

**THE HISTORICAL RECORDS (OF NATIONAL IMPORTANCE) BILL,**  
1957

**DR. RAGHUBIR SINH (Madhya Pradesh):** Sir, I move:

"That the Bill to provide for the declaration of certain historical records to be of national importance and to provide for their preservation and due management and certain other matters connected therewith be circulated for eliciting opinion thereon by the last day of February, 1958."

This Bill can very rightly be called a Bill for an archival law. Before I proceed to the other aspects of the matter, I would like to tell House what the hon. Minister of Education said in his speech before the Indian Historical Records Commission in 1951. He said:

"I need hardly stress before a learned audience like this the importance of the preservation of records and other historical material. Once such source material is lost, it can never be restored. Its preservation is, therefore, a sacred duty which the present generation owes to future generations."

Two or three years earlier, Maulana Saheb similarly stated before the meeting of the Historical Records Commission held in 1948 in Delhi:

"Many things must be done to make our National Archives perform its proper functions. Of these, the collection and preservation of records and manuscripts is perhaps the foremost. Records dispersed throughout the Provinces and States must be brought to one common centre and steps taken to ensure their proper care. The climate of India is an enemy of all types of documents and air-conditioning is essential if records and manuscripts are to be maintained in a proper state of preservation. The importance of this task can be judged from the fact that once such manuscripts are lost, there is no way of replacing them."

Therefore as a result of the mature and considered collective wisdom of the Constituent Assembly, specific provisions were made in the Constitution of India in respect of historical records. We have got item No. 67 of the Union List of the Seventh Schedule of the Constitution, where provision is made for Union Government to make laws in respect of historical records of national importance. In respect of all others, the Constitution provides in item No. 12 of the State List. Over and above that, there is also the Directive Principle of State Policy relating to the protection of objects of national importance which naturally include records also, embodied in article 49 of the Constitution. The House might be interested to know that in the beginning the Drafting Committee that drafted the Indian Constitution did not include records, because the Drafting Committee was following the model that was followed in drafting the Government of India Act of 1935. For reasons of their own, the British Government was not particularly keen to bring out the question of the national archives in very great prominence. If I am not very wrong, the Education Ministry itself was at that time very anxious in this respect to see that the subject of records was duly provided for in the Constitution of India. Therefore, this omission was set right by an official amendment moved by Dr. Ambedkar himself and accepted by the Government on the 31st August 1949. It seems to be no sheer coincidence that on the eve of that very day, which is to come tomorrow, we are considering this Bill in this House.

This provision, as I said, of archival law was duly embodied in the Constitution only in 1949, but the matter has been before the Government of India since 1930. In the public meeting of the Indian Historical Records Commission held at Patna in December 1930, this subject was for the first time raised in a memorandum contributed to the public meeting by Lt.-Col. H. L. O. Garrett, the then Keeper

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of the Records of the Government of the Punjab. He said:

"Speaking generally, one is struck by the great contrast between the English and the Indian methods for the preservation of public documents. In England such preservation rests upon various Acts of Parliament..... In India, we have had, so far as I know, no regular legislation on the subject."

As a result of that, a resolution was passed in 1930 by the Indian Historical Records Commission which suggested that legislation similar to that in existence in England should be introduced at an early date, both by the Government of India and the Provincial Governments, for the preservation, destruction, etc. of public documents. This is very significant that the British Government did not very much like the proposal thus made by the Indian Historical Records Commission. What they said was this:

"In view of the difficulties and the cost involved in the separation of the confidential from the non-confidential records in the various record rooms in India the Government of India decided that it was not very necessary to introduce any such legislation in India"

Naturally enough, nothing was done in this respect during the rest of the period of the British regime in India. But the question was not allowed to remain latent. After one full decade, during the years of the Second World War when the question of the post-war reorganisation of various cultural activities was being considered and a detailed scheme for the post-war reorganisation of archives was being considered, this matter was once again raised. The proposals in that respect were duly approved of by the Indian Historical Records Commission, but the question had to remain pending till the advent of Independence and it was only after that something more could be done in this respect. Unfortunately soon after the

Indian Independence we were too busy with the drafting of the Constitution and the details of the power of the Centre as well as of the States were not finalised for some time. So the question remained pending for some time. Only after the Constitution was finalised the question was again taken up. In December 1950 the Commission was informed about the then position in this respect as follows:

"The question of enacting legislation on archives was now under the active consideration of the Government of India. It was decided that the first step in this direction was legislation declaring certain categories of records being of national importance. A draft Bill had been prepared for this purpose which if made into law, would authorise the Indian Parliament to legislate on them. The Bill had been under the Government's consideration."

It seems unfortunate that just at this time Dr. S. N. Sen, the first Director of the National Archives of India, left that office and took up the Vice-Chancellorship of the Delhi University. One must on this occasion pay due tribute to Dr. Sen for what he did in making the Indian National Archives a real centre of research and important historical studies but, unfortunately, it seems that with him departed the initiative, activity and originality of the Archives Department and from then onwards, there seems to have been continued lethargy in that Department. Two years later again at Bhopal in February 1953 this question of archival law was raised at the session of the Indian Historical Records Commission when as many as two resolutions were tabled on the subject by two different members. Thereupon it was reported to the Commission that the matter was receiving the attention of the Government of India and the implications of the proposal regarding archival legislation were being scrutinised. It was also stated then:

"The question of archival legislation has been taken up with the Ministry of Law, Government of India. As the legislation will involve the setting up of a suitable machinery to enforce the proposed law, the implication of the proposal are being carefully examined. After a draft bill is prepared the Ministry of Finance may have to be consulted regarding the Financial obligations which the Government of India will have to meet under the provisions of the new law."

