

Wednesday, 8th September, 1954

LOK SABHA DEBATES

(Part I—Questions and Answers)

VOLUME IV, 1954

(23rd Aug. - 24th Sept. 1954)



SEVENTH SESSION

1954

LOK SABHA SECRETARIAT
NEW DELHI

LOK SABHA DEBATES

(Part I—Questions and Answers)

755

LOK SABHA

Wednesday, 8th September, 1954

The Lok Sabha met at a Quarter Past Eight of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

RECOMMENDATIONS OF THE PRESS COMMISSION

*636. **Shri Sadhan Gupta:** Will the Minister of Information and Broadcasting be pleased to state the action that Government propose to take on the recommendations of the Press Commission?

The Minister of Information and Broadcasting (Dr. Keskar): Printed copies of the Report of the Press Commission became available about the middle of August. The Report is under examination by the Ministries concerned of the Government of India and by various State Governments. The views of bodies and associations concerned are also being elicited. Conclusions will be reached after due consideration is given to the views which may thus be communicated and, therefore, it is too early to give any indication of the action that Government propose to take on the recommendations.

Shri Sadhan Gupta: May I know whether it is from the printed copy that Government first came to know of the contents of the Report, or, was the Report already in their hands before the printed copy was ready?

358 LSD

756

Dr. Keskar: Government began consideration of the Report from the very first day that they received the Report. But it is obvious that Government's ability to come to any conclusion is always limited by consultations with those concerned: and those concerned will not be able to give their opinion unless they have the copy of the Report available with them. The very first day that the Report was received, the Joint Select Committee of the two Houses was sitting regarding the Criminal Procedure Code and Government made available to the Select Committee relevant copies of the Report immediately. In the same way we sent the concerned portions to the various Ministries and the State Governments, and also to bodies like the Federation of Working Journalists, the A.I.N.E.C., and the Indian and Eastern Newspaper Society, before the printed copies were made available to the public.

Shri Sadhan Gupta: May I know whether the Government can give us any estimate of time that will be taken for considering and finalising the action to be taken on the Report?

Dr. Keskar: It is not possible to give a general answer to this question, because the recommendations of the Commission are very varied and cover a very wide field, but there are certain recommendations of the Commission which are important, as, for example, those affecting the working journalists, and, again for example, those affecting the question of the Press Act. It is possible that certain recommendations of the Commission might be considered before certain others. So, it is

possible that Government might take up looking into the implementation of certain important recommendations first, while leaving the others to be considered by the bodies concerned.

Shri Sadhan Gupta: Could we at least know the time that Government propose to take in finalising their decision about working journalists?

Dr. Keskar: I might say that I would not be able to give any time, but my hon. friend may rest assured that it will be quicker and shorter than the time taken for any other Commission.

कोनार बांध

*६३८... श्री एम० एल० द्विवेदी : क्या सिक्काई तथा विद्युत् मंत्री यह वताने की कृपा करेंगे कि :

(क) क्या सरकार को यह जात है कि दामोदर घाटी योजना के अन्तर्गत कोनार बांध के निर्माण के लिये ठेकेदारों को आवश्यकता में अधिक रूपया दिया गया था;

(ख) यदि हो, तो कितनी राशि अधिक दी गई थी;

(ग) अधिक भुगतान के लिये कौन उत्तरदायी है, और उन के विरुद्ध क्या कार्यवाही की जा रही है; और

(घ) ठेकेदारों को अधिक भुगतान की गई राशि को पुनः प्राप्त करने के लिये यदि कोई कार्यवाही की जा रही है, तो वह क्या है?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (d). A statement is laid on the Table of the Sabha. [See Appendix IV, Annexure No. 32.]

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता था कि कोनार बांध के निर्माण के लिये ठेकेदारों को एसा कितना रूपया ज्यादा दिया गया है जिस को वस्तु नहीं किया जा सकता है?

जोगना ब सिक्काई तथा विद्युत् मंत्री (भी नन्दा): इस रकम का विस्तृत सही ताँर पर अन्दाजा नहीं हो सका कमेटी का खयाल था कि यह एक कलोड रूपये से कुछ ज्यादा है, फिर उस पर इनकावायरी हुई और ऐसा मालूम हुआ कि उससे कुछ कम है।

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूँ कि जो काम ठेकेदारों ने किया है उसकी जांच करने के लिये कोई विशेषज्ञ या इंजीनियर ही नहीं सीधे आये थे और यदि नहीं आये तो उनके काम की जांच किस प्रकार करायी जायेगी?

श्री नन्दा: उस वक्त कुछ इंजीनियर्स थे जिन्होंने रेटेंस वर्गोंरह के बारे में कारपोरेशन को सलाह भी दी थी और वह काम भी करते थे, वह सभी चले गये हैं।

श्री एम० एल० द्विवेदी : अब रूपया वस्तु होने की क्या सूत्रत है?

श्री नन्दा : इसके बारे में हमने ला मिनिस्ट्री से सलाह ली और मशीवरा किया और उनकी राय तो यह है कि इसमें कानूनी ताँर पर कुछ नहीं हो सकता।

श्री एम० एल० द्विवेदी : बयान में यह लिखा हुआ है.....

Mr. Speaker: Order, order. Pandit D. N. Tiwary.

Pandit D. N. Tiwary: May I know whether there is regular check made before making payments, and if so, how over-payments were made?

Shri Hathi: It is not a question of over-payment, actually. It was a case where a regular contract had been entered into between the D. V. C. and the contractors. The rates had been settled. The Rao Committee had said that the rates that were settled were rather high, and certain items were inadmissible, but there was actually a legal contract. So, there is no question of over-payment by mistake or anything of the sort.

KAZAK REFUGEES IN KASHMIR

*639. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state:

(a) whether all the Kazaks, who had taken refuge in Srinagar in October 1951, have since left the country; and

(b) the total expenditure incurred by Government on their transport, maintenance and stay in India?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes, Sir. 125 Chinese Turks returned to Sinkiang while the rest went to Turkey.

(b) The total expenditure incurred on the maintenance of Kazak refugees in Kashmir and on account of their transport to Bombay, on their way to Turkey, amounts to Rs. 92,236-12-9.

Sardar Hukam Singh: Some of them have gone to Sinkiang, and others to Tibet. Was it of their own desire that some of them wanted to go to Sinkiang and others did not like to do so, or, did some other consideration prevail?

Shri Sadath Ali Khan: 125 Chinese Turks returned to Sinkiang of their own free will.

Sardar Hukam Singh: Who bore their expenses from Bombay to Turkey?

Shri Sadath Ali Khan: Not from Bombay to Turkey, but from here to Bombay, we bore the expenses of their travel. The Ministry of External Affairs agreed to meet the expenditure incurred on their rail journey by third class from Amritsar to Bombay, and other incidental expenses not exceeding Rs. 10 per head. That is our position.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): The rest of the expenditure was borne, I believe, by some international agency which was helping them: not by India.

पूर्वी बंगाल के विस्थापित व्यक्ति

*640. **संठ गोविन्द दास :** क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५३-५४ में पूर्वी बंगाल के विस्थापित व्यक्तियों को फिर से बसाने के लिये विशिष्ट रूप से अलग कर दी गई राशि में से कितना भाग लौटा दिया गया था; और

(ख) इस के क्या कारण हैं?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Rs. 3.96 crores.

(b) The amount could not be utilised by the State Governments due to the following main reasons:—

(i) On account of readjustment of the administrative machinery to the new procedure involving greater scrutiny in sanction and disbursement.

