

and bullocks (cattle or buffalo) after they cease to be capable of yielding milk or of breeding or working as draught animals cannot be supported as reasonable in the interest of general public.

A complete ban on the slaughter of cattle will result in an annual increase of 11.5 million animals or 5.75 per cent, and thus jeopardise the well-being of the good cattle since the present fodder and other resources of the country are grossly inadequate to maintain even the existing cattle.

As was observed by the Prime Minister in April, 1955, in connection with the Indian Cattle Preservation Bill by Seth Govind Das, the enactment of such a legislation would actually result in the deterioration of the cattle wealth of the country instead of preserving it.

A convention has grown that Bills are not opposed at the introduction stage. But Government feel that the introduction of this Bill will not be in public interest. It is, therefore, my painful duty to oppose the motion for introduction.

Mr. Deputy-Speaker: Does the hon. Member like to say anything?

पंडित बजरंग नारायण "ब्रजेश" : उपाध्यक्ष महोदय, मैं नहीं समझता कि देश के कल्याण की दृष्टि से मैंने जो बिल पेश किया है उसमें कोई जनता का कल्याण होगा, खास तौर पर केन्द्रीय सरकार द्वारा शासित जो प्रदेश हैं उन प्रदेशों में गोहत्या बन्द करने के संबंध में मैंने यह बिल पेश किया है। इस दृष्टि से मैं समझता हूँ कि यदि खास तौर पर लोक-सभा में इस संबंध में वाद विवाद हो जाता है और इस समस्या पर प्रकाश पड़ जाता है तो वह बहुत अच्छा होगा। इस कारण मैं चाहता हूँ कि मेरा इस विधेयक को उपस्थित करने का प्रस्ताव स्वीकार कर लिया जाये।

Shri Goray: Can I say something, Sir? I want to say something.

Mr. Deputy-Speaker: No; I am sorry. The question is...

Raja Mahendra Pratap (Mathura): I have a word to say about it.

Mr. Deputy-Speaker: No, not now.

The question is:

"That leave be granted to introduce a Bill to prohibit and prevent the slaughter of cow in Union Territories."

The motion was negatived.

Mr. Deputy-Speaker: Now, what has the hon. Member to say—not on this?

Raja Mahendra Pratap: Only on this, Sir.

Mr. Deputy-Speaker: That is gone.

14.43 hrs.

INDIAN INSTITUTE OF ARCHAEOLOGY BILL—*contd.*

By Shri C. R. Narasimhan

Mr. Deputy-Speaker: The House will now resume further consideration of the following motion moved by Shri C. R. Narasimhan on the 9th December, 1960:

"That the Bill to provide for the constitution of an Indian Institute of Archaeology for importing training in scientific methods of archaeology and in the conservation of historic and artistic works, including research in various branches of archaeology, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1961."

Out of an hour and a half allotted for the discussion of the Bill, one hour and 16 minutes have already been taken up on the 9th December, 1960 and 14 minutes are now available. Dr. M. M. Das may continue his speech.

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): Mr. Deputy-Speaker, Sir, on the 9th December, when this Bill was before this House for discussion I was on my legs when the House rose. At that time I was trying to explain to this House that if this Bill is passed, then, the results on the Union Department of Archaeology would be disastrous, in addition to involving the Government of India in extravagant and wasteful expenditure of huge sums of money.

This Bill has got three objectives to achieve. First is the establishment of an Institute of Archaeology on a very grand scale just like a University having a Chancellor, a Vice-Chancellor, a Governing Council, an Academic Council, the Director and so on and so forth. Secondly, it is proposed that the school of archaeology which is being at present run by the Department of Archaeology will be taken over by this newly established Institute. Thirdly, it has been proposed in this Bill that the most important functions of the Department of Archaeology, namely, exploration, excavation and pre-historic research will be taken over from the Department of Archaeology and entrusted to the newly established Institute.

As I have said, the hon. Member proposes the establishment of this Institute of Archaeology on a very grand scale, just as big as a University. It involves capital expenditure of a huge sum of money as well as recurring expenditure. Before incurring this huge capital expenditure, and before committing ourselves to the recurring expenditure which also will be of a very large amount, Government should see whether the money thus spent would be properly utilised.