The position seems to be that in his great zeal, Dr. Sen made certain detailed proposals of creating a very big machinery for bringing into operation the archival law which will not only be able to do much for the records of the Central Government but would also enable the Central Archival Department to regulate and do much for the archives of the States as well by way of advice, inspection and the like. Now, these proposals, grandiose and complete as they were, brought about with them some difficulties. I am not in the know of the secrets of the Ministry of Education, but from what I can see from the records. I find that somehow the Government of India because of all these detailed extensive schemes and proposals have been completely sidetracked from its main objective and thus the question of providing the necessary archival law for the records under their control and of national importance has somehow not been taken up. The legal, constitutional and financial difficulties which bristled all around this big project of a central Archival authority have thus brought the activities of the Government of India to a standstill.

Now, in the form of this Bill I am making a humble effort to resolve that stalemate. That is my main objective in introducing this Bill. For, I think this Bill provides a certain and specific basis on which we can go on and provide the requisite law of the type that should fully serve the

required purpose without bringing all those difficulties which may have to be faced and the extra financial burden which Government may be most unwilling to take upon itself. Therefore, I have introduced this Bill in the House for due consideration and consequent enactment in due course of time. The importance, need and urgency of such an archival law cannot possibly be over-emphasised. The problems relating to the proper survey, preservation and management of central records and other documents in the custody and control of the *National Archives need not be dealt with at this stage at length*; but more than the question of the records and the important objects now in the custody of the National Archives, there is also the question and the object about the records in the custody of the various States. For that I would only like the House to know what one of our eminent colleagues here, who should be in the possession of the actual facts, has said in one of his speeches at the Sessions of the Indian Historical Records Commission. I refer to Shri Humayun Kabir who said while addressing the Session at Hyderabad in February 1954, as follows:

"I am sure you will share my regret that some States have not yet found it possible to set up Record offices on scientific lines. Their records are liable to damage and may even be lost to posterity if immediate steps are not taken to place them in well-equipped and properly staffed repositories. The condition of private and semi-public archives is also causing serious concern to historians and archivists and I hope early steps will be taken to ensure their care and preservation."

[THE VICE-CHAIRMAN (SHRI RAJENDRA PRATAP SINHA) in the Chair.]

Those of us who know something about the various State archives are well aware of the fact that the records in the possession of the important States like Rajasthan, Hyderabad and even former Madhya

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Bharat are such that they will throw a new flood of light on the history of the country. If I am not wrong, the Madhya Bharat Government could not ever duly organise its record room. The condition of the records in Rajasthan is equally deplorable. I know that the Central Government, specially the Education Ministry, is taking some interest in the matter, but I want to ask the Education Ministry how they would be able to advise or insist that there should be a proper archival law or a proper system of arrangement and management for the various State archives unless and until they have their own house in order. Therefore, Sir, to make it essential for the States to take up this question of archival law and for them to properly organise and have their record rooms of the right standard, it is very necessary that the Central Government should have its own archival law.

I would like, Sir, in this connection, to point out to the Education Ministry that it is more than fifty years now since the Ancient Monuments Protection Act was passed by the Government of India. In spite of all the persuasion that they have been using, in spite of all the efforts that they have been making, I am afraid no State has as yet taken any steps to have its own State law on this subject of the protection of ancient monuments. For this reason, I would like to impress upon the House the need for paying special attention for having an archival law for the historical records of national importance. In that way, we shall be putting before the States also the correct example. In this connection, may I point out that more than the States, the problem of the records and documents in the possession of private persons is all the more vital and difficult? In that connection, I would take the liberty of quoting once again Shri Humayun Kabir. In his speech at Hyderabad he referred to the subject and said:

"Public records are not the only documents that need to be preserv-

ed. There are various types of records relating to land, agriculture, commerce and business each belonging to many private families. With the gradual disappearance of landlords and the decay of many old commercial bodies and firms there is risk that these records may be passed on or even destroyed."

I would also like the House to know what the hon. Minister for Education, Maulana Saheb himself, said in the speech delivered at the Historical Records Commission in 1948:

"Today only a fraction of our records are available to us in the National Archives, but scattered throughout the land there are family documents, sanads, firmans and ancient manuscripts which will be lost unless they are acquired without delay. The present is also the opportune moment to appeal to the public to hand over such documents to the National Government. Such appeal will meet with readier response now than perhaps at any other time."

Some specific steps in this respect have got to be taken by the Central Government in view of the fact that there is a Directive Principle embodied in the Constitution under article 49. I would like to say that in the Bill that is now before us and which is going to be sent out for eliciting public opinion, special provision has been made empowering the Director to take into custody and control, whenever the need arises, documents of national importance. I refer to clause 7(1)(c) which says:

"The Director shall receive in his custody and control—

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(c) any records belonging to any State or private owner, either deposited with"—

I must clarify the point here that it should be deposited at their will, at the will of the private owner—

"or gifted to the National Archives of India, and which are

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deemed to be of sufficient historical or other value and importance for being preserved therein."