(ii) Implementation of the schemes being held up because of the non-acquisition of the lands consequent on the ruling of the Calcutta High Court also upheld by the Supreme Court that the West Bengal Land Development and Planning Act, 1948, was *ultra vires*.

संठ गोविन्द दास : जहां तक पूर्वी बंगाल के शरणार्थी का सम्बन्ध है उन में से क्या कुछ मध्य प्रदेश और जबलपुर में भी बसाये गये थे?

श्री जौहो को भाँसल : जहां तक मुझे मालूम है, नहीं।

संठ गोविन्द दास : क्या माननीय मंत्री को यह भी नहीं मालूम है कि उनकी सहायता के लिये मध्य प्रदेश की सरकार ने केन्द्रीय सरकार को लिखा था और उसका कोई नतीजा नहीं निकला?

पुनर्वास मंत्री (भी ए० बी० जैन) : हमने किसी शरणार्थी को मध्य प्रदेश में नहीं

भेजा लैकिन कुछ लोग स्वयं बले गये और उनके सम्बन्ध में कुछ सिफारिशों मध्य प्रदेश की गवर्नरमेंट ने की थीं जिनको हमने मंजूर कर लिया ।

संठ गारीबन्द वास : क्या वह सब सिफारिशों....

Mr. Speaker: Order, order. **Shri Basu.**

Shri K. K. Basu: May I know whether one of the reasons for this lapsing of the money was that the sums were granted so late in the financial year that the West Bengal Government could not utilise them and a representation was made to that effect?

Shri A. P. Jain: That is not a fact.

Shri Amjad Ali: May I know how much of this amount was surrendered by the West Bengal Government and how much was surrendered by the Government of Assam?

Shri J. K. Bhonsle: The Government of West Bengal has surrendered Rs. 341.76 lakhs and the Government of Assam, Rs. 15.95 lakhs

संठ गारीबन्द वास : अभी माननीय मंत्री जी ने कहा था कि मध्य प्रदेश की सल्कार ने कुछ सिफारिशों की थी और वह मंजूर कर ली गयीं। क्या कुछ सिफारिशों मंजूर कर ली गयीं वा उनका थोड़ा सा अंश मंजूर किया गया है?

भी १० बी० जैन : उन्होंने तो यही सिफारिश की थी कि जहां पर जल्दी समझा जाय मकान बनाने के लिए सहायता दी जाय और व्यापार के लिए जो कुछ पंजी की जल्दत हो तो वह भी सहायता दी जाये। यह दोनों सिफारिशों हमने मंजूर कर ली हैं।

ALL INDIA KHADI AND VILLAGE INDUSTRIES BOARD

*642. **Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 145 asked on the 19th February, 1954 and state:

(a) whether Government have now accepted the plan of the Research

Committee of the All-India Khadi and Village Industries Board for the setting up of an All-India Khadi and Village Industries Research Institute;

(b) if so, when is the Institute likely to start; and

(c) at which place?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) Not yet, Sir.

(b) Does not arise.

(c) The All India Khadi and Village Industries Board have recommended that the proposed Institute be located at Wardha.

Shri Dabhi: May I know how long it will still take to come to a decision?

Shri T. T. Krishnamachari: I am unable to answer that question definitely, because discussions are going on and there are certain differences which have to be resolved.

Shri Dhabhi: May I know the nature of the differences?

Mr. Speaker: While discussions are still going on, it is not proper to disclose them to the House.

Shri N. L. Joshi: May I know whether Government propose to send research scholars abroad to study cottage industries?

Shri T. T. Krishnamachari: I do not know whether it arises: we have no such proposal before us.

BORDER RAIDS

*643. **Dr. Ram Subbag Singh:** Will the Prime Minister be pleased to state:

(a) whether any raids were made into Jammu and Kashmir State from across the border since April, 1954;

(b) if so, how many; and

(c) the extent of loss on the Indian side?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). During the period April-July, 1954, twenty-four raids were reported to the Government of India on the cease-fire line as well as on the Jammu-Punjab (P) border.

(c) The loss on our side was two persons killed, twelve injured and five kidnapped; 48 heads of cattle lifted and other property looted. The loss is estimated at approximately Rs. 7,7000.

Dr. Ram Subhag Singh: May I know, Sir, whether the raids that were made last year during the same period on the cease fire line on the Jammu and other borders were more in number than the raids that have been made this year and what was the extent of damage done at that time and the number of persons who were killed?

Shri Sadath Ali Khan: During the year 1953 there were five violations of the cease-fire line on the Jammu and in which the losses on our side were four persons killed and one injured. With regard to details in the Jammu area from across the border for this period we have called for information, but have not yet received them.

Sardar Hukam Singh: May I know whether any of the heads of cattle lost in these raids could be recovered after protests or negotiations?

Shri Sadath Ali Khan: I do not think so; they were just taken away.

TIN PLATES

***644. Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state the position regarding the production and consumption of tin plates during the year 1953-54?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The production was 54,980 tons and consumption roughly about 57,500 tons.

Shri Jhulan Sinha: May I know, Sir, if there was any increase or decrease in these figures as compared to the previous year, so far as this industry is concerned?

Shri T. T. Krishnamachari: Yes, Sir, the figure for the year under review has decreased.

Shri K. K. Basu: May we know what is the consumption by the metal box industry of tin-plates?

Shri T. T. Krishnamachari: We do not maintain any record of consumption of individual units nor can we disclose the figures even if we have them.

Kumari Annie Mascarene: It is a fact that tin-plates are given at a cheap rate to foreign firms and at a higher price to Indian firms?

Shri T. T. Krishnamachari: Government in this matter is bound by article 14 of the Constitution which enjoins on the Government not to discriminate between people.

Shri Bansal: May I know how many units are producing tin-plates in the country at present?

Shri T. T. Krishnamachari: So far as I know, one unit.

AMMONIUM SULPHATE

***645. Shri K. P. Sinha:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that due to certain plant troubles, the target production of 1,000 tons of ammonium sulphate per day is not being achieved in the Sindri Fertiliser Factory;

(b) the quantity produced in the months of May, June and July, 1954; and

(c) the quantity in stock at the end of July, 1954?

The Minister of Production (Shri K. C. Reddy): (a) Yes. Every effort is being made to achieve the target, which is more correctly stated as 960 tons a day ordinarily, with allowance to be made for a certain number of days in the year for full or partial shut-down for maintenance, overhaul, etc.

(b) The quantity produced was 22,044 tons in May, 23,454 tons in June, and 20,433 tons in July 1954 that is a total of 65,931 tons in the three months.

(c) 923 tons.

Shri K. P. Sinha: May I know, Sir, the total quantity of demand and the quantity despatched during the year?

Shri K. C. Reddy: I am sorry I have not got the exact figures with me now.

Shri K. P. Sinha: May I know the quantity imported this year?

Shri K. C. Reddy: There is a proposal: I think the Ministry of Food and Agriculture has taken a decision to import one lakh tons during this year.

Shrimati Tarkeshwari Sinha: May I know, Sir, whether the Development Council for Chemicals and Fertilizers have suggested to Government to double the production immediately at Sindri; and if so, are Government going to implement that suggestion?

Shri K. C. Reddy: So far as I know, the Development Council has not made any suggestion to double production at Sindri as the hon. Member has put it. But a decision has been taken, or a recommendation has been made by the Council to the effect that more fertilizer units are perhaps necessary in the country.

Shri Bhagwat Jha Azad: Are Government aware that this frequent reduction or increase in the production at Sindri is due to the bad blood between the union leaders and the management who are arbitrarily nominating and promoting officers in the management?

