

(ग) क्या डा० पुरी ने इस सम्बन्ध में सरकार से कोई सिफारिश की है ; यदि हाँ, तो क्या ?

•{[FINDING OUT OF INDIAN HERBS FOR THE TREATMENT OF CANCER

173. SHRI NAWAB SINGH CHAUHAN-Will the Minister of HEALTH be pleased to state:

(a) whether it is a fact that at a seminar recently held at Lucknow, Dr. G. S. Puri of the Botanical Survey of India revealed certain Indian herbs that he has found out for the treatment of cancer;

(b) if so, what are those herbs, -where they are found and how they can be utilized; and

(c) whether Dr. Puri has made any recommendation in the matter to Government; if so, what?]

स्वास्थ्य मंत्री (श्री डी० पी० कर्मकर):  
(क) से (ग). सूचना एकत्र की जा रही है और यथा-समय सभा की मेज पर रख दी जायेगी।

•{[THE MINISTER OF HEALTH (SHRI D. P. KARMARKAR): (a) to (■). The information is being collected and will be laid on the Table of the Sabha, •in due course.]

PAPERS LAID ON THE TABLE

REPORT OF THE AIR TRANSPORT COUNCIL ON THE FARES AND FREIGHT RATES

THE MINISTER OF TRANSPORT AND COMMUNICATIONS (SHRI L. YL BAHADUR) : Sir, on behalf of Snri Humayun Kabir, I lay on the Table a copy of the Report of the Air Transport Council, constituted under section 30 of the Air Corporations Act, 1953 on the fares and freight rates to be charged on the services operated by the Indian Airlines Corporation.

[Placed in Library. See No. LT-478/a»7.] ^

f[ ] English translation.

REPORT ON COMPENSATION TO BE PAID ON NATIONALISATION OF KOLAH GOLD MINES

THE MINISTER OF MINES AND OIL (SHRI K. D. MALAVIYA): Sir, I lay on the Table a copy of the Report of the *ad hoc* committee on the compensation to be paid on the nationalisation of the Kolar Gold Mines. [Placed in Library. See No. LT-477/57.]

AMENDMENT IN THE CENTRAL EXCISE RULES, 1944

THE MINISTER OF FINANCE (SHRI T. T. KRISHNAMACHARI) : Sir, I lay on the Table, under section 38 of the Central Excises and Salt Act, 1944, a copy each of the following Notifications of the Ministry of Finance (Department of Revenue):

(i) Notification S.R.O. No. 3801, dated the 30th November 1957, publishing an amendment in the Central excise Rules, 1944.

(ii) Notification S.R.O. No. 3869, dated the 7th December 1957, publishing further amendments in the Central Excise Rules, 1944.

Placed in Library. See No. LT-485/ 57 for (i) and (ii).]

THE COUNTESS OF DUFFERIN'S FUND BILL, 1957—continued

SHRI SANTOSH KUMAR BASU (West Bengal): Mr. Chairman, the debate in this House regarding the merits of this Bill has so far been based mainly on the absence of any provision regarding the future utilisation of the Fund. It has not been provided that, after the Fund vests in the Government, it will be spent for the very laudable purposes for which the Fund was originally established and has since been maintained. That is a matter which requires the attention of this House when we are considering

[Shri Santosh Kumar Basu.] the provisions of this Bill. The purposes of this Fund have been stated in the Statement of Objects and Reasons of the Bill. It says:

"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."

These are the purposes which many Members of this House feel ought to have been accepted by the Central Government when they decided to take over the Fund from the hands of the Association which has been dissolved. Now, Member after Member stood up yesterday and insisted that these purposes should have found some place in the provisions of this Bill. Sir, laudable as these purposes are, we must not forget one particular aspect of this matter. This Association was established as far back as 1885 when such purposes had to be carried out by non-official efforts. And those who inspired the establishment of this Fund and those who have carried out this object with assiduity ever since, raising funds not only in India but also in the United Kingdom, were really discharging a duty which had not yet been taken up by the Government of the country. Now the position has entirely changed. It is now one of the vital aims, one of the fundamental objects of our Government to establish a Welfare State in which provision for relief of women patients and the training of nurses and the provision of hospital facilities for women constitute a very important aspect of our national efforts. In fact, in pursuance of this policy already hospitals and other institutions are catering to the special needs of women

[MR. DEPUTY CHAIRMAN in the Chair.]

From that point of view, it must be admitted that we have travelled very far from the position which obtained in the year 1885 and a long time

thereafter. That being the position, I do not think the Government could be accused of anything like lack of honesty in so far as those provisions have not been continued in this Bill. That is an aspect of the matter which I respectfully request hon. Members of this House to bear in mind. Such non-official efforts, very esteemable and laudable as they were, are more or less, not necessary to such an extent as they were in those early days. From that point of view, Sir, I would submit that the Government could not be accused of negligence in not making any provisions in this particular Bill for any such efforts.