Now, Sir, to carry into effect this Directive Principle into action, it is very necessary that due facilities should be given to the people, due facilities should be made available at the National Archives, so that the owners who have got such important and valuable documents can hand them over and have them duly preserved. But, Sir, I would like to point out that unless and until we have got a proper archival law which will duly inspire confidence amongst the private owners that the documents preserved there will be duly cared for, people may not be forth coming with their documents. The Director of the National Archives will not only be responsible to the Ministry but for purposes of proper check, a report is also to be laid on the Table of the Houses, so that the sovereign body can also have a check-up. I hope also, Sir, that a proper atmosphere will thus be created, and that what Maulana Saheb wanted to be done, the object he had so clearly stated nine years ago, will be easily achieved. It is with this object that I have endeavoured to produce this draft Bill.

I may take the House into confidence and say that in drafting the Bill I have taken into consideration the provisions in the archival laws that are available now and which are in force in the U.K., U.S.A., Canada, South Africa and some other countries also. I have also taken into account the points that have been raised in this connection in the Grigg Committee Report. There are wiser men than myself who can give necessary advice on the subject; there are persons who have spent years in this work and there are bodies which have been continually interested in this sort of work. There are also administrators who can give due advice regarding the administrative difficulties or problems that may arise in this con-

nection. It is with this view that I have moved the motion that is now before the House.

THE VICE-CHAIRMAN (SRI RAJENDRA PRATAP SINHA): Motion moved:

"That the Bill to provide for the declaration of certain historical records to be of national importance and to provide for their preservation and due management and certain other matters connected therewith be circulated for eliciting opinion thereon by the last day of February, 1958."

DR. NIHAR RANJAN RAY (West Bengal): Mr. Vice-Chairman, Sir, Dr. Raghubir Singh deserves the congratulations of this House for having introduced a Bill of this kind. It has been introduced none too soon. I need not take the time of the House in placing before them a history of the evolution of archival administration in our country; neither is it necessary at the moment. It is, I believe well-known that our National Archives became an organised national institution in the true sense of the term, only in very recent years, and not before Dr. Surendra Nath Sen took over charge of the then Imperial Records Department that it took on a national scale and colour, that the technique of archive-keeping was placed on a scientific footing. The technique of preservation, which is very important in archival administration, was only inadequately known and practised in our country and it was during his regime that he raised it from the stage practically of scissors and paste to that of a modern scientific preservation system equipped with modern apparatus and appliance. He also introduced improved methods of calendaring, of indexing and filing, cataloguing and classification and so on and so forth. It was also during his regime that the doors of the Archives were thrown open for serious students of history, so that they could take advantage of the huge mass of materials that had been gathered there

[Dr. Nihar Ranjan Ray.]

since 1891. We must not forget that our historical records are as valuable as our ancient and mediaeval monuments and other artistic and literary treasures. Indeed the National Archives of India is perhaps one of the richest archival centres in the world. But, as has been pointed out by my friend and colleague, Dr. Sinh, India has not yet been fortunate in having a really dependable archival law. In British days archive administration and regulation of collection and preservation of archives were offered through executive notifications. The makers of our Constitution were conscious of the limitations we had been suffering from and they therefore, made provisions for the introduction of a well-thought-out archival law. Ten years have passed since Independence and we have not yet been able to have on our statute book a well-thought-out law for collection, preservation and administration of our national archives. It is a well-known fact and every historian knows that national awareness depends among others, on one process that looks backwards. It derives its inspiration from achievements of the past and it feeds itself on history. This historical consciousness is, in no small measure, derived from these invaluable records of the past that we are referring to. I am not speaking at the moment of our ancient and mediaeval monuments of religious, social, aesthetic and archaeological interest. At the moment we are confining ourselves to the question of historical records of relatively recent centuries.

The draft of the Bill introduced by Dr. Sinh includes not only historical records of recent importance but also writings of other kinds. Certain facts more or less are well known. Dr. Sinh has already mentioned under what conditions of indifference and neglect records in private individual and family possession and in possession of business houses and State Governments are kept. Except in the Bombay State, the State Record Rooms are black dungeons in which are stor-

ed, not always on shelves, but in bundles scattered all around, very valuable documents. I can speak from my experience of Bengal records. At Serampore and Chinsura there are Dutch records of invaluable historical importance, but they are very ill-cared for. The Government of West Bengal has a regional committee set up at the behest, I believe of the Indian Historical Records Commission, but they have no scientific storage system, no building of its own, and no systematic method of collection and preservation. There are also records scattered in different places, especially in the district courts.