Shri K. C. Reddy: I do not think that is the reason for the variations in production from day to day. But if there are any reasons like that, Government will look into them and see to it that they are rectified.

CENTRAL PROGRAMME ADVISORY COMMITTEE

*646. **Shri Krishnacharya Joshi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the main recommendations made by the Central Programme Advisory Committee, the Advisory Board for Music and the Central Hindi Advisory Committee; and

(b) how many suggestions made by the Committee have been implemented so far?

The Minister of Information and Broadcasting (Dr. Keskar): A statement giving the information is laid on the Table of the Sabha. [See Appendix IV, annexure No. 33.]

Shri Krishnacharya Joshi: May I know, Sir, what are the main functions of these committees?

Dr. Keskar: Their main function is to advise in regard to programmes. As far as the Hindi Committee is concerned, it deals with questions arising regarding the difficulty of finding equivalents for foreign or English words. It does not advise about programmes.

Shri Krishnacharya Joshi: May I know how many persons are serving on each committee?

Dr. Keskar: I would require notice. The rule is that the number shall not be more than 30.

भी भागवत भा आजाए : क्या यह सत्य है कि आकाशवाणी नई फिल्मी में जो हिन्दी के सम्बन्ध में सलाह देने के लिए समितियाँ हैं उन समितियाँ में गाने में सलाह देने के लिए कथाकार रखे गये हैं और कथा में सलाह देने के लिए गीतकार रखे गये हैं ?

Dr. Keskar: I would require notice if there is any question regarding the Programme Advisory Committee attached to the Delhi Station.

Shri V. P. Nayar: May I know, Sir, how many times these committees meet annually and may I also know whether it is a fact that these committees are consulted only after programmes are

finalised, or whether they are consulted before the programmes are drawn up?

Dr. Keskar: The committees meet twice a year. Their function is not to help in the preparation of programmes. Their function is to give general suggestions regarding the improvement in programmes. As such, the question of consulting them in the formulation of programmes does not arise. As far as the local committees which are attached to various stations are concerned, they do give specific suggestions regarding the improvement of programmes to those various stations but that is not the function of the Central Committee.

INDIAN EMBASSY AT NAIROBI

*647. **Pandit D. N. Tiwary:** Will the Prime Minister be pleased to state:

(a) whether the employees of the Indian Embassy at Nairobi who were arrested by the Kenya authorities in April-May 1954 have since been released;

(b) whether any of the employees were prosecuted for Mau-Mau activities or for giving shelter to men of Mau-Mau organisation; and

(c) the action taken by Government in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). In the course of a mass screening operation in Nairobi on the 24th April last, British troops and police entered the premises of our Commissioner's office there and arrested all the African members of the staff. Subsequently, however, all these arrested personnel were released with the exception of one peon about whom our Commissioner was informed by the local authorities that although he had been screened, yet he was held in suspicion and that it was not advisable to retain him in the employ of the Mis-

sion. His services were accordingly dispensed with.

(c) The matter was taken up with the Government of United Kingdom who issued strict instructions with a view to preventing the recurrence of such incidents involving breach of protocol.

Pandit D. N. Tiwary: May we know whether it was a deliberate action on the part of the Kenya authorities to humiliate the Indian employees there for their sympathy with the liberation movement?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): The authorities in Kenya expressed their great regret for this and said that it was obviously an error on the part of particular officer who did this. We must accept their word at that.

Pandit D. N. Tiwary: May I know whether any action was taken by Kenya authorities against that particular officer?

Shri Sadath Ali Khan: I think action was taken.

Shri Kasliwal: May I know if the Government of Kenya propose to pay any compensation to the employees of the Indian Embassy for their illegal arrest?

Shri Sadath Ali Khan: They promised to pay damages but the loss was so trivial that we thought we need not claim it.

SALE OF KHADI

*650. **Ch. Raghubir Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there has been an increase in the sale of Khadi and other handloom cloth since the passing of the Dhoties (Additional Excise Duty) Act 1953; and

(b) if so, the percentage increase?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Data relating to sales

of handloom cloth are not available. Since production of handloom cloth has increased by about 13 per cent. and it is reported in the several parts of the country where the handloom weavers are concentrated that the stock position is easy, it might be reasonably assumed that sales of handloom cloth have increased. Sales of Khadi cloth have increased by 17 per cent.

I would like to add that I am unable to see the connection between the two factors mentioned in the question.

Shri Dabhi: May I know the quantity and value of Khadi purchased by the Government during the year 1953-54 and the quantity they are going to purchase during the current year, i.e. 1954-55?

Shri T. T. Krishnamachari: I am afraid I have not got the figures.

Shri C. R. Chowdary: May I know what steps have been taken by the Government to see that the handloom cloth is sold in the market and what encouragement is given by the Government?

Shri T. T. Krishnamachari: The various steps taken have been outlined from time to time and recently, about ten days back, there was a resolution and while replying to that, I gave the position. Government are trying to endeavour and see that sales of handloom cloth are promoted through the efforts of the All India Handloom Board. In some cases we are giving a rebate on sales of cloth produced by the co-operative societies.

SOUTH AFRICA

***651. Shri Nageshwar Prasad Sinha:** Will the Prime Minister be pleased to state:

(a) whether a large number of widows and aged and disabled Indians were subjected to hardship for drawing their pensions in Cape Town due to the policy of "Apartheid" followed by the Government there; and

(b) how many Indians left Cape Town or South Africa during the year 1953 and upto June 1954 due to the humiliating treatment meted out to them?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Government have seen Press reports to this effect.

(b) Forty and thirty-two persons of Indian origin returned to India as voluntary repatriates at the expense of the South African Government in 1953 and upto June, 1954 respectively. Many others might have also returned to India at their own expense during this period owing to the present conditions in South Africa but no figures are available.

Shri Nageshwar Prasad Sinha: It is stated that Government have seen Press reports. May I know whether, on seeing such reports, no note of protest was sent to the Government concerned?

Shri Sadath Ali Khan: It is not now possible for the Government of India to verify the correctness of facts mentioned in these reports.

Shri Nageshwar Prasad Sinha: What about those persons with regard to whom I am asking? What about those who left Cape Town and who could not come here at their own expense? May I know whether steps are being taken to repatriate them and to rehabilitate them in India?

Shri Sadath Ali Khan: Indians from South Africa come to India for short visits. Some come for permanent stay and others come and go. The Government of South Africa has a scheme to assist the repatriation whereby the cost of repatriation to India of those who avail of the scheme is borne by the South African Government. But if those people want to go back within three years, they have to pay back what they have taken from the South African Government.

Sardar Hukam Singh: After seeing the reports in the newspapers did Government take any steps to verify

whether there was any substance in these reports or did they presume that they were all false?

Shri Sadath Ali Khan: The hon. Member knows that since July, 1954, we have no representative there and the Indian High Commission in South Africa remains closed. Therefore, it is difficult for us to check these reports.

NEIVELI LIGNITE MINES

***655. Shrimati Tarkeshwari Sinha:** Will the Minister of Production be pleased to state:

(a) whether a British firm has been asked by the Government of India to prepare a plan for full-scale mining operation in the Neiveli lignite area in the South Arcot District of Madras;

(b) if so, what will be the estimated cost of the project; and

(c) whether any Indian capital will be invested in it?

The Minister of Production (Shri K. C. Reddy): (a) A firm of consultants has been asked to prepare a project report for the mining and utilisation of lignite deposits at Neiveli. The United Kingdom Government has made the services of a British firm available for this purpose under the Colombo Plan. The project report is awaited.

(b) No estimates have been prepared yet.

(c) The manner of financing the project, in case it is considered an economical proposition, will be examined on receipt of the project report.

