Medical Aid by Women to the Women of India (Countess of Dufferin's Fund including the Women's Medical Service) and that after all the liabilities have been met or funds earmarked to meet them, the balance be divided in the proportion 35.8 between kindred organisations in India and Pakistan respectively.

Resolved further that the kindred organisations be the Indian and Pakistan Red Cross Societies provided the Societies agree to the following conditions:

1. That the corpus of the Fund belonging to the Association be handed over to the Indian and Pakistan Red Cross Societies and the Societies will keep a separate account in respect thereof;

2. That the Red Cross Society will administer the fund in consonance with the objects of the Countess of Dufferin's Fund, after making provision for meeting specified liabilities of which particulars will be supplied by the Council to the Red Cross Societies;

.. ..

Resolved further that on such

debts and liabilities being satisfied and the remaining property of the Association being divided between the Indian and Pakistan Red Cross Societies the Association shall stand dissolved."

When this was sought to be done, our legal advice was that they could not transfer property to the Pakistan Red Cross Society like that. So, we had to come to the House. Dissolution cannot occur unless the liabilities and assets are transferred to the respective parties. It cannot happen, according to our legal advice, in the manner they sought to do it. Therefore, we have to come to Parliament, both for having the association declared dissolved and for vesting the amounts in the Government of India, so that they can negotiate, if a claim is made, with the Pakistan Government and then decide about the future. We will have to take a decision on the merits that the funds do vest in Government and that they should look after the funds. That is the present position.

**Mr. Speaker:** If a society is dissolved without making any provision for its funds, who is to distribute the funds?

**Shri Karmarkar:** That is precisely the difficulty which the Attorney-General must have been faced with.

**Mr. Speaker:** Therefore it is that before dissolution they have to distribute the funds and then pass a resolution to dissolve it.

**Shri Karmarkar:** But they have not distributed. What they say specifically is: "such liabilities being satisfied and the remaining property of the Association being divided....".

Where does the remaining property rest? Not in a vacuum. If the resolution had to be executed, then the funds had to be transferred to the Pakistan society. Otherwise, who is to hold the funds when it is dissolved?

**Mr. Speaker:** Therefore it is that they passed the resolution in advance of dissolution. That is why exactly...

**Shri Karmarkar:** They made it simultaneously.

**Mr. Speaker:** I think they must have transferred them, both the moneys.

**Shri Karmarkar:** No, they have not, that is the point I am mentioning to the House. They cannot, and therefore we have come to trouble this House. Under the law we were advised this association could not pass on a single pie in accordance with its resolution to the Pakistan Red Cross Society, and we came against a blind.

**Mr. Speaker:** What is the hurry for this legislation now? I would like to think about it.

This society is an autonomous body so long as it exists and it has funds, I do not know how Government or the extraordinary jurisdiction of Parliament can take it away, but, I believe for mismanagement and other things—I have not looked into it—they can dissolve an existing organisation under the Societies Registration Act. There is a provision under the Societies Registration Act itself. Under section 13 there is provision for dissolution of societies and adjustment of their affairs. In accordance with that an extraordinary resolution was passed dissolving the association and making distribution of its assets. Where a portion of the moneys has been contributed by the Government, under the proviso Government's consent also should be taken; otherwise, the Government's consent is not necessary. The Government's consent was sought. I do not know whether the Government's consent has been given, in which case the resolution will work itself out. If the Government's consent has not been given, possibly the hon. Minister wants to make it the consent of Parliament instead of the consent by Government, and therefore, he says the association stands dissolved. I understand in the context it means that it ratifies and gives consent through Parliament which asks Government itself to give consent to this resolution. Therefore, this resolution dissolving the association has

to work itself out. They have transferred the money to the Red Cross. How does the money of the Red Cross vest in this? What right have we....

**Shri Karmarkar:** They sought to transfer it. They have not transferred it. They have passed the resolution.

**Mr. Speaker:** If they seek to transfer it, how can we ignore it? How can Parliament exercise jurisdiction or control over the decision of an autonomous association?

**Shri Karmarkar:** Even if Government consented—today, supposing we consent....

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not presume to answer the legal questions. But all I wish to say is that Government and the Red Cross organisation have been in constant touch with each other. There is no question of bypassing Government by the Red Cross. Not only that, but the International Red Cross also has been consulted. In fact, there has been a meeting of the International Red Cross in Delhi, and consultations took place between them, because, here is Pakistan, and here is India, they had jointly formed this association, and, as in other things, there has to be a separation. Pakistan wants this money. Owing to various difficulties, legal chiefly, this has not been possible to be done in spite of agreement and other things. We want to finalise this, and give Pakistan's share to Pakistan. Let them function as they like, and we can function as we like. We consulted the International Red Cross, and after great difficulties, a way out was suggested to us. We try to follow that way. Government are agreeable; our Red Cross organisation is agreeable; and the International Red Cross is agreeable. What the law is, I cannot say, but everybody is agreeable.

**Shri V. P. Nayar:** We also agree. None of us is against it. But the point is something different.

Shrimati Benu Chakravarty (Basirhat): May I draw your attention to one point which has just struck me after the arguments that have taken place? The Countess of Dufferin's Fund passed a resolution which said that there has to be a transfer of the funds to the Red Cross Society. By the Bill which we are trying to pass here, we are trying to give effect to a part of the resolution which has been passed there, but we ignore a part that has already been embodied in that resolution.

After hearing all this argument, my point is that since the question is one of dividing up the assets between Pakistan and ourselves, I think it is very right that we should see that the entire question is dealt with in such a way that later on difficulties do not crop up. Therefore, my suggestion would again be that we accept the suggestion made by certain lady Members of this House that the whole matter might be referred to a Select Committee, and if there are any difficulties, we can smoothen them out there.

The Minister of Law (Shri A. K. Sen): I have not really followed the objection taken. I take it that it is not a constitutional objection. (Interruptions) I would request hon Members to be a little patient. It is not a constitutional objection that has been taken. What is said is that the provisions of clause 3 conflict with the Societies Registration Act. If that is so, Parliament is perfectly competent to do this if Parliament within its own domain can by statute dissolve any association or by statute transfer the assets of any association. This point was taken when the Indian Iron and Steel Co. Ltd. and the Steel Corporation of Bengal were amalgamated, and the assets were transferred by statute, and the High Court of Calcutta said in its judgment that if Parliament was legislating in its own domain, it could do so by any process which was valid constitutionally. If the point of constitutionality has not been taken, I do not see what objection there may be.

Shri V. P. Nayar: There is.

Shri A. K. Sen: If the Societies Registration Act could be amended, and if in case there is any repugnance the later statute will prevail, I see no point in the objection.

Shri V. P. Nayar: May I submit that the Law Minister unfortunately was not present here earlier....

Shri A. K. Sen: I may not have been present, but I have been told what the objection was.

Shri V. P. Nayar: ...when I had raised two constitutional questions.

Mr. Speaker: The hon. Member may leave it to me

I would request the Law Minister to look into section 13 of the Societies Registration Act, which reads:

"Any number not less than three-fourths of the members of any society may determine that it shall be dissolved...."

That means that the society shall be dissolved, if three-fourths of the members determine.

" and thereupon it shall be dissolved forthwith or at the time then agreed upon... "

—that is, if they do not fix a separate date—

" . . . and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities according to the rules of the society applicable thereto, if any, and if not, as the governing body shall find expedient.

Provided that in the event of any dispute arising among the said governing body or the members of a society, the adjustment of its affairs shall be referred to the principal court of original civil jurisdiction of the district in which the chief building of the society is situate, and the court shall make such order in the matter as it shall deem proper.

[Mr. Speaker]

Provided that no society shall be dissolved unless three-fourths of the members shall have expressed a wish for such dissolution by their own votes delivered in person or by any proxy."

The second proviso relates to the matter in hand.