If this is the state of State records of importance, of family records and personal historical records nothing need be said at all. I know of family records, records of big business houses in places like Azimganj in Murshidabad, even in Burra Bazar of Calcutta, records that go back to the beginnings of the nineteenth century, and if you run through these records you would find that there are current prices of the times, current prices of agricultural produce, of products of village industries and conditions of marketing. We must not forget that a man of the stature of Professor Trevelyan wrote his economic history of England not exclusively from the archival storage of the Chancery Lane in London, but from the records of business houses, from the records in private possession. The social history of Great Britain has to be written and has been written not from official archival records but from the records of private families. Now, these private families in India that can claim lineage for say fourteen or fifteen generations and that have a settled habitat in one and the same place, such families have their own records, and so long as we have no archival law on our statute book to collect and preserve these documents, the total history of India will never be written. Unfortunately, up to now our attention has only been centered round political history. If we are ever to write our social and economic history

write our social and economic history we have got to save these records. Ten or fifteen years hence these records will not be there. Parenthetically I may say that even after Independence, I have known historical records of importance crossing seas and finding their habitat in foreign countries. I have knowledge of a manuscript that I saw somewhere in India in 1950-51, two years later I saw that manuscript somewhere in the United States. Somehow or other we have got to stop it, and we must have something on our statute book, a law on the lines of the Bill that has been introduced here or, may be, in some other amended form. This morning Dr Raghbir Singh introduced another Bill in respect of our ancient monuments. I believe I am not giving out any secret, but I know that the Government is preparing the draft of a Bill on the subject which from my personal knowledge I know is a much more comprehensive one, perhaps. Once this Bill has been introduced, the Government may decide to have more comprehensive Bill instead. Dr Singh has suggested that this Bill may be considered by specialists. There are many who have spent their lives in the study of archives. They are amongst us. Their experience we can count upon. This Bill can be improved upon by them. This can go before the Indian Historical Records Commission and the Indian History Congress, for example, and they might suggest improvements. Those who are concerned with archival administration under the Ministry of Education, they may also suggest comprehensive amendments to improve the Bill. I am therefore sure that there is need for such a Bill as has been introduced here. Maybe it will at least make the Government start thinking on these lines and present before us a much more comprehensive Bill if necessary, and perhaps more well-thought out. The Historical Records Commission has gathered experience of more than a quarter of a century and they might be able to give suggestions. Therefore, the motion for the circulation of this Bill is a very happy one.

In this connection I would like to mention another thing. Perhaps, it is being attended to by the Ministry, I do not know. I support Dr Singh when he said that since Dr Sen left, our archival administration—I won't use any strong word, I would only just say this—has been very unhappy, most unhappy indeed. For quite a long time it has been without a Director. I am told a Deputy Director has recently been appointed. I do not know whether he has taken charge.

DR RAGHUBIR SINGH: Not so far.

DR NIHAR RANJAN RAY: I suppose he will be taking charge in the course of a few days. In any case we must be able to make up the loss in the efficiency of the administration, more so in respect of the preservation and publication of the documents. That is a very important thing. Hon. Member present here may recall that when the records were centralised and brought over to Delhi, there was some opposition against the move because of the climate of Delhi. This has been rectified, science has rectified it. We have air-conditioned stack rooms and we have much more improved methods of preservation today. Delhi, being the most central place, more and more people in increasing numbers are taking advantage of our invaluable archives. I would request the Government especially the Ministry of Education to see to it that the archival administration is set right without any more loss of time and the sooner we do it the better. I support the motion for circulation. Thank you, Sir.

SHRI BHUPESH GUPTA (West Bengal): Sir, I rise to support the motion and I express our feelings of great appreciation for the Bills of this kind that are brought from time to time by the hon. Dr Raghbir Singh. I wish the Government itself had felt the need for sponsoring measures as these because the Government business always has a precedence and importance of its own. I do not know why it has not been possible for the

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Government to undertake legislation on this subject instead of leaving it to one of the Members to take up such things. We know the Government attitude towards private Bills. Generally in these matters the initiative comes from a private Member, especially Dr. Raghubir Singh. His interest in this matter is considerable and undoubtedly deserves very great appreciation from everyone who is interested in a subject like this.

Now, as we are discussing we have with us the hon. Minister himself and I think that he will agree with me that his Ministry is not generally regarded to be a very important one in the set-up of the Congress Government but, in our view, we consider that the Education Ministry is a very important one and it should be given all possible assistance and co-operation because in many matters that come up in that Ministry, party barriers disappear and it is possible for all of us to work together, to put our heads together and evolve measures and policies which would be to the best interests of education in the country. Therefore, I would ask that matters such as these should be taken up even in private conversations, informal conversations, by the Minister on his own initiative or at the suggestion of others, so that we can discuss what measures should be brought before the House. But it is a good thing that the initiative is coming also from a private Member opposite whose knowledge of such matters and interest in this sphere are considerable and laudable, as I have said. I would therefore suggest that people like him—and I trust there are many in this House, the hon. Member from Bengal who has just spoken is himself an eminent educationist and historian who has got very rich experience in matters such as these—should be consulted on such matters and their advice should be sought not always when you bring forward a Bill but even to formulate ideas; and sometimes it is even necessary to consult such

eminent people in matters such as these when something strikes as being important or whenever any idea originates in their mind. Therefore, I would ask the hon. Minister to initiate such consultations with the educationists of our country or with people who can help in such matters. As far as we are concerned, I think we have become too much of politicians to render much help in such matters. We are, as you know, absorbed in political activities so much so it is not found possible to divert our attention to activities of this sort. Yet we feel that until such matters as our archival development or the preservation of historical monuments etc., are given due attention, very little can be done by way of cultural progress, by way of social, political or cultural renaissance that we want to bring about in the country. Therefore it goes without saying that this occasion is a very happy occasion for all of us who have an opportunity to participate in a debate of this kind. It will not be for me to offer any competent advice on the subject because I confess I have not much knowledge of this, yet we are deeply interested in it and we read literature about this, about what happens not only in this country but what is happening in other countries. We read about it in the various journals and publications and we also occasionally come across people who throw a lot of light on this subject and therefore we have got some rough and ready experience on which we can rely when we speak.