Shrimati Tarkeshwari Sinha: May we know whether the plan is being drawn in consultation with the Government of India and if so, by what time the plan will be finalised?

Shri K. C. Reddy: We are awaiting the project report and it is expected by the end of this year. After that report is received we have to take a decision as to whether we should work

the mines or not and if so, what should be the agency in case we decide to work, and so on and so forth. It is too early to say as to what the plan would be and when it would be finalised. The Government of India hope that it will be finalised as early as possible.

Shri Bansal: May I know if the Government of India have satisfied themselves that this particular British firm has ample experience in the production and processing of synthetic petrol?

Shri K. C. Reddy: Yes, Sir.

Shri S. V. Ramaswamy: Is it a fact that an American firm has offered to take over the mining operations?

Shri K. C. Reddy: I have no exact information on that point.

Shri Bansal: May I know if it is a fact that this British firm has approached a German firm who have prepared a project report in this country for assisting them in this matter?

Shri K. C. Reddy: I do not know what the British firm has done in the course of the discharge of its duties but so far as I know that is not a fact.

Shri S. V. Ramaswamy: What is the progress of the pilot project now and in how many years do we expect to get the lignite?

Shri K. C. Reddy: Regarding the progress of the pilot project, two-thirds of the excavation has been completed—perhaps a little more. The whole thing is expected to be completed in three or four months' time. As I stated earlier, we are awaiting the project report from the British firm and after its receipt we will decide when to start full scale operations. One cannot venture to give a time-limit with regard to that part of the question.

ENGINEERS' COMMITTEE OF CO-ORDINATION

***656. Shri Bhagwat Jha Azad:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Engineers' Committee of Co-ordination appointed in

the Ministry will have any permanent office bearers; and

(b) whether any extra sum would be spent over this Committee?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir. The Chairman of the Central Water and Power Commission will act as Chairman of the Committee and Member CWPC as its Member-Secretary.

(b) The only expenditure incurred would be on account of travelling expenses.

Shri Bhagwat Jha Azad: May I know what would be the precise nature of work done by this Committee?

Shri Hathi: Mainly, this Committee is meant to take up and follow up the action on the decisions taken at the seminar.

Shri Bhagwat Jha Azad: May I know when this Committee started functioning and by what time it is expected to submit its report?

Shri Hathi: The Committee has been appointed on the 6th May 1954, and it met on the 16th July and 22nd July, 1954.

The Minister of Planning, Irrigation and Power (Shri Nanda): May I add, Sir, that this is a standing arrangement? It is not a Committee which just gives the report and then the work ends. It is an arrangement for co-ordination and that is a continuing function.

FOREIGN EXPERTS IN PROJECTS

*657. **Shri Bishwa Nath Roy:** Will the Minister of Irrigation and Power be pleased to state:

(a) the number of foreign experts engaged at present in the different river valley Projects in India under the Government's control and in the departments connected with them; and

(b) whether their services will be dispensed with by the end of the First Five Year Plan?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) 66, including those employed on Bhakra Nangal Project which, though executed by the State Governments concerned, has been treated for all practical purposes as a Central project.

(b) Except on Bhakra Nangal, the services of most of the experts are likely to be dispensed with by the end of the First Five Year Plan. There will be a progressive reduction in the number of foreign experts on Bhakra Nangal but a limited number would be required on this project even after the First Five Year Plan.

Shri Bishwa Nath Roy: May I know whether any foreign expert was appointed last year or this year?

Shri Hathi: Some experts were appointed last year.

Shri G. P. Sinha: May I know whether there is any proposal to invite foreign experts from China or Russia for the different river valley projects in North Bihar?

The Minister of Planning and Irrigation and Power (Shri Nanda): There is no such intention so far as river valley projects are concerned.

Shri Sadhan Gupta: How many of the sixty-six foreign experts are Americans and how many British?

Shri Hathi: I would require notice for that.

Shri Nanda: May I give that information? I have got the number. Forty-one American specialists and three European specialists are employed on the Bhakra Project.

Sardar Hukam Singh: May I know whether there were any complaints against the discharge of certain American experts, that there had been a breach of the contract?

Shri Nanda: There has been some correspondence about it, but there is nothing in it.

NANDIKONDA PROJECT

*661 **Shri Buchhikotaiah:** Will the Minister of Irrigation and Power be pleased to state what decision has been taken by Government in regard to the inclusion of the Nandikonda Project in the First Five Year Plan?

The Deputy Minister of Irrigation and Power (Shri Hathi): No decision has yet been taken regarding the inclusion of Nandikonda Project in the First Five Year Plan.

Shri Buchhikotaiah: May I know whether it is a fact that the Andhra Government recently asked the Centre that the Nandikonda scheme should be included in the First Five Year Plan?

Shri Hathi: Yes, in fact the project report has been received. It has been examined. A team of officers was sent there to discuss with the engineers of the States concerned. They have suggested certain changes according to which investigations are being proceeded with.

Shri Nanadas: May I know the difficulty of the Central Government in including this project in the First Five Year Plan?

Shri Hathi: There is no difficulty. The question is that the project report has to be considered and examined in detail. In order to avoid any delay, the Government has taken steps to see that the matter is expedited, and instead of corresponding we sent a team of officers to discuss personally.

Shri Raghuramaiah: In view of the reports which are being very widely circulated in the area affected by this that the project is being slowly dropped, may we have the assurance that the project is still under the active and sympathetic consideration of the Government?

Shri Hathi: Sir, it is being considered by the Government.

Diwan Raghavendra Rao: May I know if various other small projects

in Hyderabad State have been held up because of this Nandikonda Project?

Shri Hathi: I do not think that various other projects are being held up. But it is a co-ordinated plan, and it may be that certain projects may not be taken up in case this is taken up.

SALT

*662. **Shri Raghunath Singh:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that the exploitation of the subterranean brine area of Sultanpore in Gurgaon District of Punjab by open dug wells, for the purpose of salt manufacture is feasible; and

(b) if so, whether Government are considering the question of manufacturing salt in the said area?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Yes.

(b) No. However, it is understood that the Government of East Punjab have a proposal to organise a Co-operative Society to run a salt factory in this area and have drawn up a scheme for the development of the salt industry in the district. Boring operations are understood to have been undertaken with a view to deciding the brine reserves, their location and composition.

Shri Nanadas: May I know the quality and quantity of the brine available there?

Shri R. G. Dubey: It is not possible to assess the reserves available there, but I can give some rough estimate. These salt reserves were exploited right upto 1900. In those days the annual production was of the order of 2 lakh maunds.

Shri Nanadas: I want to know the quality of brine available there.

Shri R. G. Dubey: Except in the case of Sultanpore village the quality in other villages is inferior.

Shri Bhagwat Jha Azad: May I know if the lease will be given to private enterprise or if Government will themselves undertake the operations?

Shri R. G. Dubey: As I said in my answer the Punjab Government have already undertaken the boring operations in this area. The results are awaited.

छोटे पैमाने के उद्योग

*६६३. श्री आर० एन० सिंह : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार ने छोटे पैमाने के उद्योगों पर गवेषणा करने के लिये भिन्न भिन्न राज्यों में किन किन संस्थाओं और शिक्षा-केन्द्रों को आर्थिक सहायता दी है; और

(ल) प्रत्येक संस्था को कितनी राशि की सहायता दी गई है।

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 34.]

श्री आर० एन० सिंह : क्या मैं जान सकता हूँ कि इस स्टॉमेंट को दूसरे से जो यह पता चलता है कि उत्तर प्रदेश में किसी भी संस्था को यह गवेषणा करने के लिये रूपाया नहीं दिया गया, तो क्या सरकार ने उत्तर प्रदेश में ऐसी संस्थाओं की जांच की है?

