

Mr. Deputy-Speaker: The question is:

That at page 2, after line 21, the following be inserted, namely:—

(iii) registered in a medical register of a State, who, although not falling within sub-clause (i) or sub-clause (ii) is declared by a general or special order made by the State Government in this behalf as a person practising the modern scientific system of medicine for the purposes of this Act, or”.

*The motion was adopted.*

Mr. Deputy-Speaker: Clause 11, any amendment? No The question is:

That at page 4, for lines 20 to 24, the following be substituted, namely —

“(d) the names of persons who carry on the business or profession of pharmacy in the State, and

(e) would have satisfied the conditions for registration as set out in section 31, on the date appointed under sub-section (2) of section 30, had they applied for registration on or before that date; or

(ii) have been engaged in the compounding of drugs in a hospital or dispensary or other place in which drugs are regularly dispensed on prescriptions of medical practitioners as defined in sub-clause (iia) of clause (f) of section 2 for a total period of not less than five years prior to the date appointed under sub-section (2) of section 30;”.

*The motion was adopted.*

Shri Karmarkar: 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.*

14.25 hrs.

#### PUBLIC WAKFS (EXTENSION OF LIMITATION) BILL.

The Deputy Minister of Law (Shri Hajarnavis): Sir, I beg to move:

“That the Bill to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs, be taken into consideration”

This is a simple Bill dealing with a limited class of cases and will have temporary duration. First of all, I might begin by reminding the House that, under the Limitation Act, the period of limitation provided for a suit for possession both under articles 142 and 144 is 12 years. Where the point of limitation begins depends upon the manner in which the claim is made or defence is raised. In the limited class of cases, it is intended that this period of limitation should be extended to about 20 years. The occasion for this is a fact well known to all of us that after Partition, large-scale disturbances took place in which there was apprehension that the protection to property or persons was not adequate. All the persons who had to defend possession of property left the scene of property. We are dealing here with only a particular class of property, namely property that is the subject of a public wakf.

It will be admitted on all hands that property which has been set apart for a purpose which is pious, religious or charitable in nature, deserves special protection. In the circumstances which prevailed from 15-8-1947 onwards, many such properties did not have adequate protection. Many persons who were entitled to claim back possession of the property or, in legal parlance, had the right of suit, had

[Shri Hajarnavis]

left the country. In the circumstances, it is provided by section 3 of this Bill that if a suit is brought by a person who is entitled to claim possession in respect of property which is the subject of a *wakf* which is recognised by the Muslim law as a purpose of a charitable, pious or religious nature, the period of limitation for such a suit would, if that dispossession or discontinuance of possession took place between 14-8-1947 and 7-5-1954, be extended to 15-8-1967. This is a Bill which makes amendment of a procedural kind. Since many of the suits were likely to be barred, by August, 1957 the President issued an Ordinance and this Bill seeks to replace that Ordinance.

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

"That the Bill to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public *wakfs*, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** Are any amendments going to be moved?

**Shri Hajarnavis:** No.

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

"That clauses 1 to 4, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 4, the Enacting Formula and the Title were added to the Bill.*

**Shri Hajarnavis:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

14.29 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FORTY-SIXTH REPORT

**Shri Easwara Iyer** (Trivandrum): I beg to move:

"That this House agrees with the Forty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th August, 1959."

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

"That this House agrees with the Forty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th August, 1959."

**Shri Braj Raj Singh** (Firozabad): I have an amendment.

**Mr. Deputy-Speaker:** He has sent it too late.

Now it cannot be taken up.

**Shri Braj Raj Singh** (Firozabad): I sent it in the morning.

**Mr. Deputy-Speaker:** When? Just now I received it. When was the report presented? Day before yesterday.

**Shri Braj Raj Singh:** Could I say something about this?

**Mr. Deputy-Speaker:** Yes. What is it that he wants?

**Shri Braj Raj Singh:** I wanted that at the end of the motion the following should be added, namely:

"subject to the modification that the time allotted for the discussion of the resolution regarding the nationalisation of banks be reduced by 1½ hours."

And then again:

"subject to the modification that the time allotted for the discussion of the resolution regarding ceiling on incomes be increased by half an hour."