Sir, I need not dilate on the history of the archival development. After all, the hon. Dr. Ray has spoken on this and I think his opinion should be given due importance. He is an analytical person and has considerable experience; the hon. Mover is another such person who can throw a lot of light on such matters. As Dr. Ray had pointed out, this involves collection of records, their preservation and the administration of archives. All the three are important and they



should go together. I think we had been very much deficient and negligent in such matters; we have all been too preoccupied with other economic and political matters and very little attention has been paid to these matters which may not seem very urgent or may not seem very pressing today but which has an undoubted importance if you look at it in the historical context—whether you look back or look forward it does not matter. Therefore, it is of utmost importance that the hon. Minister and the Education Ministry must take considerable initiative and interest in the development of archival system in our country and of archival institutions.

2 P.M.

Let me start with the question of collection of materials. I do not know the details of the law, as to whether we are collecting everything, how we are collecting, how the collection is going on; but it is quite possible that many documents of historical importance, records of historical importance are not made available to the Government or are not collected. They remain with either private individuals or with institutions who do not probably realise their importance or may not be in a position to preserve them, because the preservation itself is a big job. It sometimes costs a lot of money. It is not possible. For instance, in Bengal Prof. Ray gave certain examples of districts. Why districts? You can go to the Writers Buildings in Calcutta and there you will see a dark room where certain things have been packed up in brown paper and kept. And I am told they contain very useful materials.

DR. NIHAR RANJAN RAY: It is more or less the same thing in the Calcutta High Court.

SHRI BHUPESH GUPTA: Same thing. Now, Sir, I can tell you because I know some people who work there, who talk to me. Things are kept in utter neglect. Nobody looks

after them. Sometimes when there is an agitation, when people like him write articles or when there is some agitation in the public press something is done only to create an impression that they are being looked after. But we know from those who are close to them, who work in that building or in the next room, that they are not at all looked after. Somehow or other they are made into stacks and kept and preserved there. I do not know whether any day somebody will go there to give more attention to it and I hope the hon. Mr. Basu from West Bengal would not consider that to be propaganda, when I am saying that . . .

SHRI SANTOSH KUMAR BASU  
(West Bengal): No.

SHRI BHUPESH GUPTA: . . . because I do not mind which party rules Bengal, but I would like some Education Minister or some such people in official positions, instead of wasting their time in the Secretariat office room and gossiping, talking throwing favours, give a little more attention to the documents that are there and see they are well preserved. Irrespective of parties, I would not mind if my hon. friend Mr. Santosh Kumar Basu, undertakes that job. It is not a party question at all, because these are our heritage, these are the nation's heirlooms. They are to be preserved, no matter who comes into positions of authority and power. That is how I view. Unfortunately that is not being done.

Now, I am told that some of these things are getting destroyed. Bengal is a place of great importance. The Company rule was there. So many things happened there. As you know, right from the beginning of the British rule—I am not going back further. I am just dealing with the British period—a lot of things happened which would throw a great lot of new light on the history. Perhaps many things that we would like to know and we do not know are con-

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cealed in neglect and in derelict condition in those stacks and are lying in the Writers Buildings. Who knows who will open them; who knows whether the nation will ever see them; who knows whether the generation that will come after us will have the advantage of looking into them, digging into the glorious history of our people and also finding out as to how the Bengali people behaved under the British rule? What was our history as it was being made? Today we have advanced a lot. We can claim very many great things. We have achieved many things, but that was not done in a day. Now, these materials are all there. I can tell you the history of the terrorist movement in Bengal. As you know, I do not believe any more in terrorism. At one time I believed in that movement and suffered. Today I do not believe in it. At the same time I can tell you that plenty of records are there which would show, tell you, as to how the Bengal's national movement developed and what contribution these terrorist men or those bomb revolutionaries who participated from the time of Aurobindo and before made in making the new modern India. And these records are kept where? They are kept in the Calcutta High Court and Lord Sinha Road, where you get most illiterate officials sitting who get into high positions because they know how to make false reports, frame up charges, arrest people, beat up people, become deputy commissioners and what not. These should be the last persons to be entrusted with the preservation of the nation's heritage. I was told that when the power was transferred some bonfire took place in the Elysium Rowe and Lord Sinha Road. Certain records were destroyed. These historical records were destroyed. I do not know whether an enquiry has been made into it; but I know for certain that some of the documents and records, which would have been of great historical importance, were destroyed, almost immediately as the power was transferred. If I were put in power

at that time, I would have taken the military and surrounded that place to preserve the whole thing. I would not have allowed any police officers to destroy anything. I would have made it a great penalty and punished those who would destroy such things and indulge in such vandalism. I would have done it. But the Congress Government were so overwhelmed with power and the taste of power that they had no time to look into that matter. They were busy with something else and the bonfire took place.