Shri T. T. Krishnamachari: The question asked for a statement. I have not got an analysis of the demands made by various States. I would like to have notice.

Dr. Ram Subhag Singh: He is asking whether there is any such institution in U.P. or not.

Shri T. T. Krishnamachari: I said I have not got an analysis of the States and institutions unless it is covered by the statement. I am afraid I will have to ask for notice.

श्री आर० एन० सिंह : क्या मैं जान सकता हूँ कि मंत्री महोदय फिर उत्तर प्रदेश में इस सम्बन्ध में जांच करायेंगे कि आया वहां कोई ऐसी संस्था है जहां पर कि गवेषणा कार्य करने के लिये उसको सहायता दी जा सके ?

Shri T. T. Krishnamachari: If the hon. Member would put down a question I will answer it.

Shri K. K. Basu: May I know whether the grants are sanctioned by the Centre on an ad hoc basis or on the recommendation of the respective State Governments?

Shri T. T. Krishnamachari: There are various methods adopted. Invariably there is a Board for each particular purpose—Handloom Board, Handicrafts Board, Central Silk Board, All India Khadi and Village Industries Board. In some cases a recommendation comes from the Board. Often times it is the State Government that makes an application, in which case we seek the advice of the respective Board in regard to the scheme so that there may be an integrated development; the procedure followed in each case varies.

UNEMPLOYMENT RELIEF SCHEME BY U.P. GOVT.

*६६४. **Shri M. L. Agrawal:** Will the Minister of Planning be pleased to state:

(a) whether the Uttar Pradesh Government have submitted to the Central Government a Road Development Programme to relieve unemployment in the State;

(b) the number of persons that would secure employment under this programme;

(c) the total estimated cost of the Project and its details; and

(d) the amount of money that the Central Government have agreed to pay as grant or loan for the purpose to the State Government?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) Approximately 24,500. In addition to the above, about 32,500 persons will get seasonal employment.

(c) There are five schemes estimated to cost Rs. 6.08 crores as detailed below:—

[Cost in Rs. (lakhs)]

(i) Construction of New Metalled roads	... 236.14
(ii) Metalling of unmetalled roads	... 145.30
(iii) Reconstruction of Local Metalled roads.	16.00
(iv) Major bridges.	... 502.5
(v) Improvement of District Board Roads.	... 160.00
Total	607.69

(d) The Central Government has allotted a grant of Rs. 125 lakhs to U.P. in the current plan period towards expenditure on certain specific road schemes of inter-state or economic importance. Some of these schemes form part of the above programme.

Shri M. L. Agrawal: May I know by what time this programme will be completed?

Shri Hathi: The present programme will be completed—nearly half of it—in the present Plan period.

Shri M. L. Agrawal: How many miles of new roads will be constructed under the programme?

Shri Hathi: Under the first four schemes there is expected to be a construction of 487 miles of new metalled roads, 444 miles of metalling of unmetalled roads, and reconstruction of 50 miles of local metalled roads.

श्री भक्त दृश्यमः क्या माननीय मंत्री जी को ज्ञात है कि समस्त उत्तर प्रदेश के लिये जो डाइरेक्टरों द्वारा विभिन्न सड़कों के लिये स्थीकार किये गये हैं, उनमें से अकेले एक ही विस्तर पर एक करोड़ लाख से अधिक लाख किया जा रहा है और क्या मैं जान सकता हूँ कि उसका उत्तराधिकारी राज्य सरकार पर है या भारत सरकार भी उसके लिये उत्तराधिकारी है?

Shri Hathi: The Central Government is going to give a grant of Rs. 125 lakhs. The balance will be spent by the State Government.

Shri G. P. Saha: Is there any proposal to expedite the road development programme in the draught affected area in Bihar to relieve the heavy unemployment there?

Shri Hathi: Regarding Bihar, I require notice.

AID TO TRAVANCORE-COCHIN

*667. **Kumari Annie Mascarene:** Will the Minister of Planning be pleased to state:

(a) the aid promised by Government to Travancore-Cochin State for the entire period of the Five Year Plan;

(b) the amount given so far; and

(c) whether any ad-hoc aid has been given to Travancore-Cochin State by way of loan?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). A statement is placed on the Table of the House giving the available information. [See Appendix IV, annexure No. 35.]

(c) No. Sir.

Shri V. P. Nayar: May I know whether the Government of India have made any specific grant for the development of the State-owned transport industry in the State and may I also know, if such a grant has been made whether the Government are keeping a watch over the situation in the transport industry there?

Shri Hathi: A grant has been given for road transport: it is Rs. 13 lakhs. The progress is being examined by the Planning Commission.

Shri A. M. Thomas: May I enquire whether any demand has been made by the Travancore-Cochin Government for bridging the gulf in the current years' Budget between revenue and expenditure, and if so, what reply the Government of India has given?

Shri Hathi: No, I do not think that any such request has been made.

COMPENSATION

*668. **Shri Gidwani:** Will the Minister of Rehabilitation be pleased to state whether Government have decided to include Sanitary Committees of Sind as Urban Areas for the purpose of payment of Compensation of the properties situated in them?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): The matter is under consideration.

Shri Gidwani: When will a decision be taken?

The Minister of Rehabilitation (Shri A. P. Jain): I may inform the hon. Member that this is rather a complicated matter and there are conflicting views. Whereas the inclusion of the Sanitary Committees among the urban areas might help the urban people, it may have an adverse effect on the rural people. In fact, most of the agitation with regard to the inclusion of the Sanitary Committees in the urban areas comes from the urban people. We have to weigh all the material facts carefully before we take a decision and it may take quite a bit of time.

N. E. S. BLOCKS IN MANIPUR

*670. **Shri Rishang Keishing:** Will the Minister of Planning be pleased to state:

(a) the total number of National Extension Service Blocks to be allotted to the Manipur State during the entire period of the First Five Year Plan; and

(b) the names of the National Extension Service Blocks already allotted to that State?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Two blocks. One Community Project Block was allotted to the State in 1952, and one National Extension Service Block has recently been allotted for 1954-55.

(b) Mao Maram (Hill area).

Shri Rishang Keishing: Is it not a fact that two National Extension Service

blocks were originally allotted to Manipur for the current year and one was withdrawn? If so, what is the reason therefor?

Shri Hathi: One was to be allotted last year. One community project block was allotted in 1952. Looking to the work and having regard to the State's inability to get trained personnel, that block was not allotted last year but is allotted this year.

Shri Rishang Keishing: May I know the reason why the Manipur Government have not been able to train adequate number of workers for the National Extension Service block upto now?

Shri Hathi: The Manipur Government have sent men now and some are being trained at the Training Centre. At the time when the block was allotted, there was not the requisite number.

Shri Rishang Keishing: In view of the fact that there are 8,000 square miles of hill area with a population of over 2 lakhs, and in view of the fact that on account of lack of interest on the part of the Government of Manipur in the development of these hill areas, people are losing faith in the Government of India, may I know whether Government will take sufficient steps so that development plans like National Extension Service blocks are successfully implemented in the hill areas during the remaining part of the first Five-Year Plan?

Shri Hathi: Actually, according to the population, Manipur would be entitled to 2.5 blocks; that is, one-fourth of the rural population. That number has already been achieved. But, looking to their performance, Government may consider that question.