"Provided that whenever any government is a member of, or a contributor to, or otherwise interested in, any society registered under this Act, such society shall not be dissolved without the consent of the Government of the State of registration."

Here, three-fourths of the members of the governing body met and passed a resolution to dissolve it. They have also said that a portion shall be given away to Pakistan, and another portion to the Red Cross Society here. Subject to all those liabilities, the Minister of Health said that there are liabilities or debts which have to be paid and so on. Whoever takes over a fund will also bear the liabilities that follow. Now, therefore, under clause 13 of the Societies Registration Act, they have acted. All that they want is that that resolution should be given effect to. The consent of Government comes in, because in this case, Government seem to have contributed. Is that so?

Shri Karmarkar: Yes

Mr. Speaker: Government have contributed some moneys, and, therefore, the consent of Government is necessary under the proviso. Now, a resolution may be given consent to; in advance, Government may give their consent, as in this case; a resolution has been passed, and Government have merely to give consent. If Government give their consent, the resolution will work itself out. If there is any difficulty between the members and the society, or they do not agree with the governing body, the matter has to be referred to a court. I want to know how Parliament has got jurisdiction over this matter now.

Shri A. K. Sen: Parliament will have jurisdiction, once the Bill is passed. I agree.

Mr. Speaker: How does the Bill come into being? The question is that we have no jurisdiction to get along with the Bill. This resolution has to work itself out, if Government give their consent. If Government do not give their consent, then the society will continue in existence.

Shri A. K. Sen: The point is this. In the absence of any statute, I agree that the statutory procedure prescribed under section 13 of the Societies Registration Act has to be strictly followed. But if that statutory procedure is supplemented or, let us say, replaced by a fresh statutory procedure for a particular purpose and with reference to a particular society, as in the present case, I cannot see any constitutional objection to it. It is open to Parliament even to change section 13 of the Societies Registration Act.

As I said, the incident in point actually arose in the case of the Indian Iron and Steel Co. Ltd. and the Steel Corporation of Bengal. You will remember that instead of following the statutory procedure of the amalgamation as described under section 153 of the Indian Companies Act, as it then was, Government passed an ordinance originally and later on it was confirmed by an Act of Parliament, where by statute it was provided that provided the statutory conditions were satisfied as laid down in the ordinance, the two societies would be amalgamated, and the entire assets of the Steel Corporation of Bengal would be transferred to the Indian Iron and Steel Co. Ltd. That point was challenged in the Calcutta High Court, and I had the honour of arguing it against Government. The High Court held that company being a Central subject, it was open to Parliament, and to the President by an ordinance, to pass a law

whereby statutorily the two companies would be amalgamated.

Here also, it is the same thing. If we look at clause 3 of the present Bill, we shall find that

"On the commencement of this Act—

(a) the Association shall stand dissolved."

It was also provided there that—

"On the commencement of the Ordinance, the Steel Corporation of Bengal would stand dissolved and all its assets and properties would stand transferred automatically to the Indian Iron and Steel Co. Ltd."

..

That was contrary to the provisions of section 153 of the Indian Companies Act of 1913. This is a statutory provision for dissolution. You will find that under private Acts of Parliament, in England also, many corporations are incorporated by statute and dissolved by statute.

Then, we have in clause 3:

"(b) the Fund shall vest in the Central Government; and

(c) all the debts and liabilities of the Association shall be transferred to the Central Government and shall thereafter be discharged and satisfied by it out of the fund."

I can understand if it is contended that this subject is not within the competence of Parliament.

Shri V. P. Nayar: That is the contention.

Shri A. K. Sen: That is a different matter. But I am not meeting that point now. If it arises, we shall meet it. But I do not see any impediment in the way of Parliament dissolving a particular association by statute and providing what should happen on such dissolution.

Shri V. P. Nayar: May I submit that the hon. Minister is mistaken? It was

a contention based on the fact that this is outside the competence of the House because it violates section 13 of the Act and article 31 of the Constitution. I can understand the case of the Steel Corporation which the hon. Minister had the good fortune to argue. That is specifically provided for under article 31A(1)(c) which refers to "the amalgamation of two or more corporations either in the public interest or in order to secure the proper management of any of the corporations". The same matter was discussed.....

Shri A. K. Sen: That is a later edition. It was after that that this was amended.

Shri V. P. Nayar: The same matter was discussed in the House, but my contention is that there is no transfer at all, because a transfer ultimately presupposes the existence of a transferor and transferee. Where is the transferor here? I contend that it will, in effect, be acquisition and in violation of the provisions of the Constitution. Hence it is not within the competence of this House.

Some Hon. Members rose—

Mr. Speaker: I have heard sufficiently. Two objections have been raised. The resolution has been passed in accordance with section 13 of the Societies Registration Act. The only thing that remains is the consent of the Government. If the consent is given in any shape or form, the resolution works itself out.

The second point is that the Societies Registration Act is a Central Act and Parliament has got a right to go into this matter. The objection raised is that the transfer of Rs. 13 lakhs or so, whatever it be, ought not to be made to Government from this fund, from which funds will be given to the Red Cross and so on, and therefore, it will be appropriation without compensation, which militates against article 31.

So far as the first point is concerned, this is a Central subject. Possibly,

[Shri A. K. Sen]

it could have been said 'notwithstanding anything contained in section 18 of the Societies Registration Act. ' then it would have been better.

Shri A. K. Sen: In England, it has been condemned. They say 'notwithstanding ' is unnecessary and repugnant

Mr Speaker: It could have been done to draw pointed attention to it lest it may appear that there is any inconsistency. We always do that in Bills, we always add a particular clause repealing the previous provisions or previous Act. Naturally, whether we do it or not, this has got the effect, but all the same, to avoid any appearance of inconsistency, that could have been done, that would have made the position clear, that this is exercise of sovereign power vested in them notwithstanding the provisions of the Societies Registration Act

Therefore, this House is competent to go into this matter and ignore those resolutions passed. It must take into its hands the power of dissolution

The other point is that compensation has to be paid. There is no private individual. We can understand that compensation has to be paid. What has Government to do by itself? To cater to the public interest, a fund known as 'Dufferin's Fund' was created. Now what was given with one hand comes back to the other. As regards the word 'transfer' it could have been substituted by 'vest'. Shri V. P. Nayar raised the point that transfer requires two persons.

Shri A. K. Sen: That is the ordinary concept of 'transfer', not statutory transfer.

Mr Speaker: That is so, but sub-clause (c) of clause 8 says-

"all the debts and liabilities of the Association shall be transferred to the Central Government and shall thereafter. "

Shri Karmarkar: Sub-clause (b) says that the Fund shall vest in the Central Government. Sub-clause (c) makes it clear that Government will be bound to meet the debts and liabilities of the Association.

Mr. Speaker: So I rule that there is nothing in this point of order. I do not think there is anything more to say on it. Now, we shall proceed with the Bill.

Shrimati Renuka Ray: I wish to move amendment No 5 instead of No 1.

Dr. Sushila Nayar: I wish to move amendment No 4.

Mr Speaker: The time allotted is half an hour. Already we have spent much time.

Shri V. P. Nayar: It is already over. Let us have it next session.