SHRI SANTOSH KUMAR BASU: Their own dossiers were also burnt.

SHRI BHUPESH GUPTA: That is all the worse. Why was it so? Therefore, I tell you that in the beginning we did not give even the elementary attention to it; we never thought along that line. It is only latterly that we began to feel that something more must be done, that things were not proper. Now, even today records are there, records of great importance. Is it not of historical importance to find out as to the background conditions in which Kshudiram Bose threw his bomb in Midnapore? It is of importance to us. I can give many things. I refer to the political subjects because they are of interest to me; and other subjects I leave to my hon. friend. Now, Sir, go back even to Nandkumar's hanging. Records are there. Records had been there. The courts had taken place there and I am sure my hon. friend, Mr. Ray, knows a lot about it, because he has written many articles. He has traced the earlier history. He has been studying this subject. It is known that some of the documents have already gone to England earlier. What is the step Government taking to recapture that? We are told that we can do nothing. We are supposed to be in the Commonwealth and every time we are told how fine the Commonwealth is. It is a glittering association where the Prime Ministers shine and flourish. But can't we get those records which have been taken away from this

country, carted away from this country and dumped into the India Office of that time in Whitehall? How to get that? I am told that some materials of importance connected with the great rebellion of 1857 are in England. Is it not possible for us to try and get them? Cannot we enter into negotiations with them? That should be made. I do not say, send your army, or send your navy or a flotilla to recollect those things. Nobody would make that suggestion. But it is possible to persuade; it is possible to talk; it is possible to doggedly pursue the matter, so that such materials of historical importance are brought back to the country. I went to Armenia, for instance.

DR. NIHAR RANJAN RAY: The Education Minister himself tried it. The Education Minister himself, Maulana Sahib, went to London to negotiate it; but nothing has come out of it so far.

SHRI BHUPESH GUPTA: I know that. I am very grateful to the hon. Member. He has reminded the House of the lamentable negotiation that took place. Well, if the British behave in this manner cannot we retaliate? If they hold back the records that belong to us, cannot we retaliate? Can't we think? Have we become all Buddhas in such a way that we will not do anything? Maulana Sahib went there. I know. I do not accuse the Education Ministry of not doing anything. In fact, it has been doing something and it has been treated harshly, without sympathy, and has been denied the dignity to which it was entitled. Therefore, I say the Government should do something about it. They can do. It is possible to bring pressure upon the British. It is necessary to do so in order to get this thing done. We can also withhold some of the things—what those things are, I need not mention. Certainly, there are the historical records—a whole past of 200 years. They are there. But, certainly, we can also say that, unless you do this thing, we will consider it to be an act of

unfriendliness. Such things are there in international law. We will declare it to be an unfriendly act. If we make these protests from the public platform, it will have effect on them. I tell you, if Prime Minister Nehru were to make a statement of this kind in the top circles there in London, there will be a lot of flutter and I think that they would retrace the step that they have taken in denying India of its records. Why is he silent? He himself is a learned man. Why is he not saying anything? Can he not tell Macmillan that it is time that he returns the documents in his possession to India. But what comes in the way? Now, these are the questions that I place before you. I know that, unless I shout about these things from this side, there will not be anybody there from that side, because you have your difficulty. I know. The ladies and gentlemen sitting there share what I am saying, I know. But they will not speak. But they are strongly of the opinion that these should be collected from Britain.

I went to Armenia. I was shown historical documents. Some of them have been collections. Photostats of these collections should be brought down here if we want to have them. We know how they cherish these things. How proud they were to show us documents which tell the story of the fight between the Armenians and . . .

DR. NIHAR RANJAN RAY: I asked a question on this very subject on the floor of the House, but I did not get an answer.

SHRI BHUPESH GUPTA: You will not get an answer because in these things, there is a heavy discount.

DR. NIHAR RANJAN RAY: May I just point out to Mr. Bhupesh Gupta that the External Affairs Ministry sometimes ago issued a directive—the Education Ministry also joined in, I believe, to their foreign missions that documents and other things of

[Dr. Nihar Ranjan Ray.]  
historical interest to India might be collected by the missions concerned.

SHRI BHUPESH GUPTA: Sir, I am very conscious of the instructions that are sent. If you think merely in terms of instructions, written papers and cyclostyled documents, the Government of India would compare very favourably with other Governments because it sits on mountains of cyclostyled papers and instructions most of which are not acted upon. I agree that the directive had been sent. But the point is this. A Bill of this kind has taken so many years to come up here. Ten years after we got Independence. That is a sad commentary on the state of affairs. I am not accusing the Government. But tell us, how many of the educationists had been consulted? How many steps have been taken vigorously? These are the questions. There a statute is very important. Circulars you can write, lots of circulars you can send. The point is: Have you developed a vigorous attitude, an aggressive attitude in such matters to get at the treasure of India, heritage of India? I would, therefore, suggest that every effort should be made. With China, we have developed relations. Some of their things may come in our country. It will be on a mutual basis. Sometimes, you may take photostat copies of things. That is how it should be done. Why lay down any rule, a definite procedure?