CENTRAL AFRICAN FEDERATION

*671. **Shri Kasliwal:** Will the Prime Minister be pleased to state:

(a) whether the Government of the Central African Federation are tightening up the immigration laws of that country by which Asian immigration will be further reduced; and

(b) whether Government propose to take up the matter with the Central African Federation?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The Government of the Federation of Rhodesia and Nyasaland have introduced an immigration bill into the Federal Parliament which has already passed its first and second readings. Although no specific reference about Asian immigration has been made in the bill, the Federal Minister for Home Affairs, Mr. J. M. Greenfield, while replying to the debate on the second reading of the bill, stated that the policy of the Federal Government was not to permit further Indian or Asian immigration with certain exceptions such as teachers, ministers of religion and wives of persons already settled in the country.

(b) Yes, Sir. The Government propose to take up the matter again.

Shri Kasliwal: May I know whether it has become the declared policy of the Government of the Central African Federation finally to completely ban Asian immigration and to allow only European immigrants?

Shri Sadath Ali Khan: It is not for us to say; but so it seems.

FLOOD CONTROL

*672. **Shri Kelappan:** Will the Minister of Irrigation and Power be pleased to state:

(a) the amount of money allotted to various states for flood control under the First Five Year Plan; and

(b) the amount already drawn by each of them so far?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). Though there is no specific amount of money allotted to various States for flood control in the First Five-Year Plan, there are schemes which are designed for flood control along with other benefits of irrigation and power. There are also schemes for flood protection.

Shri Kelappan: Is it a fact that in the Five-Year Plan, priority was not given to this flood control though floods were occurring very often?

Shri Hathi: No. In fact, the Damodar Valley scheme and the Hirakud project were meant for flood control.

Shri Bhagwat Jha Azad: May I know whether the Government propose to appoint some high level Flood Control Commission as floods have now become a regular feature every year?

The Minister of Planning and Irrigation and Power (Shri Nanda): That has already been announced in the statement that I laid on the Table of the House and read to the House.

Dr. Ram Subhag Singh: May I know whether any Central Minister had suggested in 1949 to control the flood of Brahmaputra near Dibrugarh and that was not carried to?

Shri Nanda: Regarding Dibrugarh, several investigations were made. Alternative suggestions had to be examined and ultimately, a particular scheme was adopted.

INDIANS IN BURMA

*673. **Shri K. C. Sodha:** Will the Prime Minister be pleased to state:

(a) the approximate number of Indians in Burma at present;

(b) whether Indian immigration is allowed in Burma now; and

(c) if so, on what conditions?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Between six to seven lakhs.

(b) Fresh emigration for unskilled work is prohibited, but emigration for skilled work is permissible.

(c) The employer is required to execute with individual employees a contract of service stating the terms and conditions of employment which must have the prior approval of the Government.

Shri K. C. Sodhia: How many of them have adopted Burman citizenship and how many are Indian citizens?

Shri Sadath Ali Khan: If they so adopted, they cease to be Indian nationals.

EXPLOSIVES FACTORY

*674. **Shri H. N. Mukerjee:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of indigenous factories manufacturing explosives;

(b) the number of workers employed therein; and

(c) the effect on them of Government's agreement with Imperial Chemical Industries (India) Ltd. for the setting up of an Explosives factory for civilian requirement?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The number of explosives factories licensed by the Explosives Department of the Government of India is 984. The number of licences issued by the District authorities is not known.

(b) Information is not available.

(c) It is expected that the establishment of an Explosives Factory by the Imperial Chemical Industries (India) will not adversely affect the existing local units, as its programme does not include items already made in the country.

Shri H. N. Mukerjee: Is there any scheme for reserving certain items of manufacture only for indigenous production?

Shri T. T. Krishnamachari: Since the programme of manufacture of this new unit does not coincide with what is being manufactured in the country, there is no intention of any reservation being made.

INDIAN RUBBER BOARD

*675. **Prof. Mathew:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have advised the Indian Rubber Board not to give recognition to its Staff Association; and

(b) if so, the reasons for the same?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The Government agreed with the Chairman, Indian Rubber Board that it was not necessary for the small staff of the Indian Rubber Board to have an Association since the genuine grievances of such a limited number of persons are unlikely to escape the attention of the Board. It was, however, left to the members of the staff to form an Association, if they so desire.

Prof. Mathew: In view of the fact that a very small number of people have to deal with the employers, it is all the more necessary that they should be strengthened by being recognised as an organised Association, and the advice given by the Ministry seems to be a handicap to the members of the Staff Association.

Mr. Speaker: Order, order. The hon. Member is arguing the point. What information does he want?

Prof. Mathew: I am just asking whether he agrees with it.

Shri Nanadas: May I know whether there is any alternative provision for the workers for getting their grievances redressed?

Shri T. T. Krishnamachari: There are twenty-nine employees all told, of various categories. They are all staying at one particular place. The number is too small for an association; they are all together, and the possibilities of their ventilating their grievances are many, and therefore it is felt that an association is not necessary; and if they form an association, there is nothing wrong in their doing so, they can do so.

Shri P. C. Bose: I want to ask one question.

Mr. Speaker: We will go to the next question.

लंका का क्वारेन्टाइन (पत्तन निरोधा)
कार्यालय, मंडपम

*६७३. श्री जी० एल० चौधरी : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या लंका सरकार मंडपम से अपना क्वारेन्टाइन कार्यालय हटाने का विचार करती है ;

(ख) यदि हां, तो उसके क्या कारण हैं ; और

(ग) इस कार्यालय से सरकार को कितनी आय होती है ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Owing to a substantial decrease in the traffic to Ceylon, the Government of Ceylon have been requested by the Government of India to close their Quarantine Camps in India.

(c) Nil.

श्री जी० एल० चौधरी : यह क्वारेन्टाइन दफ्तर चले जाने के बाद इसकी जो इमारतें आई हैं क्या सरकार उनको खरीदने का विचार कर रही हैं ?

श्री साक्षत असी खान : वह भास्त सरकार की इमारतें हैं और भारत सरकार की ही रहेंगी।

परिचमी तिब्बत को सद्भावना मण्डल

*६७४. श्री भक्त दर्शन : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को मालूम है कि बद्रीनाथ मन्दिर प्रबन्धक समिति जो परिचमी तिब्बत के मुख्य मुख्य स्थानों का

भ्रमण करने के लिये एक सद्भावना मण्डल भेजने का निश्चय किया है ; और

(ख) यदि हां, तो इस सम्बन्ध में इस मण्डल को क्या सुविधायें दी जा रही हैं ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Government are not aware of any such proposal.

(b) Does not arise.

श्री भक्त दर्शन : क्या गवर्नमेंट को मालूम है कि श्री बद्रीनाथ मन्दिर का तिब्बत के धौतिंग मठ से बहुत पुराना सांस्कृतिक सम्बन्ध है। इस लिए अगर उस मन्दिर की ओर से कोई सद्भावना-मण्डल वहां भेजा जाय तो क्या सरकार उसको पूरी तरह सहायता देगी ?

प्रधान मंत्री तथा बैंडीशिक-कार्ब एवं रक्षा मंत्री (श्री जबाहरलाल नेहरू) : इसमें यहां की सरकार के सहायता देने का सवाल नहीं है। इसमें तो जो उधर की सरकार है उसके सहायता देने का सवाल उठ सकता है।

UNECONOMIC EVACUEE PROPERTY

*६८१. **Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that Government have issued instructions that the sale of uneconomic evacuee properties should begin forthwith through public auction; and

(b) if so, what properties are deemed to be "uneconomic"?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) Evacuee properties, the cost of upkeep and administration of which is out of all proportion to the income realized from them, are deemed to be uneconomic. Sanction to sale is accorded by the Custodian General of Evacuee Property under Section 10(2) (o) of the Administration of Evacuee Property Act if he is satisfied that disposal of the property would be advantageous.