Shrimati Renuka Ray (Malda): I beg to move

That the Countess of Dufferin's Fund Bill, 1957 be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House namely -

- 1 Dr. K. Atchamamba
  - 2 Shri H. C. Dasappa
  - 3 Dr. Sushila Nayar
  - 4 Shri Nath Pai
  - 5 Shrimati Renu Chakravartty
  - 6 Shri Feroze Gandhi
  - 7 Shrimati Ila Palchadhuri
  - 8 Shri Dwan Chand Sharma
  - 9 Shri D. P. Karmarkar, and
  - 10 Shrimati Renuka Ray
- and 5 members from Rajya Sabha,

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

that the Committee shall make a report to this House by the 15th February, 1958;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees

will apply with such variations and modifications as the Speaker may make; and

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

**Dr Sushila Nayar:** I beg to move

"That the Countess of Dufferin's Fund Bill, 1957 be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely:

- 1 Shri S V Ramaswamy
- 2 Shri Feroze Gandhi
- 3 Dr K Atchamamba
- 4 Shri Bibhuti Mishra
- 5 Shri D S Raju
- 6 Shri H C Dasappa
- 7 Shrimati Renuka Ray
- 8 Shrimati Parvarthi Krishnan
- 9 Shri D P Karmarkar, and
- 10 Dr Sushila Nayar

and 5 members from Rajya Sabha

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

that the Committee shall make a report to this House by the first day of the next session,

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

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

318 L.S.D.—2

I have moved for reference of this Bill to a Joint Committee. The Dufferin's Fund was created for a specific purpose. It is for the promotion of medical education amongst women and for the promotion of hospitals for the treatment of women and children in India. Part of the functions of this Fund was rather stopped because of various reasons, shortage of funds, and the Government's liability to help the various hospitals etc. For that reason, the hospitals are not being run by the Fund. They have been transferred to the various State Governments.

At the moment when these changes were brought about, it was pleaded that as a result of these changes women's education in the medical field and women's opportunities in the medical line would not be curtailed, but if anything, they would be expanded, they would get a wider field in which to function. Now, what has actually happened is worth the attention of the hon. Minister. In practically all the places where the Dufferin hospitals had existed as a separate individual entity with women running and managing them they have become a minor wing of the civil hospitals in those places. The efficiency and importance of the hospitals has decreased. The status of Superintendents of those hospitals, who are women, has considerably gone down. I have gone to one hospital after another hearing the same sad story that they are not getting the things they needed, they are not getting the staff they needed and they are just very minor appendages of the civil hospitals. This was not the intention of Government when the hospitals were originally established.

While this Fund was created, surely the major portion was contributed by Government. It was a foreign government that created it, and we expected that our own Government would be even more generous and contribute even more funds for the promotion of the activities for which the Fund was created.

[Dr. Sushila Nayar]

We all know that the hon. Prime Minister is very generous, very kind and very liberal in his outlook so far as women are concerned. He does want to give equal opportunities and equal status to them. Nobody has any doubt about that. But that is not the case with regard to a very very large number, a vast majority, of the people in this country. In my humble opinion, any action which opens up the doors for curtailing the opportunities for women is undesirable.

18 hrs.

Therefore, I request that the Fund instead of ceasing to exist can undergo any change of name if necessary or any other modifications that are necessary may be introduced. But, a separate Fund for the promotion of the objects for which it was created, particularly, the promotion of medical education in this country should still exist. I, therefore, plead that instead of passing this Bill in a hurry and saying that the Dufferin Fund ceases to exist and that the assets and liabilities are transferred to Government, the Bill may please be referred to a Joint Committee so that we can calmly sit down and consider what is the way in which this Fund can be utilised in future and utilised for the purposes for which it was created and utilised well and properly.

Mr. Speaker: Both the amendments are before the House

Shrimati Kouska Ray: Mr Speaker, Sir, when the Minister was placing this Bill before the House he said that it is a very simple matter. We have already had some legal and constitutional points raised today and you have given your decision. But it is not legal or constitutional point but some other vital matters in regard to this Fund that I wish to place before the House

My hon friend, Dr Sushila Nayar has already spoken from the angle of medical women. But, I want to say, first of all, that the House would like

to know and have before it the audited accounts of this Dufferin Fund since 1948. I think it is necessary for the House to know exactly what the position of this Fund is because a resolution was adopted in 1948 and since then a long time has passed. I understand that some money has been spent and scholarships have been given for women who have been sent abroad. I think it is right to have these audited accounts before the House and it would give us a good idea.

Apart from that, the question arises that the Women's Medical Service to which this Fund gave assistance in the past no longer exists. Women's Medical Service as a separate thing is something we do not want either. We would like the integration of the Medical services. It is not that point which I want to labour. I do think that after the Women's Medical Service was disbanded the position of the medical women has not become equal with that of men in opportunity as, of course, it should be under the Constitution and as we desire

There are certain things which I would like to place before this House. After the Women's Medical Service was disbanded, women doctors who have better qualifications and training have been placed under Civil Surgeons, in some places, of lesser qualifications and training. That is their contention. I would like the hon Minister to go into this

Some of the advertisements for some of the senior posts in the C.H.S. or other schemes are not put forward. Therefore, medical women are not able to apply. These posts are filled through the Government's decision. I would like the hon Minister to look into this matter also

This Fund was used for scholarships for women to qualify themselves further; and, in the past, they were given posts according to the specialised qualifications they acquired. But, I understand that that no longer operates. Now, women who have been

given scholarships out of this Fund and that after they come back they do not get the opportunities which they used to get before and their position today is worse than what it was before.

I have no objection to the operation of this Fund by Government, provided a separate, new committee is set up in place of this Dufferin Committee where medical women who have had training in the original Committee when it used to be operated before 1948 are there along with Members of this House and the Education and Health Department representatives. The hon. Minister may be the Chairman of such a committee. I am mentioning this only to show what we feel should be done.

It would be better if the whole matter is discussed in a Select Committee and the Bill placed before the House in the next session with all the provisions that are required to make the new committee operate after this Fund has been abolished.

Shrimati Renu Chakravarty has tabled certain amendments. I do not know whether the hon. Minister is willing to accept them or any of them. If he is willing to accept them, we may not consider the question of sending this Bill to a Select Committee; otherwise, it should be sent to a Select Committee.

Shrimati Renu Chakravarty: I rise to support this motion for sending this Bill to a Joint Committee for the simple reason that I feel that many important points have to be considered at length and that we should not hurry through with this Bill. It is so very important from the point of view of the very objectives of the Lady Dufferin Fund; that is, the extension of medical facilities for women as well as for the training of more women doctors, nurses and midwives.

This Fund was actually set up by a foreign government and it did very good work. We know that Lady Dufferin Hospitals which are spread

throughout the country have done yeoman service. We would say that even today the objectives of this Fund need to be underlined more and more because even today there are women in our country who will not be treated by men and who want to be treated by women. Therefore, more and more institutions, clinics etc under the guidance of women doctors, nurses and midwives are necessary.

Secondly, although the question of equal opportunities is embodied in our Constitution, it has not become a fact. That has already been stressed by the previous speakers. As a matter of fact, although equal opportunities for men and women is a part of our Constitution, Government institutions set out advertisements in the papers saying that women are not eligible for various posts, such as posts in the Education Department of my State. I myself have seen them. It is a shocking state of affairs when Government institutions actually put forward these advertisements. I can understand that if there were posts in which, may be, Government thinks that women are unfit, but these are posts such as psychologists, laboratory assistants and such like. I have not yet been able to point out any particular advertisement by the Health Directorate. But they have some subtle method of doing so. They do not put out that women are not eligible but when the interviews take place we find that.....

Mr. Speaker: How does it arise here from this Dufferin Fund? The Dufferin Fund is a separate Fund to open hospitals for women to be run by women; and the recommendation is to abolish it. I do not know how even if it goes to the Select Committee this is relevant.

Shri Karmarkar: The point appears to be this. Since the object was to encourage women and since the hon. Member feels that it is not being done, it is a reminder to Government that this should not be kept with us.

Shrimati Renu Chakravarty: If you will let me argue out the case, I will

[Shrimati Renu Chakravartty]

show you how it is absolutely relevant. That is not because I want that the Fund should be kept for the purpose of the objectives of the Lady Dufferin Association.....

Mr. Speaker: That is for medical assistance to women.