Then there is another aspect of the matter. In order to consider that aspect, we have to refer to the purpose of this Bill as set out in its Long Title. We find that it is:

"A Bill to provide for the transfer of the Fund known as the Countess of Dufferin's Fund to the Central Government."

In other words, this Bill has got an extremely narrow scope and purpose. It only aims at the transfer of the Fund of the Association to the Government, and only such clauses have been embodied in this Bill as would make it possible for the Government to take over that Fund with the liabilities and debts attached thereto. That is the whole and only object of this Bill. In the circumstances, Sir, I would expect hon. Members of this House not to insist that provisions as regards the administration of this Fund should also find a place in this Bill. A clear distinction must be made in my submission between the transfer of the Fund and the subsequent administration of the Fund. Probably it would have been better, and I quite agree with hon. Members of this House in that regard, if a more comprehensive Bill could have been brought forward not only to cover the question of the transfer but also the subsequent administration but, so far as this Bill is concerned, it has not chosen to do so. It has got only a very limited purpose, as I said, namely, the-

transfer of the Fund but it does not therefore preclude this House or Parliament from taking up the question of administration in a subsequent Bill if Government chooses to bring it up. Therefore, from that point of view I submit that the criticism would not be justified but there is another aspect of the matter. If this Fund was being administered by those who were in the position of trustees and the Association was registered under the Societies Registration Act, 1860, then the liabilities and the obligations of trustees, so far as the purpose of the fund was concerned, would attach to the successor of those trustees, namely, the Central Government. Even if on a strict legal interpretation of the matter it does not turn out to be a trust strictly so called in law, the spirit of a trust ought to be accepted by the Government, having regard to the fact that the purposes are so useful. From that point of view, I would suggest to the hon. Minister that this Fund might be utilised with such augmentation as might become necessary in the course of its working for the purpose of creating a highly efficient corps of nurses who might set an example to other nurses in efficiency and professional skill, in psychological approach and human understanding. This Fund can play such a part as would hold up before the nursing profession an ideal and an example.

Now, Sir, lastly, after having said so much with regard to the merits of the Bill, it is my duty to draw your attention with regard to another very vital and important matter as I have seen it. Has this Bill been brought before this House in a legal and constitutional manner? That is a question which has been troubling me since yesterday. We find, Sir, that this Bill provides as follows, in clause 3:

"On the commencement of this Act—

(a) the Association shall stand dissolved;

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

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(c) all the debts and liabilities of the Association shall be transferred to the Central Government and shall thereafter be discharge-ed and satisfied by it out of the Fund."

I am calling your particular attention to the provisions of clause 3(b):

"the Fund shall vest in the Central Government."

Having done so, I would invite your attention to the provisions of the Constitution. If we look at article 266, clause (1), it reads as follows. I may have to take a little time over this matter because this question goes to the very root and it may be necessary for me to invite you to hold that this Bill is not before the House legally and constitutionally. Sir, I would very much avoid such a course being taken, but having regard to the fact that it is a question of the Constitution to which we owe our allegiance, I feel it my duty, as a Member of the revising Chamber, to call your attention to this aspect of the matter. Clause (1) of article 266 reads as follows:

"Subject to the provisions of article 267 and to the provisions of this Chapter with respect to , the assignment of the whole or part of the net proceeds of certain taxes and duties to States, all revenues received by the Government of India, all loans raised by that Government by the issue of treasury bills, loans or ways and means advances and all moneys received by that Government in repayment of loans shall form one consolidated fund to be entitled the Consolidated Fund of India . . ."

This constitutes the Consolidated Fund of India.

The hon. Minister, in his opening speech, said that this amount will not go to the Consolidated Fund of India and that is quite correct, if I may say so with all respect.

Clause (2) of article 266 says:

[Shri San tosh Kumar Basu.]

"All other public moneys received by or on behalf of the Government of India or the Government of a State shall be credited to the public account of India or the public account of the State, as the case may be".

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This Fund constitutes public money; it is not private money and that being the position, when it is received by the Government, it is credited to the public account of India. If this money is going to be credited to the public account of India, then certain very important questions arise. I would draw your attention to article 110 (1) («):

"For the purposes of this Chapter, a Bill shall be deemed to be a money Bill if it contains only provisions dealing with all or any of the following matters, namely—I would refer to one item, item(f) only—(f) the receipt of money on account of the Consolidated Fund of India or the public account of India . . . ."

Therefore, if this Bill merely provided for the receipt of money for the public account of India, it would constitute a Money Bill. It may be said that it has not only provided for the receipt of money into the public account of India but for other matters also, namely, the dissolution of the Association, the taking over of the debts and liabilities and so on, in which case it may not be a Money Bill, but, Sir, that does not end the matter and it does not save the Bill from the charge of unconstitutionality. For that, I would invite your attention to article 117 of the Constitution:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110—namely, '(f) which is, as I have just now read, the receipt of money into the public account of India'—shall not be introduced or moved except on the recommendation of the President and a Bill making such provi-

sion shall not be introduced in the Council of States:

Provided that no recommendation shall be required under this clause for the moving of an amendment making provision for the reduction or abolition of any tax".