Sardar Hukam Singh: What is the probable number of these properties? Has that been assessed?

Shri J. K. Bhonsle: Yes, Sir. Last year, we authorised the sale of about five thousand such properties, roughly.

Sardar Hukam Singh: I wanted the total number of such uneconomic properties. Has that been assessed by the Rehabilitation department?

Shri J. K. Bhonsle: No, Sir. The cost has not been assessed.

Sardar Hukam Singh: What is the excess received in auction over the value assessed by the department?

The Minister of Rehabilitation (Shri A. P. Jain): We do not maintain any such figures.

HAND-MADE PAPER

***682. Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to refer to the reply to starred question No. 1306 asked on the 25th March, 1954 and state:

(a) whether it is the policy of Government to encourage hand-made paper industry;

(b) if so, to what extent and in what way;

(c) the quantities of different kinds of hand-made paper produced in the country during the years 1951-52, 1952-53 and 1953-54; and

(d) the names of the centres where hand-made paper is manufactured?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Yes, Sir.

(b) to (d). The information asked for is laid on the Table of the House. [See Appendix IV, annexure No. 36.]

Shri Dabhi: May I know how many Ministers of the Central Government use stationery made from hand-made paper in their offices and to what extent?

Shri T. T. Krishnamachari: I have no information.

Shri Bansal: May I know if it is the policy of Government to encourage the manufacture of art paper and newsprint by hand-made process in the country?

Shri T. T. Krishnamachari: In regard to art paper, I do not know if it is a possibility. We have not exercised our mind in that regard. In regard to newsprint, it is a definite impossibility and we do not propose to exercise our mind on that matter.

SHIFTING OF CENTRAL GOVERNMENT OFFICES

***683. Shri K. P. Sinha:** Will the Minister of Works, Housing and Supply be pleased to state what steps have so far been taken in the matter of shifting some Government offices from Delhi this year?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): The accommodation available at various stations has been surveyed with reference to the requirements of some offices which do not form an integral part of Secretariat and which *prima facie* could be shifted out of Delhi, and an Officer on Special Duty has been exploring, in consultation with the Ministries concerned, the possibility of shifting these offices to out-stations. I am afraid, however, so far not much success has attended these efforts.

Shri K. P. Sinha: By what time is it expected that the officer will finish his duties?

Sardar Swaran Singh: Actually, so far as the work of the officer is concerned, it is not difficult for him to finish an examination of the problem, but as to what success will crown his efforts is a difficult question for me to answer, because there is quite a volume of opinion that it would be difficult to shift offices outside Delhi in any considerable number.

श्री भक्त दर्शन : क्या यह सत्य है कि हाक और तार विभाग के कुछ कार्यालय यहां से मरुरी भेजने का निर्णय कर लिया गया है तथा क्या किसी और कार्यालय

को भी वहां भेजने पर विचार किया जा सकता है?

Sarvarat Swarajya Singh: पोस्ट एंड टैलीग्राफ के दो प्राप्तर, एक डाइरेक्टर जनरल पोस्ट एंड टैलीग्राफ ब्रॉन्च, और दूसरा डिप्टी एकाउंटेंट जनरल पोस्ट एंड टैलीग्राफ, इंडो पी० सरकारी, दूहली से बाहर भेज गये हैं। इनके अलावा किसी और के मुताबिलक कोई फैसला नहीं किया गया है।

Shri Sadhan Gupta: May I know whether in the matter of shifting these offices, the Central Government takes upon itself the responsibility of finding accommodation for every employee who is to be transferred in the process of shifting?

Sardar Swaran Singh: Even in Delhi, the Central Government has never taken the responsibility of finding residential accommodation for each and every employee, and it will be very difficult to undertake such a responsibility when offices are shifted outside Delhi. Government do try to find accommodation either by building accommodation or sometimes by requisitioning accommodation, but the Government servants are also expected to use their own resources for locating private accommodation.

Sardar Hukam Singh rose—

Mr. Speaker: Next question.

DR. P. GAITONDE

*684. **Shri Krishnacharya Joshi:** Will the Prime Minister be pleased to state:

(a) whether Dr. P. Gaitonde has been prosecuted by the Government of Portugal in Lisbon; and

(b) what are the main charges levelled against him?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Dr. Gaitonde was arrested and deported to Lisbon in February, 1954. He was charged with crime against Portugal's external security for saying "I protest" when a speaker at a private dinner party claimed that Goa

was Portugal. He has been sentenced to three months' imprisonment, deprived of all political rights for twelve years and placed under a security surveillance for five years.

Shri Krishnacharya Joshi: May I know whether Dr. Gaitonde is being given all the facilities which are generally given to political prisoners in civilised countries?

Shri Sadath Ali Khan: That is for Portugal to answer.

Mr. Speaker: He wants to know whether Government have any information on that point.

Shri Krishnacharya Joshi: May I know whether he is keeping good health now?

Mr. Speaker: Order, order.

Shri Joachim Alva: Is Government aware that Goan patriots like Dr. Gaitonde and a number of others are not only deprived of their citizenship rights, but are just allowed to go about in Portugal without any kind of maintenance for themselves? Do Government know of any non-official agency which would look after the maintenance of these patriots who have struck a blow on behalf of their motherland?

Shri Sadath Ali Khan: We have no information.

Dr. Ram Subhag Singh: May I know the number of political prisoners who have so far been deported to Portugal from Goa since the arrest of Dr. Gaitonde?

Shri Sadath Ali Khan: That does not arise out of this.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): It does not matter whether it arises or not. Say you do not know.

Dr. Ram Subhag Singh: The Prime Minister says....

Mr. Speaker: Whatever it may be, the Question Hour is over.

Short Notice Question and Answer

Goa

S.N.Q. No. 8. Dr. Ram Subhag Singh: Will the Prime Minister be pleased to state:

(a) whether it is a fact that Shri Walker, an official of the Indian Consulate-General in Goa, was stopped by an agent of police on the 28th August, 1954, while he was going to the house of Shri S. K. S. Bhatnagar, Incharge of the Indian Consulate-General, and asked to proceed to the Police Station;

(b) whether it is also a fact that the agent later accompanied by another police agent forced entrance into the house of Shri Bhatnagar and abused him in objectionable language and threatened dire consequences; and

(c) if so, whether Government have taken any action in the matter?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) and (b). Yes.

(c) A strong protest was lodged with the Portuguese Legation on the 31st August to which no reply has yet been received. The Consulate-General in reply to its protest has, however, been informed by the Portuguese authorities in Goa that the police constable concerned will be dismissed for having acted contrary to Government orders.

Dr. Ram Subhag Singh: May I know whether the so-called police agents who abused and insulted these consular officials included Brazilian and Spaniard mercenaries, who have recently arrived in Goa on a specially chartered ship?

Shri Jawaharlal Nehru: I cannot understand how an agent can include others. How an individual can include a crowd, I do not understand. I do not see where Brazilians and others come into the picture. I am not aware of anything about it.

Dr. Ram Subhag Singh: May I know whether the threats, abuses and insults hurled at the Indian consular officials are a part of Portugal's plan

to lower down India's prestige on the Goan side, and make them submit to Portugal's reign of terror there?

Shri Jawaharlal Nehru: That is for the hon. Member to surmise, if he likes.

Shri H. N. Mukerjee: Have we insisted on an immediate apology from the Portuguese authorities, regarding this incident?