Shrimati Renu Chakravartty: Now the Government is just faking it over. They are not saying that it will be kept specifically for women for their medical education and for setting up hospitals for women. Today, because the Fund was set up in 1886, and it is 1956, it is not necessary—that cannot be brought forward as an argument. That was the reason why I was saying this

We find that they do not have promotional avenues. Even in the Lady Hardinge Hospital in the City of Delhi, what do we find? Formerly, it was entirely for the women. Even in such an institution today we find that a gentleman has been introduced as the Principal of that institution even though some of the doctors present there have higher qualifications than him. Therefore, I feel it is very necessary to keep this Fund for the objectives laid down by that Association. I am all in favour of the Government taking it over because I want that there should be further facilities and extension of the Fund. We must be absolutely sure that this fund will be a starting point for the augmented fund for setting up a larger number of scholarships and a larger number of institutions and women doctors. That is why I want this reference to a Joint Committee.

Shrimati Ila Palchoudhuri (Nabadwip): The Minister has contended that there is no legal objection to this Bill being brought. But one does look at it with a certain amount of consternation. The Minister has assured us that the Bill provided that the Fund would be treated in the spirit in which the resolution intended it to be

According to the resolution passed in 1948, it was supposed to go to the Indian Red Cross Society. The Countess of Mountbatten attended that meeting. Now the contention is that the Red Cross is not going to have it and the Government is going to acquire it. If it does so, it may overlook certain items. The Fund was created to give more and more opportunity to the women of India to qualify in the medical services and to provide nurses and midwives and so forth. Even to this day, women in the rural areas prefer to be treated by women doctors and it is so even in towns. But we find that better qualified women doctors have not been engaged in hospitals or they have not been given places where they should have been.

I think that these things should be thrashed out in the Joint Committee where I think the Women's Medical Service should be represented. Members of Parliament should be represented.

In Bengal there was the branch of Dufferin Funds, and there was also the Red Cross, which was formed seventy years ago and it used to work right at the beginning with all the enthusiasm with which it works this day. If this fund is absorbed by the Government, I hope it will be earmarked to do good and to look after the welfare of women for which it was meant. When Bengal and other Red Cross institutions come to it, I hope sanctions would not take months to get. If the Government absorbs this fund, it should really follow the spirit of the Red Cross and should whenever the Red Cross wants help for the legitimate purposes according to the resolution give every co-operation. It should be earmarked for the welfare of women and to make the claims clear, there should be a Joint Committee for discussing everything fully, and the Government should really "invest in kindness" which is the life of the Red Cross Societies.

**Shri Bhakt Darshan (Garhwal)** rose—

**Mr. Speaker:** The hon. Minister.

**Shri Nath Pal (Rajapur):** One man should speak.

**Mr. Speaker:** The hon. Minister is also a male. (*Interruptions*).

**Shri Karmarkar:** He will take an opportunity on some other Bill.

Sir, I should say that I feel a little embarrassed with this debate because all the Members who have spoken have persuaded themselves to put their ideas in such a sweet language.

**Mr. Speaker:** I would like to know this. Why should it go to the Joint Committee? The hon. lady Members are opposed, they may oppose this Bill and throw it out.

**Shri Karmarkar:** They do not want to oppose it.

**Mr. Speaker:** If they are accepting the object of the Bill and even if it goes to the Joint Committee, the abolition of this Fund is clear because the first principle here is that the Fund shall stand abolished and that the money will vest with the Central Government. What further action is to be done by the Government? How can you say there that this Fund should be used for such and such purpose?

**Shrimati Benu Chakravartty:** It is exactly the point. We are not opposed to the Fund being made over to the Central Government. Once it is made over to the Central Government that is how we are supporting it—it will be augmented. But what we are opposing is this. It should not become just a sort of a general part of the Consolidated Fund out of which everything is done. It should be allocated specifically for the objects of the Association.

**Shrimati Benuka Ray:** We would like that in the Joint Committee certain provisions be added by which the objects of the Fund could specifically be retained.

**Dr. Sushila Nayar:** Sir, I must make it clear that personally I feel very strongly that the Fund should be retained as a separate entity. I do not wish it to become part of the General Budget of the Government of India and I do not want it to be managed by the usual Government machinery. If I have supported this Bill and suggested reference to the Joint Committee, it is purely because the original Dufferin's Fund that was created had been frittered away. If the Government wishes to start a new Fund or give it a new name or wishes to honour any national lady or a great person, there is absolutely no objection to that too. This Fund should become the nucleus for an enlarged endowment for promoting medical education and medical relief of women and children in this country. It was a very unfortunate moment when some steps were taken and women's Medical Service abolished and the Dufferin hospitals were made appendages of the civil hospitals. The results have been very sad. There is no time for me to go into the details and I do not wish to take up the time of the House. I do wish to make it clear that my sole object is that this Fund should not disappear as a separate entity. The name may be changed but it should become the nucleus of a larger endowment for promoting the purposes for which the Fund was created in the first place.

**Shri Karmarkar:** Sir, the real object of the various good observations made by the hon. Members who had participated in the debate was to direct the attention of the Government to the imperative necessity of continuing the Fund for the specified objectives. As my esteemed friend, Dr. Sushila Nayar said, let me make it clear straightaway that it is not the intention of the Government to annex this as a small sum of Rs. 12 lakhs or Rs. 15 lakhs. The fund will continue for the purpose. If possible, I am quite sure that Government will be adding to that fund. There is no difference of opinion on that point at all. And, it was largely that apprehension, I think, that per-

[Shri Karmarkar]

sueded my friends, so far as I know their minds, to have it referred to a Select Committee. I am prepared to give them the assurances which were behind their speeches

**Acharya Kripalani (Sitamarhi):** When Ministers are changing, what is the good of your assurances?

**Shri Karmarkar:** I think, Sir, this is a field where angels fear to tread.

**Mr. Speaker:** If there is a change it will be a change in favour of a lady Member.

**Shri Karmarkar:** I hope, Sir, Acharya Kripalani will permit me to deal with the arguments of my esteemed colleagues, the really relevant speakers who have spoken.

The second point that Dr Sushila Nayar made was that she is not exactly satisfied with the conditions in the hospitals in the States. Now, as it would have it, when we framed the Constitution we made a division of labour, we made a division of responsibilities and hospitals are with the States. They are completely autonomous in that field, but if there is any particular case, or if there is a general case I would like my esteemed colleague to send me on a note. We have an annual meeting of Ministers, and I shall draw their pointed attention to this.

It is not because we have come up with this Bill. But as hon. Members are aware, Government are keenly anxious to see to it that everybody including the women of India are done justice. It is not as if we force a man doctor upon a lady who does not want to be treated by a man doctor, even though a sensible patient does not mind the sex of the doctor who treats him or her. What he or she is concerned is to get the best treatment possible

Anyway, here in Delhi, for instance, we have the Lady Hardinge Hospital which is absolutely a women's hospital; we do not have men patients there.

There is a Zanana hospital in the city. I am not exactly in possession of the facts and figures here, but I am quite sure that the States also will see to it that there are some women hospitals where only women can be admitted. There is some point in that, and we as Government would like to extend medical treatment to everyone equally, whether man, woman or child, and especially the women folk in this country require greater attention.

Another point was made about equal opportunities for women—I forgot who first made that point.

**An Hon. Member:** All the three made out that point

**Shri Karmarkar:** In any case all of us are agreed on that, that there should be equal opportunity. I will go even one step further. A woman should be treated as having a little handicap, and if in an interview a lady gets five marks less if I were on the selection committee I will give five or six marks more, but that is a different matter (*Interruption*). I would like to do that because we have but precious little of them in this country as medical doctors. In any case I am not likely to be on any selection committee, but if I were on any selection committee that would be the principle that I would follow (*Interruption*) That will give a filip to the lady folk in the country taking to this eminent profession of medical practice

**Shri D. C. Sharma (Gurdaspur):** Sir what is this giving five or six marks more about, I could not understand?

**Shri Karmarkar:** I think my friend when he was an examiner cut down five marks in the college where he was teaching. That is a different point.