The proviso does not apply in this case nor has this Bill been introduced in the Council of States, but I do not think, Sir, that it has been introduced in the Lok Sabha on the recommendations of the President as required by the provisions of Article 117. At least the Bill as circulated to us does not show that, as is the case in respect of other Bills which are similarly introduced. I have tried in vain, Sir, to look for such a recommendation on this Bill. Another Bill that we disposed of yesterday, the Indian Tariff (Second Amendment) Bill, clearly bore on it, as circulated, the wording that it was introduced on the recommendation of the President but in this case I do not find that any such recommendation of the President was obtained. At any rate, I do not find any mention in the body of the Bill as circulated to this House. In the circumstances, my submission would be that this Bill which was not recommended by the President for introduction in the Lok Sabha has not come up before this House in a constitutional manner because it can only come through the Lok Sabha. If the original introduction in Lok Sabha was unconstitutional, if my argument is correct, then the subsequent motion in this House for the consideration of the Bill as passed by the Lok Sabha is also unconstitutional. This view has occurred to me. I am open to correction; I do not want to be dogmatic on a question of this character and if the hon. Members can throw any light on this question which would cut at the very root of my argument, I shall be the most happy of all Members of this House. Therefore, Sir, I would invite the hon. Minister to consider this question very carefully and if he thinks that there is no substance in this contention he will

clearly indicate that to this House so that, with a clear conscience, after having taken the oath of allegiance to our Constitution, we can vote for this Bill.

This is what I am respectfully asking the hon. Minister to take into consideration. With these words, Sir, I support this Bill in so far as it goes making provision for the transfer of this Fund, provided it has been legally and constitutionally brought before the House.

MR. DEPUTY CHAIRMAN:  
Rajkumari Amrit Kaur!

(*Shri Rajendra Pratap Sinha rode.*)

MR. DEPUTY CHAIRMAN: ^ou have already spoken.

SHRI RAJENDRA PRATAP SINHA (Bihar): I would like to raise a point of order.

MR. DEPUTY CHAIRMAN: What is the point of order?

SHRI RAJENDRA PRATAP SINHA: My esteemed friend, Mr. Basu, has pointed out to you certain legal difficulties with regard to this Bill. He has pointed out to you, Sir, article 117 which I may read out to you.

MR. DEPUTY CHAIRMAN: I have read it.

SHRI RAJENDRA PRATAP SINHA: Then I will not read it out, Sir. Now it says that a Bill like this can only be introduced after receiving the recommendation of the President under article 117. It is apparent from the Bill itself because it deals . . .

MR. DEPUTY CHAIRMAN: You want a ruling on that point?

SHRI RAJENDRA PRATAP SINHA: I would like to have a ruling on that point before we further proceed with this Bill. If it is a fact that this Bill is *ultra vires* of the Constitution for being introduced in this House or in the other House, then why should we

waste the time of the House in proceeding with this Bill?

MR. DEPUTY CHAIRMAN: Have you got anything to say on the point of order?

SHRI AKBAR ALI KHAN (Andhra Pradesh): Is it a Money Bill? That is the contention.

THE MINISTER OF HEALTH (SHRI D. P. KARMARKAR) : Sir, this point did not arise before in the Lok Sabha and I should not like at this stage to commit myself to a legal interpretation of it. Article 110(3) makes it clear that "if any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final." But I am not on that point. This point according to the Constitution has to be taken up before because a Money Bill cannot be introduced in this House. Obviously, Sir, the House of the People and the Speaker thought that this was not a Money Bill. Otherwise that point would have been raised there. Every Bill is scrutinised in the other House. I may just remind the House that the Bill says that "the Fund shall vest in the Central Government". Whether "vesting" is receipt of money on account of the Consolidated Fund of India or the public account of India is more than I can say at this moment, but I beg to submit, Sir, that this point does not arise at this stage. If the jurisdiction of the Parliament had to be evoked I think it should have been at the earliest possible opportunity. I speak subject to correction and on that point, Sir, I should be guided by your ruling.

MR. DEPUTY CHAIRMAN: You want a ruling?

SHRI RAJENDRA PRATAP SINHA: I would like to draw attention to one point. My hon. friend has asked whether "vesting" will amount to payment of money into the Consolidated Fund of India. You can refer to any dictionary and you will see that "vesting" means payment; nothing else.

[Shri Rajendra Pratap Sinha.] If you refer to the Chamber's Dictionary you will find that. Then, Sir, I would like to know whether the attention of the Speaker was drawn to this fact, whether this was a Money Bill or not. Then alone his opinion would be made available. According to my hon. friend, Sir, it is only the Speaker, under the Constitution, who is capable of saying whether this Bill is a Money Bill or not. Does he mean to say that the matter should be referred back to the Speaker before we can further proceed with this Bill?