In these days of educated unemployment, before spending money for the establishment of such an Institute, Government must be satisfied that the products of this Institute,

that is the young men and women of this country who get training in this Institute, should be gainfully employed so that their talent and their training may be properly utilised for the welfare of the country.

At present, there are about half a dozen universities in this country like Calcutta, Madras, Allahabad, Baroda, Saugar and others which have got their full-fledged and well-developed Departments of Archaeology. With the handsome grants offered by the University Grants Commission for this purpose, it is likely that there will be a few more universities coming forward for the establishment of archaeological departments of their own. Now, the need for imparting higher training in the subject of archaeology will be fully met by the facilities that are provided by the archaeological departments of these universities and by bodies like the K. P. Jayaswal Institute at Patna and the Deccan College of Post-Graduate and Research Institute. So, it is difficult to justify the huge expenditure of money which will be spent for the establishment of this Institute as well as for maintaining it.

Clause 4(5) of this Bill provides for the taking over of the functions of exploration, excavation and pre-historic research from the hands of the Department of Archaeology by this Institute. These branches, namely, exploration, excavation and pre-historic research form an integral part of the Department of Archaeology. They are the most important functions of any department of Archaeology in any part of the world, today. Without these important functions to perform no department of Archaeology can be called a department of Archaeology. A department of Archaeology ceases to be such if these most important functions are taken out of its hands. This clause 4(5) is the most obnoxious provision in this Bill. It aims at the dis-memberment, dissolution and disintegration of a very old, efficiently run department of the Government of India.

This Union Department of Archaeology which the proposed measure wants to disintegrate and dismember was established in the year 1862 just after the Sepoy Mutiny when the administration of India was taken over by the British Crown. Eminent archaeologists like Alexander Cunningham, Sir John Marshall, Sir Mortimer Wheeler Shri R. D. Banerjee and others who have got world-wide reputation have built up this department and the department has made unique contribution towards reconstruction of history not only of India but also the history of the civilisation of the whole world. The achievement of this department has gained international recognition and the tradition of a century and more lies behind it. It is not only unwanted but also uncharitable, I think, to propose dismemberment of this department and give away its function to a newly established organisation.

From the speech of the hon. Member it appears that the report of Sir Leonard Woolley which was submitted to the Government of India 22 years ago in 1938 had provided inspiration and stimulus to the hon. Mover for bringing this measure before the House. In order to have a proper understanding and appreciation of this report, we must have the background of this report. During 1931 and onwards there was world-wide depression and the Government of India—then British Government—was confronted with financial difficulties and the axe fell on this department. A large number of employees were retrenched and the activities of this department practically came to a standstill. When the position improved in 1936-37, they thought of developing this department again. They invited Sir Leonard Woolley, an eminent archaeologist of the time to come over to India and give his suggestions for the development of this department. Woolley spent a few weeks here and submitted a report in February 1939. Then the Second World War broke out and nothing could be done till

1944, when the Government of India invited Sir Mortimer Wheeler, another eminent archaeologist of international fame to come over to this country and accept the post of Director-General for at least four years. He was from Britain—he came here and carried out a series of reforms. He practically reorganised and reconstructed the whole department of archaeology. Previously, the repair and maintenance of monuments were in the hands of the PWD and there were many complaints about the repair and maintenance done by the PWD which understood very little of archaeological principles. Sir Mortimer established a conservation branch in the department of archaeology and took away from the hands of the PWD repair and maintenance works. He reconstituted the excavation branch and he appointed the first assistant superintendent for pre-history. At his suggestion, the Central Board of Archaeology, the All India Advisory Board of Archaeology, was formed with eminent archaeologists, university representatives and State Government representatives as members.

Mr. Deputy-Speaker: Is all this history necessary for liquidating the stimulus that the hon. Mover got from that report?