But here I am on this serious point I entirely agree with the plea that is made. It is not because I agree, but it is one of the axioms on which the Government should run, that everybody should have equal opportunity

In proper cases, I should think, if there is any least chance of a lady being rejected because she is a lady, that should be attended to with attention, I mean to say, with concern. If there is a single case where a lady has been discriminated as a lady in the matter of appointments I should like to know about that instance, and I will personally look into that

**Dr. Sushila Nayar:** Is it that after independence suddenly women lady doctors have deteriorated, while there were so many before independence?

**Shri Karmarkar:** I do not know why my hon. friend takes a dismal view of women doctors. In Delhi we are proud of our lady doctors in the Contributory Health Scheme. They are doing—I don't say a man's job—a good woman's job and we are proud of them (*Interruption*). I do not think, Sir, that the allegation made against the ladies in India as either being left out or as being incompetent is wrong. They do not suffer from any such inferiority complex, thanks to their abilities and achievements. Day in and day out we find cases of ladies coming forward. In any case it will be always our attempt to see that the 'better half' of the nation finds its proper representation on the medical services

My hon. friend Shrimati Renu Chakravarty said that she has no instance to point out in the matter of services of the Government of India. You cannot find out one. We do not discriminate. Our principle is, equal work equal pay. If there is a doctor appointed to a grade we give him or her the grade. We do not cut down 10 per cent. because the incumbent happens to be a lady. I would like to make that clear, because that point was put forward.

Sir, they spoke of the Lady Hardinge College. Ultimately, a college is a college. The original idea was formed some 40 or 50 years back when there was less of enlightenment over certain matters, when the girls refused to go to any college without *purdah*. They used to sit in their class rooms with

*purdah* on unless there was a lady teacher. Those times are gone. These days girls are more in advance with the times. They do not mind whether it is a man or woman teacher who teaches them, unless we put some such ideas into their heads. In this college there are eight male teachers who are very competent. I do not see any reason why men should be prohibited from the precincts of this college. If it is a girl's college it will continue to be so. There are only very few male teachers compared to the other lady doctors there. Nevertheless, when we advertise for the posts, even now we have advertised for the post of Principal, in the first instance we advertise for ladies, and unless all the ladies are incompetent we shall choose someone of them.

**Dr. Sushila Nayar:** You make them incompetent.

**Shri Karmarkar:** People who are really competent will never be made incompetent by anybody.

**Dr. Sushila Nayar:** A selection committee can do anything. That is what you are doing.

**Shri Karmarkar:** Sir, I will not answer that charge, I think I will discuss it outside the House. I do not know any instance where Government as a body has worked with a prejudiced mind. Man may err, but I am yet to find a man who is really a woman hater (*Interruption*).

**Mr. Speaker:** Do all these arise out of this Bill?

**Shrimati Benaka Ray:** Sir, it is not a matter of amusement. I feel that the matter is being treated very lightly.

**Shri Karmarkar:** I entirely agree with my hon. friend

Sir, my esteemed predecessor was also the President of the Red Cross for a large number of years. She was in charge of the Ministry for nine full years. She was a better judge than I could be. Out of all things she judged, and I think rightly, that

[Shri Karmarkar]

this fund should vest with the Government. Why? Because the Red Cross Society will be amenable once a year to the general body.

**Acharya Kripalani:** Because she thought she will always be a Minister and safeguard the interests of women.

**Shri Karmarkar:** Sir, I think I will have to disregard my learned friend's interruption unless there is something relevant.

**Acharya Kripalani:** He will always be a Minister and safeguard the interests of women.

**Shri Karmarkar:** I hope my hon. friend's blessings come true, but nothing depends upon his blessings.

**Rajkumari Amrit Kaur** both as President of the Red Cross Organisation and as Health Minister decided, and decided rightly I think, that this fund should rather vest in Government, because we are here to be cross-examined, to be questioned, to be interpellated and all that in the budget sessions. We are answerable to this House, and I think funds would be better here than in any private organisation, where all Members of Parliament could have access to them. That was the view, I think, which persuaded my esteemed predecessor to say that it should vest with the Government.

That is all I think, the points raised. I should like to assure the House that, as I said at the commencement, there is absolutely no idea of any territorial or monetary acquisition in this matter. We do not want to acquire anything. After all, what is the fund? It is about 12 lakhs or 15 lakhs. We are spending far more on other objectives. On the training of nurses we are spending many times this amount. Why should we have an evil eye on a small fund of 15 lakhs which is neither here nor there? But lest there should be any doubt on this score, I should like to assure the House that this fund will be treated as a nucleus

There was a governing body under the old organisation. I cannot say with certainty anything, but I believe that there will be an advisory committee about this. Though one could not possibly include all lady Members in that particular body, I will see that Parliament has representation in that. In fact, in regard to this matter I should like to be guided by Members of this House. We are open to suggestions and corrections. The object will be there and it will always be my duty to abide by them, only, let us not forget for the end of time after this Bill is passed. I wish we could set up a small advisory committee for the management of the interests from this fund. In any case, even now, for instance for the year 1957-58 we have given six scholarships for nursing, 25 for under-graduates and three for post-graduates. The fund has been functioning and we would like to have the fund functioning well.

I am sure the observation in favour of referring the Bill to a Select Committee was made more under the apprehension that possibly the Government may not be able to do justice. I will very gladly assure the House that we shall see to it that the fund is properly managed and for the objective of the fund, and if possible and if it is necessary to add to the resources of the fund. In any case, we shall consider it our duty to advance the cause in a much more degree than this fund could ever do. In fact, it has had a good record of service. I need not repeat it one by one. We should in fact record our appreciation of the work done by those who have been in charge of the management of this Fund. They have all tried to do the best. I suppose there are no more arguments to be made. I am quite sure that with this assurance, my friend Shrimati Renu Chakravarty will withdraw her suggestion.

**Shrimati Renu Chakravarty:** If the Minister says that he is prepared to see that the Fund is properly managed, do we take it that ..

**Mr. Speaker:** It is kept as a separate Fund; that is point No. 1. It is managed separately; that is point No. 2. A Council is associated with its management; that is point No. 3. It is augmented if necessary; that is point No. 4. These are the points which have been made.

**Shrimati Renu Chakravarty:** These are the things that he has promised. Will he be prepared to accept the amendments if we move them straightway?

**Mr. Speaker:** Let us see when the amendments come up. I believe that the hon Members who have tabled amendments for reference to the Joint Committee are withdrawing the amendments.

**Shrimati Renuka Ray:** I should like the Minister to give a specific assurance that a separate committee will be formed of the nature that I mentioned in the course of my speech. If that assurance is there, then I shall withdraw my amendment.

**Shri Karmarkar:** I thought that the assurance was specific. I wish to see to it that a committee is formed including one or two Members of Parliament.

**Shrimati Renuka Ray:** It is not a question of Parliament. I meant medical women.

**Shri Karmarkar:** I am particular that members of Parliament are associated with such things. We shall see that there is an advisory committee for guiding us in respect of the expenditure of this Fund.

**Dr. Sushila Nayar:** While asking for the leave of the House for withdrawing my amendment, I should like to say one or two words in answer to some of the remarks made by the hon Minister.

**Mr. Speaker:** She wants to cover the same ground again.

**Dr. Sushila Nayar:** It is not the same ground. If you will permit me a minute or two I shall say what I

want to say. The Minister said that the girls have advanced and that....

**Mr. Speaker:** With all respect, I am not going to allow all this kind of second discussion over this matter.

**Dr. Sushila Nayar:** I would like you to permit me to say just a few words.

**Mr. Speaker:** The hon. Member may withdraw or may not withdraw. If she does not withdraw I shall put it to the House.

**Dr. Sushila Nayar:** I hope you will be a little more reasonable to us. I wish to say, Sir,....

**Mr. Speaker:** She was herself a Speaker

**Dr. Sushila Nayar:** When any matter relating to women comes up before this House, there is hilarity and jocularity, as if it is all a matter of joke. I am sorry to say that the hon. Minister himself is a party to that jocular mood and hilarity, and I protest against it. With these words, I wish to withdraw my amendment, on the specific four-point assurance that you have enumerated.