SHRI SANTOSH KUMAR BASU: May I just say one word with regard to what the hon. Minister has said, because this matter has got to be thrashed out before you give a ruling? I never contended that this is a Money Bill; I made it perfectly clear. A Money Bill must be only devoted to that aspect, namely, receipt of money as contemplated by clause (f) of article 110. I did not say that. I say this Bill is a financial Bill which has been specifically provided for in article 117 and ought to receive the recommendation of the President. My contention is not that it is a Money Bill, but that it comes under article 117(1) and as such even though it is not a Money Bill it was to have got the recommendation of the President before it could come up in Lok Sabha. That is the point, and I submit, Sir, that question has not been answered. It does not require the certificate of the Speaker that it is a Money Bill because it is not one; it does not come under article 110(1)(f) which gives the definition of the nature of the receipt of money, but the ban is imposed by article 117(1).

MR. DEPUTY CHAIRMAN: Do you still contend that it is a Money Bill?

SHRI RAJENDRA PRATAP SINHA: I say, Sir, that this Bill comes under the purview of article 117 and unless the recommendation of the President is there on this Bill, this matter cannot be considered in this House. It cannot be introduced in either House.

MR. DEPUTY CHAIRMAN: This BUT was introduced in the Lok Sabha and it has come from the Lok Sabha to this House. It is now contended that articles 110 and 117 apply to this Bill and that this requires the recommendation of the President.

By no stretch of imagination can this be conceived as coming under article 110 and even if article 110 were to apply the objection should have been taken in the Lok Sabha. The Speaker has not given any ruling that this is a Money Bill.

So far as article 117 is concerned, the Bill does not come within the mischief of article 110(1) (f) of the Constitution. The Bill merely provides for the transfer of a fund which is already existing. Further, even if the Bill contained provisions dealing with any matter specified in article 110(1) (f), the recommendation of the President would have been required for its introduction into the Lok Sabha. Since the Bill had already been introduced, no objection that the Bill had been introduced without such recommendation can be entertained at this stage. The objection is taken too late. In this connection I may draw the attention of the Members! to article 255 of the Constitution which says:

"No Act of Parliament or of the Legislature of a State and no provision in any such Act, shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given, if assent to that Act was given—

(a) Where the recommendation required was that of the Governor, either by the Governor or by the President; (b) where the recommendation required was that of the Rajpramukh, either by the Rajpramukh or by the President;

(c) where the recommendation or previous sanction required was that of the President by the President."

The Bill has to go to the President for assent.

In the circumstances I hold that the objection is not a valid objection and the House will proceed with the further discussion on the Bill.

SHRI RAJENDRA PRATAP SINHA: I am not questioning the Chair's ruling, but may I humbly submit that article 255 will only apply in cases where the Acts have been passed already by the Parliament, and if that Act is questioned in any court of law .....

MR. DEPUTY CHAIRMAN: This Act/ has been passed by the other House and we are considering . . .

SHRI RAJENDRA PRATAP SINHA: It is not passed. It is still a Bill.

MR. DEPUTY CHAIRMAN: And the Bill has been introduced in the other House; not here.

SHRI RAJENDRA PRATAP SINHA: There is the other point for your ruling, Mr. Deputy Chairman. There are two points involved. Is your ruling on both the points? One is article 255. I do not challenge your ruling; it is with that intention that I am making the submission. I am merely pointing out that this is not yet an Act; it is still a Bill. Unless both the Houses of Parliament pass this Bill and then it<sup>1</sup> receives the assent of the President, it cannot become an Act. Therefore my humble submission to you is that no reference need be made to article 255.

Then, Sir, another point I would like to submit, that it is quite likely that the other House, the *fyok Sabha* . . .

MR. DEPUTY CHAIRMAN: There can be no arguments after my ruling.

SHRI RAJENDRA PRATAP SINHA: As I said, Sir, I am not challenging . . .

MR. DEPUTY CHAIRMAN: Then what is the purpose of your contention?

SHRI RAJENDRA PRATAP SINHA: The other contention which I would like ....

MR. DEPUTY CHAIRMAN: You want me to give a ruling for this contention. I do not think so. Let us not discuss it further. We shall go on with further proceedings.

SHRI RAJENDRA PRATAP SINHA: One point . . .

MR. DEPUTY CHAIRMAN: Raj-kumari Amrit Kaur?

RAJKUMARI AMRIT KAUR (Hun-jab) : Sir, I do not understand the legal points raised but am glad you have given a ruling on them. I do not understand either why this Bill which really seeks to legalise what has been happening over, all these years should raise any controversy or any fear in the minds of the speakers who spoke on it yesterday. Sir, the Countess of Dufferin's Fund was raised by private endeavour at a time when very little attention was being paid to medical relief and aid to women and children.