Dr. M. M. Das: I have already said that the inspiration behind this Bill lies in the report and so I think it is to some extent necessary to tell the hon. Members what actually happened after that report was submitted. It is not that everywhere Sir Mortimer accepted the recommendation laid down by Woolley. Whenever he thought it better, he pursued his own principles. For instance, Woolley in his report did not recommend the continuance of the site museums at important places but Sir Mortimer was in favour of maintaining them. He also created the museum branch in the department of archaeology. The impression sought to be created by my hon. friend, the hon. Mover of this motion in this House that nothing had

[Dr. M. M. Das]

been done after the submission of that report is—I want to say categorically incorrect and untrue, if not false....

Shri C. R. Narasimhan (Krishnagiri): I did pay a good tribute to Sir Mortimer Wheeler who was here for a long time after the submission of the Woolley Report.

Mr. Deputy-Speaker: Both hon. Members cannot pay their tributes simultaneously. If the hon. Minister does not yield, what can be done?

Shri Narasimhan: He said: "..... if not false" and I have to explain the correct position.

Mr. Deputy-Speaker: I will call him afterwards.

Dr. M. M. Das: The hon. Member in his enthusiasm profusely quoted from the report of Leonard Woolley; he quoted enthusiastically without knowing where those quotations or recommendations were leading him. He said; he was quoting from Woolley:

"Do not worry about their taking away the idols. You can spare them. You first construct history."

Mr. Woolley advised us to get foreign aid and asked us not to worry about their taking away the idols. His advice to the Government of India was;

"It is history that has to be constructed. When the purpose is served, sell them."

He advised us to invite foreign teams of archaeologists to carry out excavations in this country and allow them to carry the sculptures that might be excavated from this country.

Shri Narasimhan: For what purpose?

Dr. M. M. Das: For the construction of the history of India. After

quoting this passage my hon. friend asks why we have not secured foreign aid on the condition that all the exhibits would be taken by them out of India.

Shri Narasimhan: No.

Dr. M. M. Das: He referred to Egypt and other places, Aswan Dam, etc. to which I shall come a little later. Now, I may tell my hon. friend that for the last 200 years this ancient heritage of India, these sculptures, etc. have continually found their way to foreign museums under the very eyes of a foreign Government. Are we going to continue the same practice of sending our ancient heritage to foreign countries? I know the answer of this House would be an emphatic no. Then my hon. friend referred to Nagarjunakonda. This is what he said:

"It is quite possible according to modern methods to use electric meters like what the Oil and Natural Gas Commission and geologists have to find out through electronic and other equipment whether there are things below. Use them."

That is what he says about Nagarjunakonda. He says:

"Use them. Find out quickly what is there and decide. But nothing has been done."

15 hrs.

Sir, there is no greater travesty of truth than this. For the information of this hon. House and for the information of my hon. friend I might say that the excavation of Nagarjunakonda has been completed at a cost of more than Rs. 25 lakhs. It is not only that the excavation has been completed, but we are constructing a building for a museum on a hill top which will be in the centre of a lake that will be produced by the erection of a dam on Krishna. That building is going to be completed within a year

or two. All these excavated material will be placed in this museum. I am sorry, Sir, if my hon. friend who moved this Bill does not know all about it. He asks: "What have you done?". But he does not care to know what has been done and he indicts Government saying that this has not been done and that has not been done.

Shri Narasimhan: I referred to the use of electronic equipments and said that nothing was done in that regard.

Dr. M. M. Das: My hon. friend asks: Why do you not take foreign aid, why do you not take the help of foreign archaeologists as the Government of Egypt has done in their proposed excavation in Nubia? I want to tell him, we do not want the help of foreign archaeologists, we do not want them to come to our country to excavate our sites. Our archaeologists have the required experience, training and qualification to conduct their own archaeological excavations. Sir, the Government of Egypt appealed to the UNESCO for the help of other countries for the excavation of the area in Nubia which is going to be submerged by the construction of the Aswan Dam. The UNESCO which has a better and more intimate knowledge and, perhaps, better appreciation of our archaeologists in the department of archaeology of the Government of India has written to us also as it has written to other countries of the world to know whether we can give them some help. Only the other day our Ministers, our Director-General of Archaeology and other officers were in Egypt to see what can be done about the excavations to be carried out. My hon. friend asks: "Why have you not asked for foreign aid?" We are giving foreign aid to Egypt—the place he has mentioned. We ourselves do not require foreign aid to carry out our excavations.