All that I say is that every effort should be made, especially in regard to England. Britain should be told that it must know how to behave. We sent our Education Minister. They never sent anyone, not even an Under Secretary, to come here to deal with this.

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION AND SCIENTIFIC RESEARCH (DR. K. L. SHRIMALI): May I submit, Sir? Mr. Bhupesh Gupta is always interesting but he is dealing with things which have absolutely no relevance to the Bill at present.

SHRI BHUPESH GUPTA: I do not know how it is irrelevant. You see, this is the attitude. This is the attitude which I am fighting. They even refuse to think. How does it become irrelevant? If you want to build up your National Archives, you have to get all those documents and this is a Bill which relates to it. How can you build up your National Archives and make it as perfect as possible, as national as possible, as historical and significant as possible, until and unless you get at the records that are lying elsewhere? I cannot understand. That is why, sometimes, I feel that I am crying in the wilderness. Even in respect of the Education Ministry which does not do this *lathi-bazi* in the country, it is not relevant. Even in regard to that Ministry, I have to cry my lungs out to make this point go home that these records have to be procured. Hon. Dr. Shrimali is a very learned person himself. Generally, he has got a receptive mind. That is what I thought two years ago. But once you enter that little place called the Council of Ministers, I think there is a lot of smoke and a lot of other things that cloud your vision and everything and comes in the way of thinking straight. I do see the difficulty from which my friend suffers, but still I would like to lift him by the hand and to tell him which way he must sit. This is what I am trying to do.

Now, collection of those documents is very important. I may tell you, consult a competent body of opinion, see how best we can collect or preserve the documents that are lying with private individuals, business houses, district courts, the secretariats and the police departments in the various States. I ask you: Do not leave things with the police because they should be the last persons to be entrusted with these things. Collect these things. Then, at the State level, there should be proper arrangements. A lot of money is being wasted. If it is necessary to preserve these things to make some more arrangements, I am prepared to spend something

because, after all, I know what I am standing for. Therefore, I would like to recover them, to save them, from the dungeons, from the rooms or from the places where they should not be and place them in the proper places and keep them under modern conditions of preservation. It should not be the practice at the National Archives only or at the Centre. It must be the policy everywhere, in every State. That is also very necessary. The State Governments are not at all interested in this. At least we discuss this thing here. I think we have not got a quorum to discuss such a thing. But the State Assemblies do not have any time for discussing such a thing at all. I can understand the reason. They are busy with their Police Ministry. The *lathi* and the *baton* take all their time.

THE VICE-CHAIRMAN (SHRI RAJENDRA PRATAP SINHA): Let us not criticise the State Assemblies here.

SHRI BHUPESH GUPTA: No, we do not discuss them here. The State Governments are very guilty, they are guilty of neglecting this thing. They do not even discuss such subjects. Even the Congress Party cannot produce a Bill. A private Member has sponsored a Bill of this kind, let alone other Members. This is the position in the country. Therefore, we should discuss these things here and we should take the initiative. The Centre should take the initiative. The States should be inspired and they should be given the responsibility, if necessary, financial assistance, to look after these things.

So far as collection is concerned, it is of very great importance. My friend Prof. Ray has told you how Travelyan wrote history. Whatever we may write in future, such materials will be absolutely essential for understanding what India was in the past so that we can draw upon the past in order to understand our future. Then, Sir, about preservation. As I have already told you,

they are neglecting this. Then coming to administration, I am very very pained to hear that after the departure of Dr. Sen, the administration, to use the mild expression of my friend, Prof. Ray, is becoming very unhappy. Then he added 'most unhappy'. He is a very subtle person, uses a very subtle language and naturally, he would not like to use the language that I would like to use and I would not expect him to do so. But, I do not think that, if you say, 'most unhappy', it explains the situation. It is a kind of metaphysical expression that does not take you very much anywhere. I think the Administration is misconceived. I think the Administration is not quite conscious of the task that has been reposed in its hands. I think the Administration is undemocratic. I think the Administration is indifferent to the needs of its task and its duties. This is what I say. I think the Administration has not developed that spirit with which such an institution has got to be developed so that it prospers. It lacks imagination; it lacks the spirit of research; it lacks the spirit of respect for such institutions. This is what I say. I do not have before me any individual that way.

I will give you just one example. The National Archives are there. Do you know what is happening there? Political influence and behaviour is indulged in. The mentality of the police dominates at least some officers' minds there. I know of a case where a person, a Punjabi gentleman, who was doing some research work there—he had got permission to do such work—was suddenly called and asked to discontinue his work. The permission and the card were withdrawn on the suspicion that he was a Communist, and the papers that he had prepared were all taken away. I am not talking of the papers belonging to the National Archives. Out of some Archives material he was preparing certain things. He was doing some research work on some aspects of the national movement, and

[Shri Bhupesh Gupta.]