And it was due to the Dufferin Fund that Dufferin Hospitals came into existence all over the country and the Women's Medical Service was formed, and the conscience of the Government and of the people was roused to the necessity for doing something for women and for women's medical education. The position now is very different and very little money is left in this Trust. I speak from memory, but I believe it is between Rs. 11 and Rs. 12 lakhs and when the Countess of Dufferin Trustees dissolved themselves certain liabilities had to be taken on by the Government of India. Those liabilities for the first ten years comprised making good to members of the Women's Medical Service the lack in salary that they would have had to suffer when they camej under the States. I believe that in another year and a half all this liability will be over. When any money was left out of this particular liability, it was used for scholarships for medical education and the idea was that when the liabilities as far as the members of the Women's Medical Service were concerned had been fulfilled after ten years, then the entire interest from

[Rajkumari Amrit Kaur.] this Fund was to be used for medical education, scholarships to girls studying in medical colleges etc., and I believe—I hope the Minister will correct me if I am wrong—that it still holds good and therefore the money that will accrue now, if this Bill is passed, to the Government of India will continue to be used for those very purposes for which the Fund was originally initiated. Therefore I think there need be nothing controversial in this Bill.

SHRI AKBAR ALI KHAN: Sir, I would like to say a few words. I requested yesterday also. I want only just two minutes; I won't take long.

SHRI AMOLAKH CHAND (Uttar Pradesh): Before the hon. Minister replies, I want to ask two questions, Sir.

MR. DEPUTY CHAIRMAN: We have taken 1½ hours. Yes, Mr. Akbar Ali Khan.

SHRI AKBAR ALI KHAN: Sir, it was a matter of surprise to me that the mover of this Bill, who generally comes with a clear statement of the case, has now come forward with a Bill which is most unclear and ambiguous. We do not know where it will lead us to. Sir, the Dufferin Fund was obviously established with a definite purpose, and the definite purpose was to help our women's section in the matter of training as well as in medical relief; and nobody would doubt that these are the most suitable grounds of assistance to them. Now to come with a Bill and to suggest that an association should be established without saying anything whether those aims will be carried out or not, is something which I fail to understand.

The second point I would say is that we do not know what the Fund is . . .

DR. W. S. BARLINGAY (Bombay): May I submit to the hon. Member . . .

MR. DEPUTY CHAIRMAN: Order, order. Let him continue.

SHRI AKBAR ALI KHAN: We do not know what the Fund is and we do not know for what purpose the Fund will be utilised; whether it will be used for the extension of benefits to the women, as was being done in previous years, even that we are not told.

MR. DEPUTY CHAIRMAN: No repetition of these points.

SHRI AKBAR ALI KHAN: So my point is, unless and until these things are cleared up, to come up and to ask for a general permission that all the assets and liabilities should be taken over and all their actions validated and that they should have the blessings of this Parliament is something which is really too much to ask. I would, therefore, suggest that this matter should be cleared up and the Bill requires to be modified after further consideration especially in view of the constitutional point that has been raised by my hon. friends here.

SHRI AMOLAKH CHAND: My first question, Sir, is about clause 4. Clause 4 seeks to give retrospective effect to all the actions. If you read clause 4 you find it mentioned—"Resolutions passed at the extraordinary general meeting of the Association held on the 19th day of April 1948 . . ." This Association was wound up in 1948 and we do not know what happened from 1948 till 1957. And we are now asked, as my friend, Mr. Akbar Ali Khan very rightly pointed out, to validate all the acts of omission and commission done by the Association. We do not know anything about them but we are asked just to give retrospective effect to them.

My second question is this. What is the total amount of the Fund? In the other House, the hon. Minister while making his speech made a statement that India had got Rs. 12,21,380 on partition, that is, in 1948 and Pakistan had got Rs. 1,54,822. But what is



the amount of the Fund which is going to be amalgamated with the Government?

SHRI D. P. KARMAEKAR: Mr. Deputy Chairman, I am deeply grateful to the House for the indulgence hon. Members have shown and for their various viewpoints. Some impatience was expressed—and I think, legitimately expressed—and that was because of some remissness on my part for not having attempted to give full facts. In fact I understood that the time was very short and I did not want to take up most of the time for myself and do injustice to the House; otherwise I have got all the information. Further I expected that the proceedings of the other House would be available to hon. Members here—an advantage of taking up the Bill later here—and there I had given all the facts. That is my only justification for having curtailed my remarks; otherwise I would have given myself the pleasure of taking some more time and giving the full facts. Apart from what has already been said, there has been legitimate complaint that more facts were needed.

The whole Fund, for instance, comes to round about Rs. 15 lakhs including what might be due to Pakistan. With regard to Pakistan, the fact is that some amounts are due to us on account of the Punjab Branch having been divided and on the other side, taking the Indian Fund as a whole, something is due from us to them. So it is a matter for negotiation and if our claim is accepted, we stand to pay nothing to Pakistan but something is due from them to us. So roughly the Fund stands now at about Rs. 15 lakhs. In fairness to the hon. Members who raised some of the points, it must be said that they did so partly because they did not know the amount actually involved and the actual relief that we can give every year. Firstly, the interest on this Fund has been varying somewhere from Rs. 60,000 to Rs. 80,000 a year and as I said just now, the bulk of the Fund stands at

about Rs. 15 lakhs at the present moment. As my hon. friend over there, Shri Santosh Kumar Basu, very rightly observed—and I am grateful to him for the points that he made because he clinched those points in a short speech, I suppose, with great relevancy—the volume of activities that Government have been undertaking in this field are so huge as compared with the possibilities of this Fund, I shall not treat the House to any long lecture about the various items that we have provided for in our plans. Now, just to mention a few items:

Grant to the Lady Hardinge College, which was working under the auspices of the Association, for 1957-58, for one year, the amount that) has been earmarked is Rs. 24 lakhs. Annual expenditure on the College of Nursing, Rs. 4,19,000. Annual expenditure on the Lady Reading Health School, 1956-57, Rs. 1,99,000. Proposed expenditure during the Second Five Year Plan on the integration of public health with the basic course in Nursing Rs. 11,70,000, that is, more than 1 lakh every year. Proposed expenditure during the Second Five Year Plan on 'dais', Rs. 90,00,000. Estimated expenditure by Central Government during the Second Five Year Plan on the training of health visitors to staff the M. and C.W. programme, Rs. 20,00,000. Estimated expenditure by the Central Government on the training of health personnel under the Community Development programme, auxiliary nurse midwives and midwives, Rs. 25,00,000.

As my friend Mr. Basu rightly observes, we have travelled a long, long way. The total comes to more than Rs. 11 crores. Part of it of course includes provision under the Second Five Year Plan, and part of it for this year. It shows the strides Government have been making"; As compared with these budgeted allotments, how much Rs. 60,000 or Rs. 70,000 a year will come to? I wish the hon. Members of this House had really

[Shri D. P. Karmarkar.] said, "in view of the huge programmes that Government are undertaking, what after all is this amount of Rs. 60,000 or Rs. 70,000 going to do? Better add up these with Rs. 15 lakhs" —unless there was a sentimental reason that there was a Fund and there should be a Fund. I would have congratulated hon. Members had they said "you are spending crores of rupees under the Second Five Year Plan, not to speak of Rs. 60 or 70 thousand. We have entire confidence in the Government. You have the whole of this for the Second Five Year Plan"—because, Sir, the projects that are being undertaken today are on such a huge and gigantic scale that, I would submit very respectfully, this Rs. 60 or 70 thousand interest is not really worth the amount of observations that were made and naturally the amount of labour that must have been put behind those speeches. On the merits of the thing, I am quite clear in my mind that even if Government wanted to say—and it does not propose to do that—that it wanted to have today in its hand that Rs. 60 or 70 thousand, there is nothing bad in that. We are thinking of schemes on such a large scale for the women of our country that the House, I am quite sure, would not have minded at all this Rs. 60 or 70 thousand on the merits of the thing. But I am not prepared to comment on the speeches of Members because they were not exactly aware at the moment of the huge expenditure that the Government was incurring on such programmes compared to the small income that this will give us. In my opinion it would be not quite a rational suggestion to concede to sentiment. But we are here to be guided by Members of Parliament.

I gave an assurance to the other House that, supposing we do half of what we propose to do and utilise all these Rs. 70 thousand, it does not do justice to the Fund at all. But to concede to the sentiments of the Members, specially the Lady Members, in **that** House as also in this House,—

because it is ultimately meant for women, women's opinion should be taken into consideration, though largely, according to me, I wish this House had said "take out all these fifteen lakhs, that is another matter", —I said that the funds would, for the time being, vest in the Government and that the funds would be utilised for the original purposes. I did not promise that the interest on the funds would be utilised but that the funds would be utilised for the purposes for which they were originally meant. Some of those purposes are out of date. For instance, the Women's Medical Service was there till about 1947-48. Some of the members were absorbed in the State services. Some 8 out of 16 are still there. Some 6 of them are serving under us in the Lady Hardinge College, and one of them in the Ministry. With regard to them if something accrues to them on account of what was assured before from this Fund, if there is any leave salary or anything like that, whatever was assured will be given to them by Government. But one by one these 16 will come to 8, to 7, to 3, to 1 and then they will disappear, because under the new scheme of things we have nothing like a Women's Medical Service, and that is why we have said that all the assets and liabilities of this Fund will be utilised for the purposes of the Fund.

Sir, even for this limited Fund there was a purpose that could be served, and that was being done during these years, that is giving scholarships to students of the various institutions. As I mentioned yesterday, a few scholarships were given. For instance, after 1955 it has been decided to increase the amount of scholarship to Rs. 50 for girl students studying M.B.B.S., and to give for post-graduate medical education 10 scholarships of the value of Rs. 150, and things like that. After all *it* there is money, there is always a useful purpose for it.

Sir, in view of the opinions expressed in this House—I do hope that

sometimes in the near future the House may change its view regarding the utilisation of the Fund in view of the amount involved—I should like to tell the House that though this Fund, strictly according to the letter of the law, vests in the Government—vests means we can utilise the bulk of the Fund, we can utilise the interest on the Fund—I hope the House will give its indulgence to the Government to decide what is the best way of utilising the Fund. It may be that this Fund will be utilised for the purposes in so far as it could be utilised, some of the purposes may be out of date. To my mind it looks as if the way in which part of the Fund was devoted to the granting of scholarships continues to be a useful purpose.