**Mr. Speaker:** I was only repeating what the Minister said.

**Shri Karmarkar:** You have summarised it very well

**Shrimati Renuka Ray:** I withdraw my motion on the assurance given by the Minister that a committee will be formed. I hope also that he will accept the amendments tabled by Shrimati Renu Chakravarty.

**Mr. Speaker:** I take it that the hon. lady Members have the leave of the House to withdraw their amendments relating to the reference of the Bill to a Joint Committee.

*The amendments were, by leave, withdrawn.*

**Mr. Speaker:** I shall now put the motion for consideration to the vote of the House. The question is:

"That the Bill to provide for the transfer of the Fund known as

[Mr. Speaker]

the Countess of Dufferin's Fund to the Central Government, be taken into consideration."

*The motion was adopted.*

#### Clause 2—Definitions

Mr. Speaker: We shall now proceed to clause-by-clause consideration. For clause 2, there are no amendments.

The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill.*

#### Clause 3—(Dissolution of Association and transfer of Fund)

Shrimati Benu Chakravarty: I beg to move:

Page 1, after line 16, add

"Provided that the Fund is used only for the purposes and objectives of the Association"

I do not think I need say very much about this, because we have already argued out this case sufficiently, and the hon. Minister has also accepted what I had said. So, I think there is absolutely no reason why he should not accept this amendment of mine. I therefore commend it to the acceptance of the House.

Mr. Speaker: The amendment is before the House.

Shri Karmarkar: I beg to oppose this amendment in view of the assurance that I have given, and on one relevant consideration. There was what is known as—and partly it is existing—the Women's Medical Service. It has ceased to exist. Out of 41 Members, I understand that some 16 remain. According to our arrangement, unless the States agree, it is difficult. When we wanted to, and when we did, form a Central Health Service, we did request the States to participate in that.

At the present moment, as from a particular date—I think from 1947 or 1948—all the members of the Women's Medical Service who opted to their respective States went to the States, and the States were asked to absorb them and they absorbed them. Apart from the people who had been absorbed some retired out of the original 41. Among the 41 members, there were 16 who remained. Out of them, I think about eight are in the Central Government. We shall bear the liabilities in respect of them, but there is no idea of creating, apart from the Central Health Service formulated by the Central Government, any other Women's Medical Service, because we cannot do that and we do not want to do that. Unless the States agree, they cannot participate in the general service which we have formed under the Central Government. Therefore, one object goes out.

With regard to the other objects as I said, those objects of the Fund exist. We are serving the objects of the Fund. Even otherwise, as my hon. friends will concede, in respect of nurses' training we are doing about ten times the work that this Fund could have served. That is why I say that in view of the specific assurance I do not think an amendment to clause 2 is necessary.

Shrimati Benu Chakravarty: May I point out that this Fund is to be used only for the purposes and objectives of the Association. It does not specify that all the objectives of the Association would be carried out. Already, by a resolution, the W.M.S. has been terminated. Therefore, that question does not arise at all. The question is, whether the Fund will be kept for furthering the purposes and the objectives of the Association. The amendment does not say anything about the W.M.S. It can easily be accepted.

Shri Karmarkar: I do not feel it necessary to accept it. Otherwise, logically, if we accept it, we shall have to add many more things which we consider would be surplus, in view of

the declaration made on behalf of the Government on the floor of this House, we consider that this amendment is not necessary.

**Shri Nath Pai:** Why be so destinate?

**Shrimati Bena Chakravarty:** I could not understand what the Minister said.

**Mr. Speaker:** He says that in view of the assurance that this Fund shall be kept separate, that there is going

to be a council appointed, he does not think it necessary to accept this amendment

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

Page 1, after line 16, add—

“Provided that the Fund is used only for the purposes and objectives of the Association”

**The Lok Sabha divided: Ayes 42; Noes 147**

### Division No. 15]

### AYES

[12.41 Hrs

Banerjee, Shri S M  
Barua, Shri Hem  
Bharucha, Shri Nandur  
Chakravarty, Shrimati Bena  
Chandramani Kalo, Shri  
Choudhuri, Shri T K  
Dasgupta, Shri B  
Deb, Shri P G  
Dharmalingam, Shri  
Drohar, Shri  
Elias, Shri M  
Golkwad, Shri B K  
Ghosal, Shri  
Ghose, Shri S

Gosw, Shri  
Gupta, Shri Sadhan  
Iyer, Shri Eswara  
Jadhav, Shri  
Kamble, Shri B C  
Karr, Shri D A  
Kodiyar, Shri  
Kunhan, Shri  
Mahagonkar, Shri  
Manay, Shri  
Matera, Shri  
Mehdi, Shri S A  
Mukherjee, Shri H N  
Mullick, Shri B C

Nath Pai, Shri  
Nayar Shri V P  
Pantgrahi, Shri  
Parulekar, Shri  
Patel, Shri P R  
Patil, Shri Balasubh  
Patil, Shri Nana  
Prodhan, Shri B. C  
Ram Garib, Shri  
Singh, Shri Rajendra  
Somule, Shri H N  
Soren, Shri  
Sugandhi, Shri  
Warior, Shri

### NOES

Abdul Lateef, Shri  
Abdur Rehman, Molvi  
Agadi, Shri  
Agrawal Shri  
Ambalam, Shri Subbub  
Arumugham, Shri R S  
Ashana, Shri  
Bakhtwal, Shri  
Banerji, Dr. R.  
Barupal, Shri P L  
Benepe, Shri  
Bhain Durban, Shri  
Bhargava, I andit Thekur Des  
Bhattacharyya, Shri C. K.  
Bhogi Bhui, Shri  
Bideri, Shri  
Chaturvedi, Shri  
Chaudhry, Shri C. L.  
Chaud Lal, Shri  
Daman, Shri  
Dangya, Shri  
Das, Shri Shankar  
Das, Shri Manarji  
Deygarnani, Shri  
Golkwad, Shri Potwalghose  
Ganguly, Shri  
Ghosh, Shri M. K.  
Goudar, Shri K. P  
Gurind Das, Seth

Guha, Shri A. C  
Gupta, Shri C L  
Hegvani, Shri Anwar  
Hazarika, Shri J N  
Hew Rai, Shri  
Hisham Singh, Sardar  
Jain, Shri M. C.  
Jena, Shri K. C.  
Jogendra Sen, Shri  
Jyotshi, Pandit J P  
Kamble, Dr  
Kanakabai, Shri  
Karmakar, Shri  
Katiyal, Shri  
Koyal, Shri P N  
Kodaria, Shri C. M  
Khadivale, Shri  
Kishore, Shri  
Kotaki, Shri L. Indhar  
Korobargaly, Shri  
Krishan Chandra, Shri  
Krishna Rao, Shri M V  
Lahiri, Shri  
Lal, Shri R. S.  
Laxmi Bai, Shrimati  
Maharaja, Shri K. D.  
Malvi, Shri K. B.  
Maharaja, Shri Motilal  
Mansam, Shri  
Mandal, Dr. Pashupat

Maniyangadan, Shri  
Masuriya Dun, Shri  
Mathur, Shri Harish Chandra  
Mehta, Shri J R.  
Mishra, Shri L. N  
Mishra, Shri M P  
Mishra Shri B D  
Mishra, Shri R. R.  
Mohammed, Shri  
Muzum, Shri Patka  
Naich, Shri Govindarajulu  
Nair, Shri Kottukrishnan  
Nallaboyy, Shri  
Nayak, Shri Mohan  
Nehru, Shri Jawaharlal  
Nehru, Shrimati Uma  
Pahadia, Shri  
Pangarkar, Shri  
Panna Lal, Shri  
Patel, Shrimati Mansben  
Patel, Shri N N  
Patil, Shri S K.  
Pillai, Shri Thambu  
Prabakar, Shri Naval  
Prasad, Shri Mahadeo  
Rajin Ramani, Shri  
Raghunath Singh, Shri  
Rahman, Shri M. H.  
Rameswami, Shri S. V.