My hon. friend was quoting profusely from Sir Leonard Woolley's report which was submitted to the Government of India 22 years back. When I

was listening to his eloquence I was reminded of the story of Rip van Winkle of the Washington Irving. Ripvan Winkle went to the Katskil Mountain and there under the influence of liquor he slept for 20 years. When he woke up and came back to his village he saw that everything was changed. Before he went to sleep America was a colony under the British. In those twenty years the War of Independence was fought and America had become independent and, therefore, it was a new land that he saw when he came back after his sleep. So like Ripvan Winkle, my hon. friend rises up after 22 years of sleep....

Mr. Deputy-Speaker: That ought to be enough for the hon. friend. Now he should stop there.

Dr. M. M. Das: I am sorry, Sir.

Shri Narasimhan: I did not hear.

Mr. Deputy-Speaker: He ought to hear. Why was he not hearing?

Shri Tangamani (Madurai): He was only referring to the hon. Member as Ripvan Winkle.

The Minister of Law (Shri A. K. Sen): He does not hear when he is accused of sleeping.

Dr. M. M. Das: Sir, perhaps it is not necessary to go into more details. The hon. Member's motion is for the circulation of the Bill. But he has already circulated this Bill. He sent copies of this Bill to that eminent international archaeologist, Sir Mortimer Wheeler. I request my hon. friend to read out before this hon. House the reply that Sir Mortimer Wheeler has sent to him.

Shri Narasimhan: Sent to me?

Dr. M. M. Das: Yes, sent to you.

Shri Prabhat Kar (Hooghly): Sir, the hon. Mover is being attacked in such a way that I think he should have the protection of the Chair.

Dr. M. M. Das: I am not going to attack him any more.

Mr. Deputy-Speaker: The feeling is that the hon. Member who moved the Bill should be protected at this stage.

Dr. M. M. Das: No protection will be necessary. I am not going to attack him any more. I beg your indulgence and the indulgence of the House to quote a few lines.

Dr. M. S. Aney (Nagpur): I want to know on what date that reply was received.

Dr. M. M. Das: Sir, the letter was written to our Minister on 17th October, 1960. I am reading a few lines from that. This is what Sir Mortimer writes:

"I have read the Bills very carefully and must confess they fill me with alarm. They create new financial overheads and subdivide activities which are closely inter-related and must be more efficiently controlled in a single department. That is the line of thought at present prevalent in this country and it is one which equally appeals to me as irrefutable from my knowledge of, and intense interest in, these activities in India.

Forgive me, therefore, if I burden you with a copy of my reply to Shri Narasimhan."

Shri Narasimhan: That should be read.

Dr. M. M. Das: Sir, with the permission of the hon. Mover may I quote a few lines from Sir Mortimer Wheeler's letter written to him. Sir Mortimer Wheeler has been very kind to send us a copy of the letter written to him in reply to the two Bills which he sent to him for opinion. Sir Mortimer writes:

"The archaeological excavations, with full facilities for students, carried out by the Depart-

ment of Archaeology at the present time are unsurpassed in quality anywhere in the world. By all means let the existing university departments be strengthened and supplemented; but why set up an entirely new organisation, with new financial overheads, to carry out work for which admirable provision already exists?"

He again says:

"With the greatest care and sympathy I have read and re-read the draft Bill, but I must confess that I have failed to discover any sort of justification for it."

Sir, may I also tell this hon. House that this Bill was referred to the Standing Committee of the Central Advisory Board of Archaeology where the most eminent archaeologists of this country are members. The unanimous opinion of this committee consisting of nearly all the heads of universities having archaeological departments, Dr. Sankalia, who is the Director of the Deccan College Post-Graduate and Research Institute in Archaeology—Prof. Sharma of the Allahabad University and others, is that this Bill is harmful and should not be pursued any more.