This is with regard to the essential features of the Bill and what I consider as the vital objection that was made to the Bill. I am quite sure that, had my friend Shrimati Chandravati Lakhanpal and my esteemed friend over there who made observations yesterday in Hindi really grasped the provisions of the Bill they would not have made those observations. They thought that somebody left over some property and Government are trying to grasp it and utilise it for some purpose other than that intended. There is nothing so bad as that. The legal requirement was that we had to divide it between Pakistan and India. We were advised by our legal advisers that we had to take over the Fund ourselves, and therefore we said that this Fund would vest in the Government. As I said a moment ago, this Fund will be utilised, in so far as it is relevant for the purposes, for which it was maintained.

Then my friend Dr. Seeta Parmanand said something about Lady Hardinge College. I confess that there are men teachers in the college. We are today living in an age when we need not make any distinction. (Time bell rings.) I shall finish, Sir, in a couple of minutes. Then there was another observation made. I am quite sure that the States also provide for

exclusively women hospitals or women wards, wherever they are necessary. Personally I do not know how it is so. Except in some types of cases people look to the best doctor possible. I have yet to meet a man who would say, "I shall not be treated by a female doctor". Suppose we have got a cancer expert, who is a man. Will the ladies wait for a lady cancer expert? I believe that the wide world has not been made so exclusive.

My friend Dr. Dube asked me what I was going to do about giving an assurance. I have already given an assurance. I think, Sir, that is about all. I really tried to find out what is relevant in observations so far as this Bill is concerned . . .

SHRI RAJENDRA PRATAP SINHA:  
What is the liability you are taking?

SHRI D. P. KARMARKAR: I will tell the House about that. This is a statement showing the position as it stood on 31st March, 1953. That was the relevant date on which we took up the matter. I find that the total liabilities are about Rs. 22 lakhs which include the following: Liabilities in respect of Women Medical Service Officers in India for ten years, that is, up to 30-9-59, leave salary, study leave, passage money payable to officers of W.M.S., Rs. 1,64,000. Provident Fund deposits of Women Medical Service Officers and the like, Rs. 3,97,307. Recurring expenses—we took them every year—scholarships for under-graduates, Rs. 30,000; for post-graduates Rs. 20,000. Central office expenses, Rs. 10,000. The total liabilities came to Rs. 6,21,527. 1 P.M.

The excess of our assets over liabilities came to, as I said, to Rs. 15,80,333. That is the size of the Fund. I would say that the last Annual Report for the services rendered which was published in the year 1949 was for 1947. I propose to ask my Ministry to bring the accounts up to date and it is only in fairness to the Members of Parliament and the public.

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SHRI AMOLAKH CHAND: What are the assets and liabilities? The liabilities are Rs. 22 lakhs plus Rs. 3 lakhs, i.e. Rs. 25 lakhs. Why not give the figures correctly? Rs. 12 lakhs—is this correct or not?

SHRI D. P. KARMARKAR: It is quite correct—excess of assets over liabilities, Rs. 15 lakhs. It was in 1953. It is quite correct.

SHRI AMOLAKH CHAND: Assets only Rs. 12 lakhs?

MR. DEPUTY CHAIRMAN: Excess of assets over liabilities. Is that correct?

SHRI D. P. KARMARKAR: That is right, Sir. Now, as I said, some amounts are due from us to Pakistan and some amounts are due from them to us.

SHRI AMOLAKH CHAND: May I know where is the Fund now? It is all liability which the hon. Minister is taking with the Government of India from that Fund.

SHRI D. P. KARMARKAR: No. Excess of assets over liabilities, I say I am taking.

MR. DEPUTY CHAIRMAN: Was the Fund on the credit side—Rs. 12 lakhs?

SHRI D. P. KARMARKAR: On the credit side! If on the debit side, there would not have been so much discussion in the House. It is all because there is a little money.

SHRI AMOLAKH CHAND: There is neither credit nor debit. There is some liability and there is more confusion.

MR. DEPUTY CHAIRMAN: He says, excess of assets over liabilities; so the figure of Rs. 12 lakhs is correct?

SHRI D. P. KARMARKAR: Yes, Sir. That is correct. The figure of Rs. 12 lakhs is quite correct.

SHRI H. N. KUNZRU (Uttar Pradesh) : Does this amount belong entirely to the Government of India? It is seen from the notes supplied by the Government .

SHRI D. P. KARMARKAR: They have collected some amount every year for a number of years, I think, about 15 or 20 years. We added on Rs. 3,70,000 every year as subsidy towards the various liabilities to the Women's Medical Service.

MR. DEPUTY CHAIRMAN: Anyway, you have not got upto date figures?