Ram Krishna, Shri  
Rangore, Shri M.  
Ram Saran, Shri  
Ram Subbag Singh, Dr.  
Rane, Shri  
Ranga, Shri  
Rangarao, Shri  
Rao, Shri D. V.  
Rao, Shri Jagannatha  
Raut, Shri Bhoja  
Reddy, Shri Bali  
Reddy, Shri Naraya  
Reddy, Shri Ramakrishna  
Reddy, Shri Ram  
Sabdarai, Shrimati  
Sahu, Shri Bhagabat  
Sambandam, Shri  
Sanganna, Shri  
Sarhadi, Shri Ajit Singh  
Saryabham Dett, Shrimati

Selku, Shri  
Sen, Shri A. K.  
Servali, Shri Valrajan  
Shah, Shri Manabendra  
Sharma, Shri D. C.  
Sharma, Shri R. C.  
Shastri, Pandit H.  
Siddananappa, Shri  
Singh, Shri D. P.  
Singh, Shri H. P.  
Singh, Shri K. N.  
Singh, Shri M. N.  
Singh, Shri T. N.  
Sinha, Shri Anirudh  
Sinha, Shri B. P.  
Sinha, Shri Gagdendra Prasad  
Sinha, Shri Jhulan  
Sirha, Shri Sarangdhara  
Sinha, Shri Satya Narayan  
Sinha-an Singh, Shri

Sultan, Shrimati Meemoona  
Suman Prasad, Shri  
Swaran Singh, Sardar  
Syed Mahmud, Dr.  
Tahir, Shri Mohammed  
Tariq, Shri A. M.  
Tewari, Shri Dwarikanath  
Thirumala Rao, Shri  
Triwari, Shri Babu Lal  
Triwari, Shri R. S.  
Uike, Shri  
Umarao Singh, Shri  
Upadhyaya, Shri Shiva Dutt  
Varma, Shri B. B.  
Varma, Shri M. L.  
Vyas, Shri Radhela  
Wadia, Shri  
Wanik, Shri Balakrishna  
Wodeyar, Shri

*The motion was negatived.*

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

“That clause 3 stand part of the Bill”.

*The motion was adopted.*

*Clause 3 was added to the Bill*

**Mr. Speaker:** So far as the new clause 3A is concerned, it says:

“The Central Government shall have the right to augment the fund.....” etc.

Always the Central Government has the right to make any grant or to increase the fund. We are not conferring any new right upon them. So, it does not appear to be necessary or proper.

Clause 4—Validation of certain acts done before the commencement of this Act)

**Shrimati Benu Chakravartty:** I want to oppose clause 4, because we have not been given any details as to the acts or things done before the commencement of this Act, i.e., from the time of the resolution passed by the lady doctors' association to the passing of this Act. We do not know how they have used the money. Very obviously, there must be certain illegal actions done by this organisation, which we now want to condone. We have been told by the hon. Minister that such things as the transfer of

funds to Pakistan could not be executed because of legal difficulties. All other expenditure which was to be incurred obviously was to be incurred according to the rules of the association. If that is so, that would be quite in order and there is absolutely no necessity why we have to condone certain actions and things done before the commencement of this Act by a special clause.

Personally, not having been given a detailed account as to the way in which the money has been disbursed, I understand just by way of hearing from various people that certain things have been done which may not find favour—or, I would not say 'favour', I would rather say, which are not quite within the law—and that is why we have to bring forward this clause 4. I think this House should not be asked to pass a blanket clause of this nature, trying to legalise certain actions which otherwise would be illegal. Since we have been assured by the hon. Minister that the difficulty of transferring the money from here to Pakistan was the only point which was included within the resolution of April, 1946, I think we should not give this blanket power to legalising those acts without knowing what is the money that was expended and what are the items which are feared to be illegal, etc. That is why I want to oppose this clause strongly.

**Shri V. P. Nayar:** I am also against this clause not merely for the reasons advanced already, but because here after a period of 8 or 9 years, we are asked to condone not merely certain acts done, which may be acts of commission or omission, purported to be done under the resolution—up to that it could be understood. But beyond that taking away the jurisdiction of the courts is not correct. As you rightly observed when the point of order was raised, even in a matter of dissolution, the competent authority to oppose the order was the court. After 8 years, you come and say that no action taken under the resolution can be called to question in a court of law. Where is the necessity for ousting the jurisdiction of courts? If the Government believe that all those actions are proper, there is no fear at all in going to the court. . . I do not know the details of the expenditure I would very much like the hon Minister to take the House into confidence and tell us that so much money has been kept at the time of the dissolution, so much has been spent on certain purposes. Until we know how the money has been spent it is not possible for us to agree to this clause which lays down that no court shall adjudicate upon any of the disputes which are likely to arise. So, I oppose the clause and I hope the hon Minister will reconsider the case.

**Shri Easwara Iyer (Trivandrum):** Regarding the question of ouster of the jurisdiction of the courts, one finds that there is an alarming tendency to oust the jurisdiction of courts. I certainly doubt whether a provision made in a Bill that no suit or proceedings shall lie regarding the question of the validity or invalidity of an action, is constitutional. I may say that if an Act is illegal and is against the provisions of any statute or law in force in the country, certainly that Act can be questioned in the court under the extraordinary jurisdiction given under article 236 of the Constitution. When such is the case,

why should we put in this superfluous clause, unless we are enamoured of ousting the jurisdiction of the courts? When the Constitution gives ample power to the Court under Article 236 to go into any illegal transaction, the mere fact that there is such a provision in this Bill is not going to help it. This tendency of ousting the jurisdiction of the court in questioning the validity of a transaction should be removed. That is all I have to submit.

**Shri Karmarkar:** What is sought to be done is to protect "all acts and things done, before the commencement of this Act, by any person acting or purporting to act in pursuance of the Resolutions passed at the extraordinary general meeting of the Association." This is only a necessary safeguard. It is not to cover anything. Nothing can cover what is illegal in the eye of law. Supposing somebody is responsible for misappropriation of funds, then it is not covered by this. What is sought to be done is to protect such action taken in execution of the resolutions of that particular body between then and now.

I appreciate the anxiety of hon. Members opposite to know everything. I find that the last report was published in 1949 for the year 1947. I propose to advise my Ministry to bring out a report from the date of this report up to date, giving accounts and all that I am as anxious as my hon. colleagues on the other side that everything should be done rightly, not only done rightly, but shown to be done rightly. Therefore

**Shri Nath Pai:** In that case, the Bill should have waited for this report and not give a blanket cover.

**Shri Karmarkar:** There is no blanket or cover; it is all legitimate.

**Mr. Speaker:** This further report was not originally contemplated; but in view of what the hon. Members have pointed out, the hon. Minister wants a report to be prepared.

[Mr. Speaker]

The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill

Mr. Speaker: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Karmarkar: I move:

"That the Bill be passed"

Mr. Speaker: Motion moved, Discussion may proceed.

Shrimati Meen Chakravarty: There are only two points which have not been touched throughout the debate. One is regarding the necessity of setting up an All India cadre. The hon. Minister has stated that the States have refused. But he has not added why they have refused it. They have refused it because they are not able to bear the additional expenditure that will be incurred in setting up the All India Cadre; because, this cadre would have to be given a higher rate of pay than the State cadre.

There is a very legitimate fear in their minds. That is why I have said that it is very essential that the Government of India must consider paying the extra emoluments from the Central Fund for the setting up of this All India Cadre. They should pay the difference between the State scale and the cadre scale. The reason for my saying this is that there are many backward States in this country, which don't have even one or two women doctors to serve even the big cities.