Shri Narasimhan: Did they pass a resolution to that effect?

Dr. M. M. Das: If the hon. Member wants I can read that also.

Shri Narasimhan: Only for information I am asking.

Dr. M. M. Das: Yes, they passed a resolution to that effect. I think Dr. Sankalia has written to the hon. Member.

Mr. Deputy-Speaker: Is the hon. Deputy Minister then going to make an appeal to the hon. mover?

Dr. M. M. Das: Yes, Sir, I am going to make a very humble appeal to the hon. mover not only for withdrawing his present motion for circulation of the Bill but to withdraw the Bill also.

Mr. Deputy-Speaker: Let us now hear the hon. mover.

Shri Narasimhan: Mr. Deputy-Speaker, Sir, Let me reply to the points made by the hon. Minister one by one. Firstly, it was alleged that a huge expenditure would be involved to implement this measure. My categorical answer is, because this will mean only a taking over the work practically from the present Ministry and just passing it on to a new institution, there would not be any additional expenditure of an enormous size that is feared by the hon. Minister. It is only transferring the activities from one organisation to another organisation, and the funds that are now being used by the existing organisation go to the new organisation. Therefore, any exaggerated idea about any increase in expenditure on this score is wrong. So much in defence of my Bill, so far as the aspect of expenditure is concerned.

Secondly, as far as the achievements of the department are concerned, I might point out that Sir Mortimer Wheeler himself achieved, with very little funds, enormous results. As against this, in spite of an expenditure which is several times more than what Sir Mortimer Wheeler had, much progress in this department has not been made. One or two good things have been excavated. But one swallow does not make a summer. This is my explanation so far as the work in this department is concerned.

Then, it is thought that this measure would ruin the entire department of Archaeology. That is what the hon. Minister said. But I think that he meant archaeology and not the archaeological department. If it is merely the department of archaeology, it is not such a big calamity.

1695 (Ai) L.S.D.—7.

But if it is archaeology, as a science, then it would be a national calamity. I admit that. But then, what I wish to emphasise is that my approach to the subject cannot be disastrous. Archaeology is accepted as a science. It is one of the modern sciences, and all the knowledge of modern sciences including nuclear methods is being utilised in archaeology. Therefore, it is practically a great science and is admitted as a science.

Even in this very Ministry, all the scientific departments are dealt with by semi-autonomous and autonomous institutions or bodies. The Council of Scientific and Industrial Research, which forms part of the Ministry of Scientific Research and Cultural Affairs, is an autonomous body. They even want to make it a statutory body. So also is the case with the Oil and Natural Gas Commission. They dig and find out whether there is oil or not.

Dr. M. M. Das: That is not in this Ministry.

Shri Narasimhan: What I say is, it is the accepted principle of the Government to form such autonomous bodies for certain fields. Even in the matter of other scientific schemes, like oil exploration and other things, the principle is to have a statutory, independent body. Therefore, it is not altogether a new conception. We have accepted such things. Even in this very Ministry, it is the same principle in so far as the various scientific matters are concerned.

Take the Defence Ministry, for instance. My approach is towards differentiation of functions. In the Defence Ministry, there are three different wings: Air, Navy and Army, and so on and so forth. There is also the Defence Science Organisation which deals with scientific matters pertaining to defence, separately. Therefore, my plea is that this matter of approach is not altogether out-of-date or disastrous as is feared by the hon. Minister.

[Shri Narasimhan]

As far as the working of the department is concerned, the House may recollect what has been done. From an answer to a question given on the floor of this House, I find that there have been 13 excavations done, but no report so far has been given. One of them is 10 years old. The Bikaner excavation, for instance, is ten years old, and except some preliminary note, we have not received any reports at all. The sooner the reports come, the better. Otherwise, a lot of mistakes can happen, and misunderstanding and even misreading of history can happen. Therefore, there should be some reasonable quickness about the submission of reports. As it is, as things go on now, it is no credit to the Ministry.