SHRI D. P. KARMARKAR: No, Sir. That was obvious from the debate. But in order to correct that omission, I am asking the accounts to be brought upto date, by the time when the Bill receives assent, and as early as possible, we shall place them on the Table of the House.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3—*Dissolution of Association and transfer of Fund*

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Sir, I move:

"That at page 1, after line 16, the following be inserted, namely:—

'(d) the corpus of the Fund shall be set aside for the purpose for which the Fund was started.

namely, for the promotion of medical studies and facilities for the employment of medical women;

(e) a committee consisting of Members from both Houses of Parliament, with 60 per cent, of representation in the committee to women, shall be appointed to go into the accounts and disposal of the Fund up-to-date and to suggest ways and means to continue and administer the aims and objects of the original Fund.' "

MR. DEPUTY CHAIRMAN: You want to make a speech?

DR. SHRIMATI SEETA PARMA-NAND: A short speech is necessary, particularly after the remarks . . .

SHRI D. P. KARMARKAR: I understand it is quite clear and self-explanatory.

DR. SHRIMATI SEETA PARMA-NAND: I would like to say a few words with regard to this amendment, especially, Sir, in view of the point made by one of the speakers today and particularly . . .

MR. DEPUTY CHAIRMAN: We shall finish this Bill and meet at 2.30 P.M.

DR. SHRIMATI SEETA PARMA-NAND: We heard the speech today from the hon. Member in charge of this Bill. The hon. Member who was his predecessor in the Government where the Bill originated said that she could not understand what the objections could be. Sir, the objections are obvious. Firstly, the statement of accounts are not there and we are asked to pass something about which we do not know anything. Similarly, it was remarked by the hon. Minister that the suggestions made by women Members, in particular, were . . .

MR. DEPUTY CHAIRMAN: No speech, but only about your amendment.

DR. SHRIMATI SEETA PARMA-NAND: I am speaking only on my amendment. My amendment asks, if I may point out to the House, for the benefit of those who have not read it.

MR. DEPUTY CHAIRMAN: You need not read it; it has already been circulated.

DR. SHRIMATI SEETA PARMA-NAND: It reads:

That at page 1, after line 16, the following be inserted, namely: —

'(d) the corpus of the Fund shall be set aside for the purpose for which the Fund was started, namely, for the promotion of medical studies and facilities for the employment of medical women;

(e) a committee consisting of Members from both Houses of Parliament, with 60 per cent, of representation in the committee to women, shall be appointed to go into the accounts and disposal of the Fund up-to-date and to suggest ways and means to continue and administer the aims and objects of the original Fund.' "

It is with regard to this that I want to point out that the hon. Minister was pleased to say that one of the objects, of course, cannot be maintained, *viz.*, paying the women personnel who would be appointed. I want to point out here why I am asking for this Committee: It is because of the fact that it is difficult to get women who would take to subjects like pharmacology, pathology and radiology and it would be necessary from this Fund to offer some inducement to women who would like to come forward to take up such subjects. Only a committee like this would be able to go and find out what the lacunae are or what should be done, to the satisfaction of all.

I submit finally that, when so many years have passed and when there are

[Dr. Shrimati Seeta Parmanand.] so many drawbacks in the Bill, nothing very much would be lost by accepting this suggestion to have this Committee which would do away "with the need for appointing a Select Committee. That would have been the best course, as suggested in the other House. The hon. Minister himself was saying that there was a lacuna that the purposes of the Fund were perhaps inherent in the Government's promise. I would like to point out humbly that, in view of the fact that sometimes, it is difficult to remember the purposes of even a Trust made as in the case of the Lady Hardinge College, it is better to add that and it would be a permanent advice.

MR. DEPUTY CHAIRMAN: (*To Shri D. P. Karmarkar*) Are you accepting it?

SHRI D. P. KARMARKAR: Sir, I "beg to oppose the amendment and that is all that I should say because if I say something more, I am afraid I may skip. For instance, it was mentioned about something rational and irrational. The 60 per cent, representation in the Committee to women is absolutely unnecessary and irrational. That is a matter of principle because ultimately it is a question of no confidence in men and I belong to that category of men. So, I said that I oppose it.

MR. DEPUTY CHAIRMAN: The question is:

"That at page 1, after line 16, the following be inserted, namely:—

'(d) the corpus of the Fund shall be set aside for the purpose for which the Fund was started, namely, for the promotion of medical studies and facilities for the employment of medical women;

(e) a committee consisting of Members from both Houses of Parliament, with 60 per cent, of representation in the Committee

to women, shall be appointed to go into the accounts and disposal of the Fund up-to-date and to suggest ways and means to continue and administer the aims and objects of the original Fund.' "

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

SHRI D. P. KARMARKAR: Sir, I beg to move:

"That the Bill be passed".

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at eight minutes past one of the clock.

The House reassembled after lunch at half past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

### **THE MINES AND MINERALS (REGULATION AND DEVELOP MENT) BILL, 1957**

THE MINISTER OF MINES AND OIL (SHRI K. D. MALAVIYA): Sir, I beg to move:

"That the Bill to provide for the regulation of mines and the development of minerals under the control of the Union, as passed by the Lok Sabha, be taken into consid\*" a-tion."