I have heard that the backward States are the States that have most vehemently opposed the setting up of this cadre. They are afraid that they will have to bear the additional expenditure which they cannot afford to

bear if they are to have the All India cadre. Therefore, I suggest that the Central Government must take upon itself the extra financial burden for the setting up of the All India cadre.

May be, it is not necessary as far as men are concerned. But, as far as women doctors are concerned, how many women doctors do we have in the States like Rajasthan and Orissa? Very few. Therefore, it is absolutely necessary that those who come from forward States—I am saying it comparatively speaking, for we are all backward—like Bengal, Bombay and Kerala should spare the women doctors that we need. That is why I propose that this should be taken into consideration.

My second point is about service conditions. Take, for instance, the Lady Hardinge College Hospital. There are doctors from 1949 up till today they are in service. I suggest that the years of service that they have put in from the time of the dissolution resolution of April 1948, from that time, till today should be taken into consideration for purposes of emoluments in this cadre. Their services should be taken into consideration from the date of dissolution.

These are the two points which I would urge the Government to consider

श्री भक्त दर्शन . अध्यक्ष महोदय, माननीय मंत्री जी ने अपने पिछले भाषणों में यह आश्वासन दिया है कि यह कंड जब सरकार के अधीन चला जायेगा तो उनकी रकम और भी बढ़ा दी जायेगी और राज भी जो नगरों में माताओं और बच्चों के इलाज की व्यवस्था है वह बहुत ही परतोषजनक है और अपर्याप्त है उसे बढ़ा कर माताओं और पिछड़े हुए प्रदेशों में भी ले जाया जायेगा । इसलिये इस सम्बन्ध में तो मुझे कुछ नहीं कहना है ।

में एक बात कहना चाहता हूँ और यह यह है कि यह स्पष्ट नहीं है कि इन

विधेयक के द्वारा जब सरकार इसका प्रबन्ध करने हूय हैं के लेनी उस के बाय भी इसका नाम यही रहेगा या बदल दिया जावेगा । में यह प्रश्न इसलिये उठा रहा हूँ कि में अभी तक यह नहीं समझ पा रहा हूँ कि स्वाधीनता के इस वर्ष बाद भी इसी तरह के नाम क्यों जारी रहने विवे जा रहे हैं ? क्या हमारे देश में ऐसी अढ्यायोग्य महिलायें नहीं हैं जिनके नाम पर इस फंड का नाम रखा जा सके ? पुराने जमाने की बात जाने कीजिये । आष भी हमारे देश में ऐसे नाम हैं, जैसे श्रीमती कस्तूरबा गांधी का नाम है, जिनके नाम पर एक स्मारक बन भी रहा है । क्यों नहीं गवर्नमेंट इस फंड का नाम और इसी तरह के दूसरे फंडों के नाम ऐसी महिलाओं के नाम पर रखती है ? ऐसा करने से देश में अनुकूल वातावरण पैदा होगा और साथ ही इस समय जो हमारी माननीया महिला सदस्याओं ने अपने अधिकाओं का प्रश्न उठाया है में ममजता हूँ ऐसा करके हम उनके प्रति भी अपनी अढा प्रकट कर सकेंगे । अतः क्यों न उनके ही नाम पर इन फंडों का संचालन किया जाये ? मे. आशा करता हूँ कि माननीय मंत्री महोदय इस और ध्यान देने की कृपा करेंगे ।

**Shri Karmarkar:** There are two and a half points which have been raised, two by my hon. friend Shrimati Renu Chakravartty and half by my hon. friend, Shri Bhakt Darshan.

The first point that was raised was about the nature of the service. I would like to take another opportunity to dilate on that point. What we have asked the States is to create a Central Health Services on the lines of the original IMS or on the lines of the present I.A.S. or I.P.S. That is to say, we wanted to create a service, the members of which in various States will get uniform scales of pay, so that they might always have the freedom to come to the Centre in deserving

cases. We want a common uniform sort of blood running through the veins in all the States.

But for reasons, on which I am prepared to dilate upon on some other day, I may tell my friend that a large majority of the States did not want to participate in this scheme. That has been the present state of affairs and we cannot force our decision on the State. We want to develop an integrated All India service, both for men and women.

I could not exactly follow my friend's arguments about doctors. As I said, out of the 16 doctors 8 are in the Lady Hardinge Hospital. They are there for a long time. They are getting the remuneration which they would have otherwise got.

**Shrimati Renu Chakravartty:** From 1949?

**Shri Karmarkar:** Yes, todate and they will continue to get it till they retire.

**Shrimati Renu Chakravartty:** Their scales of pay will continue from 1949?

**Shri Karmarkar:** It is calculated from the start

**Shrimati Renu Chakravartty:** I don't think they have got it.

**Shri Karmarkar:** I think she has not been able to make the point clear. Those who were there prior to 1948 are still serving in the same place. They continue to get the same service conditions. We are not denying them anything. They will continue to get them till they retire.

**Shrimati Renu Chakravartty:** Will the new scales of pay start from 1948? What about those governed by the old scales of pay?

**Shri Karmarkar:** I say that the new scale will be applicable. It is no use arguing. My friend is not quite sure and I am not sure what she means. I think we might just adjourn for a while. After five minutes we can fully discuss the matter. I am prepared to satisfy the curiosity of my hon. friend.

[Shri Karmarkar]

I will try to reply to Shri Bhakta Darahan. I hope his argument will be appreciated in the appropriate quarters. He complained about the name. There is no particular advantage in removing old names unless they are so offensive. We do not want to substitute new names. We can have new names for new things. Anyhow, his observations will receive due consideration in due course. Anyhow, it is not a very important point. All the observations made on the floor of this House will receive due attention. That is all I have to say.

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

#### POINT RE EXPUNCTION

Acharya Kripalani (Sitamarhi) May I submit . . .

Mr. Speaker: Is it relating to this Bill?

Acharya Kripalani: No I am sorry, I have to interrupt the proceedings of this House. I have to refer to another matter. On the 27th November, I delivered a speech.

Mr. Speaker: Hon Members should always give some notice to me regarding these matters.

Acharya Kripalani: I gave you notice 13 days ago. You said that you will consider this matter. For 13 days nothing has been done. This is the last day and so I have ventured to raise it here. This is the first time that I have ever interrupted the proceedings of this House. Is it not a fact that I too am a representative of the people? Things were said against me which, I think, would prejudice my reputation. I very much hesitate to interrupt the proceedings of this House. As you know, though for years I am here, I have never, even once, raised a point of order.

Mr. Speaker: He should have met me this morning. He could have told me that since he did not receive any reply, he will raise this matter in the House.

Acharya Kripalani: On my statement you yourself said, if you remember it, that you will consider this question and let me know. Now 13 days have passed and as yet I have not heard anything from you. Let me make my point clear. You were good enough to expunge the word that I had used. I have submitted to you that earlier with an oblique reference this very word was used by the Finance Minister. You said that you will look into the matter.

Some Hon. Members: What is the word?

13 hrs.

Acharya Kripalani: The word was very innocent. It only meant in the dictionary, I think, spurious.

We are not great scholars in English. Sometimes we do not know what the word meant exactly. But, a friend of mine, Shri Feroze Gandhi referred to the dictionary and found out that the word that I had used meant only spurious. I think I am entitled to say that the ability of the Finance Minister is spurious.

Mr. Speaker: Very well.

Acharya Kripalani: Even then, if the word that I used was objectionable and you have ordered its expunction, you are within your rights. I cannot question your authority there. But, I submit that the word that the Finance Minister used with oblique reference to me also should be removed in fairness to me.

#### BUSINESS OF THE HOUSE

The Minister of Irrigation and Power (Shri S. K. Patil): I made a request to you that my Bill be taken now and I had also requested the Deputy Minister of Home Affairs. She has no objection.