I know this is the non-official business of the House. This is a grand slaughter of the innocents: many of the Bills start well and then, like infant mortality, they lose their life. In this connection, I am reminded of another non-official motion of mine and the approach of the Government of India towards that. A couple of years ago, I moved for consideration of a resolution to the effect that there should be an institute of cost and works accountants in the country. The Government opposed it tooth and nail. Just as the Minister started the other day with great praise for the motives which impelled me to bring this Bill and ended in the manner he did today, on that resolution also the Government appreciated the approach, for a cost and works accountants institute but said that there was no immediate necessity for it. They added that the institute of chartered accountants was enough to deal with the matter and that no separate institute was needed. Therefore, my resolution was withdrawn. But within a year, Government itself came forward with a Bill for a separate institute of cost and works accountants and it was passed.

Mr. Deputy-Speaker: Then he can rest content with the hope that a Bill

for this measure also will be brought forward by Government soon.

Shri Narasimhan: I am not surprised at my failure, in one session or two sittings, to instil some kind of appreciation and urgency in the minds of the Government about this matter, because, it all requires a little more time and care. They are unwilling to be compelled to do a thing. I admit that. But I hope that in the same manner as the Government—a sister Ministry—was impelled to come with the same kind of solution after a year or so, this very Ministry will one day see the necessity for a very good, high-class institute of archaeology for this country, for the reconstruction of the unknown past. I am sure they will come forward with such a Bill sooner or later.

Shri T. B. Vittal Rao (Khammam): What about the hon. Member's resolution on prohibition being adopted by the House?

Mr. Deputy-Speaker: When he is so sure, what is he going to do now?

Shri Narasimhan: I find that the Ministry is not in a mood to receive a remedy that I suggested. Treatment and remedies have to be administered with the consent of the patient. So, this malady, this disease, will take a little longer to be cured, and much more preparation is necessary to make the Government accept my suggestion and my remedies. I am prepared to wait, but before withdrawing my Bill in deference to the hon. Minister's wishes and fears—though there is no intrinsic mistake in my approach—I wish to state that really all is not well with the department of archaeology. Just as Sir Leonard Woolley was asked to make a full enquiry into the activities of the department, I say that another commission of enquiry is called for. With these words, I do not press my motion.

Mr. Deputy-Speaker: Does he withdraw the Bill?

Shri Narasimhan: I leave to withdraw the Bill.

The Bill was, by leave, withdrawn.

15.19 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL

(Amendment of Section 198) by Shri-
mati Subhadra Joshi

Shrimati Subhadra Joshi (Ambala): I beg to move:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration:—

'Enacting Formula

1. That at page 1, line 1, for the word "Tenth" the word "Eleventh" be substituted.

Clause 1

2. That at page 1, line 4, for the figure "1959" the figure "1960" be substituted.'

Mr. Deputy-Speaker: The question is:

"That the following amendments made by Rajya Sabha in the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration:—

'Enacting Formula

1. That at page 1, line 1, for the word "Tenth" the word "Eleventh" be substituted.

Clause 1.

2. That at page 1, line 4, for the figure "1959" the figure "1960" be substituted."

The motion was adopted.

Shrimati Subhadra Joshi: I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

Mr. Deputy-Speaker: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

Mr. Deputy-Speaker: Shri Prakash Vir Shastri—absent. Shri Tangamani

15.21 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL

(Amendment of sections 107, 129, 144 and insertion of new section 131A) by Shri K. T. K. Tangamani

Shri Tangamani (Madurai): I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 be taken into consideration."

In this Bill, I have sought to amend certain sections of the Criminal Procedure Code, particularly sections 107, 129, 131 and 144. In the Statement of Objects and Reasons, I have made abundantly clear the purposes for which I have brought this amending Bill. As the House is aware, the Cr.P.C. was enacted at a time when our country was under the British rule. There are certain provisions in the Cr.P.C. which were being used for the suppression of our people's movement and also the national movement for independence and democratic rights and liberties. In the context of India's political independence, some of the provisions of the Cr.P.C. call for certain amendments, as they are liable to be used, as they are also being used, for the suppression of popular