the authorities took those papers away from him. Of course, if they had been with me, they would never have got them. I would have placed them on the floor of this House for the benefit of all concerned. But that gentleman could not do anything. He was asked to quit. Ground? Suspicion that he was a Communist. May I know, Sir, since when has this Constitution laid down that the Communist Party members or the supporters and the sympathisers of the Communist Party cannot go to the National Archives and take the advantage of the valuable material there and pursue their research? I call it 'Macarthyism' in a miniature form. I want this National Archives to be got rid of the spirit of Macarthyism and be inspired by a different type of outlook and ideas. I am making this suggestion because the whole thing had been published in the 'New Age' which is the central organ of the Communist Party. I want that the Government should study this thing. I would request the hon. Minister to ask for a copy of that paper, or if he wants, I will send a copy to him. He should go into this whole matter and examine why it happened. I know of other cases also. Now, some people are always apprehensive that if some political suspicion arose, people would be thrown out of the Archives. I can understand people to be suspected, who are enemies of the country or who are foreign nationals, and all that. But there were all nationals there. And I think everybody should have the opportunity of doing research work. Be he a Congressman, a Communist, a Praja Socialist, or be he a Minister, a Deputy Minister, an ex-Minister, a Parliamentary Secretary or a would-be Parliamentary Secretary, all of them should have equal opportunities of research work. This harassment should be avoided, because who has told you that the Communists and others cannot do the research work? Who has told you that it is only the privilege of certain other people to do the research work?

Therefore, Sir, I say that this mentality has to be given up.

Sir, the hon. Minister has said the door has been thrown wide open. I wish it was so. To some extent, of course, it has been so, as compared to what it was in the days of British imperialism in this country. But even so, some new prejudices, new bias, new feelings are crossing their path, and they are barring the door to some sections of the people. I am strongly opposed to it. How are you going to bar those people who can do research work on the suspicion that they belong to our Party or they support our Party or they sympathise with our Party? I think such meanness should not be displayed in such context where research is involved. Sir, they are the temples of learning; they are the institutions of the nation; they are bequeathed not to the Congressmen, nor to the Communists. These institutions have been handed down to the present generation and the generations yet unborn by our people. All of us are equally entitled to them. Mr Vice-Chairman, you will soon be succeeded by Mr Deputy Chairman.

[MR. DEPUTY CHAIRMAN in the Chair]

Therefore, Mr. Deputy Chairman, I say that this Administration should go. I have said this thing everywhere. I cannot have opportunities of research work in Calcutta. The Writers Buildings will not be open to us with all the materials there. Therefore, whatever law you pass, whatever rules you frame, you must see to it that the Administration is such which is open to all those who want to pursue research work, irrespective of party affiliations or any other considerations. The test should be whether there is hunger or thirst for research. The test should not be what party label an individual wears. That is how the matter should be viewed. I, therefore, suggest to the hon. the Education Minister to look into these serious complaints that I have made. The names are there and all these

papers are there. He can have them and see them. I hope that the Administration would be democratised, would be imparted some better outlook and would be told to realise that they are running this institution as the trustees of the nation, as the custodians of our cultural heritage, and it is therefore their bounden duty to extend to everyone the facilities that are available there for the cultural renaissance of our country. We all are prepared to give our suggestions, but we should at least have some feeling that the Education Ministry does not suffer from colour blindness, does not suffer from prejudices, does not suffer from narrowness of heart and does not suffer from any bureaucratic mentality. The Education Ministry should be made to feel and to realise the significance of its task. It should be prepared to take the co-operation of all men of learning and of men of goodwill who can help in this field. We want all institutions such as National Archives to flourish in our country because our heritage is great and our treasure house is very very great. It should be our duty to see that it is maintained properly. We should also see that in that temple of learning and in that treasure house all men of learning get ample opportunities for their advancement and for making contributions to the cultural advancement of their country. I hope that the Education Ministry have now realised the importance of their task and their responsibilities in this matter and they will take every possible step to improve matters so that the grievances of the people are redressed, so that a new road opens in the field of such archival activities and the cultural efforts on the part of our people. Thank you, Sir.

DR. K. L. SHRIMALI: Mr. Deputy Chairman, Sir, I agree with the motion for circulating this Bill for eliciting public opinion.

MR. DEPUTY CHAIRMAN: Do you agree?

DR. K. L. SHRIMALI: Yes, Sir. I would however like to reserve my opinions on this Bill. I would eagerly await opinions from the public on this matter. With regard to the various points that have been raised by my friends, Mr. Bhupesh Gupta and Mr. Ray, the House, I hope, does not expect me to deal with those points at this stage. I shall have an opportunity of replying to those points at a later stage.

MR. DEPUTY CHAIRMAN: He agrees. I will put the motion to the House. The Finance Minister is waiting.

DR. RAGHUBIR SINH: Sir, I must express my gratitude to the House.

I am grateful to the Members of this House for having so enthusiastically supported my motion. I am also grateful to the hon. Minister for having agreed to accept my motion for circulation. I am sure that, when the public opinion is received, the Bill will receive added support and all due consideration. Thank you.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the declaration of certain historical records to be of national importance and to provide for their preservation and due management and certain other matters connected therewith be circulated for eliciting opinion thereon by the last day of February, 1958."

The motion was adopted.

#### THE APPROPRIATION (No. 4) BILL, 1957—continued

THE MINISTER OF FINANCE (SHRI T. T. KRISHNAMACHARI): Mr. Deputy Chairman, Sir, at the outset I would like to offer my apologies to this hon. House for my not having been present throughout the discussions on the Appropriation Bill. Hon. Members will