Shri Jawaharlal Nehru: I have just informed the hon. Member that two kinds of action were taken in the matter. One was the protest launched with the Portuguese Legation here, to which no answer has come. And the other was, even before this, our Consulate-General in Goa launched a protest, and they got an answer to the effect that the constable will be punished, or that disciplinary action will be taken against him. There the matter ends. The hon. Member and the House are well aware that our contacts and relations with the Portuguese authorities in Goa are not, at the present moment, of the most cordial character.

Shri Joachim Alva: Are Government aware that the Portuguese Minister and other members of the Portuguese Legation are freely allowed to go unmolested in Delhi, and also have frequent consultations with the U.K. and U.S.A. embassies, for seeking advice and guidance?

Shri Jawaharlal Nehru: Government are not only aware of it, but they guarantee that.

Shri H. N. Mukerjee: Are Government aware that the Portuguese Legation fairly regularly sends literature to all sorts of people in this place, including Members of Parliament, literature which is sometimes of an undesirable character?

Shri Jawaharlal Nehru: I cannot speak on that definitely, but I have a vague idea that that is done. I do not think that any Member of Parliament is likely to be misled by it.

WRITTEN ANSWERS TO QUESTIONS

ALL INDIA RADIO

***637. Shri D. C. Sharma:** Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Starred Question No. 161 asked on 19th February, 1954 and state:

(a) whether the list of anniversaries to be celebrated by the All India Radio has now been prepared; and

(b) if so, whether a copy of the list will be placed on the Table of the House?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). A list of anniversaries has been drawn up. A copy of it is placed on the Table of the Sabha. [See Appendix IV, annexure No. 37.] Supplementary lists of religious anniversaries and festivals for Muslims are being drawn up; and the list of cultural anniversaries will be expanded by adding the anniversaries of musical celebrities.

In addition to these anniversaries, there are others of purely local or regional interest which Stations are observing subject to the importance of the person, strength of local sentiment and effective programme excellence of the broadcast.

LABOUR BANKS

***641. Shri S. N. Das:** Will the Minister of Planning be pleased to refer to the reply to starred question No. 1520 asked on the 22nd April, 1953 and state:

(a) whether the experiments which the Gandhi Smarak Nidhi started for the formation of labour banks for full utilisation of all the resources by capitalisation of man-power have been examined by Government; and

(b) if so, with what results?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir, since the Gandhi Smarak Nidhi has

not proceeded with its experiments at any of the Centres selected except Bhilwada in Rajasthan, where only some work of a preliminary nature has been done.

(b) Does not arise.

PEPPER

***648. Shri A. K. Gopalan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the U.S.S.R. which desires to import pepper in large quantities has not been permitted the requisite exchange facilities by Scheduled Banks in India; and

(b) whether it is also a fact that as a result thereof U.S.A. is the only field for export of pepper?

The Minister of Commerce (Shri Karmarkar): (a) and (b). No, Sir. Payments for trade with the U.S.S.R. are made in rupees out of the accounts maintained by the State Bank of that country with the commercial banks in India, dealing with foreign exchange. As such, the question of scheduled banks in India permitting requisite exchange facilities to the U.S.S.R., does not arise.

गोमांस (निर्यात)

***649. श्री विमूति विश्वः** क्या वाचिक्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत से कोरिया को गोमांस का निर्यात किया जाता है; और

(ल) यदि हां, तो क्या सरकार इस के निर्यात पर रोक लगाने का विचार करती है ?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Export of beef has been banned since 11th May 1954, except as ship stores. Exports at

present are only being allowed against commitments made by firms before the ban.

NAVIGABILITY OF RUPNARAIN RIVER

***653. Shri S. C. Samanta:** Will the Minister of Irrigation and Power be pleased to state how far the Damodar Valley Project will help or retard the navigability in the Rupnarain river?

The Deputy Minister of Irrigation and Power (Shri Hathi): Expert technical opinion at present is that the Damodar Valley Projects would neither help nor retard the navigability of the Rupnarain river to any material extent. This subject, however, requires study by model experiments which the Central Water and Power Commission have been advised to undertake.

Vastra Swavalamban SCHEME

***654. Shri Krishna Chandra:** Will the Minister of Commerce and Industry be pleased to state:

(a) the names of persons or institutions to whom grants have been made under the scheme known as *Vastra Swavalamban Scheme*;

(b) the amount of grants made in each case; and

(c) the results achieved so far?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 38.]

(c) The value of production under this scheme has increased from about Rs. 1.79 lakhs in January-June, 1953, to Rs. 3.16 lakhs in January-June, 1954.

VISAKHAPATNAM SHIPYARD

***658. Shri Ajit Singh:** Will the Minister of Production be pleased to state:

(a) the total cost of the two new berths at present under construction at the ship-building yard at Visakhapatnam; and

(b) when their construction is likely to be completed?

The Minister of Production (Shri K. C. Reddy): (a) The estimated cost is Rs. 17,00,132.

(b) (i) Berth IV will be completed at the end of 1954.

(ii) Berth V has already been completed.

अन्तर्राष्ट्रीय फिल्म समारोह

***659. डा० सत्यवादी :** क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे:

(क) क्या भारत ने उस अन्तर्राष्ट्रीय फिल्म समारोह में भाग लिया था, जो जून १९५४ में बर्लिन में हुआ था;

(ख) यदि हाँ, तो कौन कौन सी हिन्दुस्तानी फिल्में वहाँ भेजी गई थीं;

(ग) ऐसे अन्तर्राष्ट्रीय अवसरों पर जो फिल्में भेजी जाती हैं, उनका चुनाव कौन अधिकारी करता है; और

(घ) फिल्में किस आधार पर चुनी जाती हैं?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) The following films were entered by India:—

Documentaries

1. Folk Dances of India,
2. Project for Plenty,
3. Music of India (Drums),
4. Farmer on the Floating Field,
5. Ganesh—God of Good Luck.

Full Length films

1. Pompous,
2. Bhagwan Sri Krishna Chaitanya.

(c) Entries are usually recommended by Government from amongst those

who propose to send entries on the basis of suggestions from Film Associations and from the Central Board of Film Censors.

(d) Films suitable for demonstrating the development of the film in the country are recommended for entry.

TEA DELEGATION

*660. **Shri K. Subrahmanyam:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a Delegation is visiting U.S.A. and Canada in the near future to explore ways and means for increasing tea export to those countries: and

(b) if so, who are the Members of the Delegation?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) A list of the members of the delegation is placed on the Table of the House. [See Appendix IV, annexure No. 39.]

HONNEMARADU SCHEME

*665. **Shri N. Rachiah:**
Shri Wodeyar:

Will the Minister of Planning be pleased to state:

(a) whether it is a fact that the Mysore Government have sent a proposal for the Honnemaradu Scheme being included in the Second Five Year Plan; and

(b) if so, what action Government propose to take in this matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) The proposal is under examination.

SECOND FIVE YEAR PLAN

*666. **Shri S. C. Singhal:** Will the Minister of Planning be pleased to state the time when the Second Five Year Plan would be ready?

The Deputy Minister of Irrigation and Power (Shri Hathi): Important questions relating to the Second Plan such as its nature, scope, size, priorities etc., are still under consideration. It would, therefore, be somewhat premature at this stage to indicate a date by which the Plan would be ready.

कैलियम कारबाइड

*669. **Shri B. R. Ambedkar:** क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे :

(क) क्या कैलियम कारबाइड को खुली सामान्य अनुशासित सूची में से हटा कर अनुशासित सूची में सम्मिलित कर दिया गया है;

(ख) यदि हां, तो इस के क्या कारण हैं; और

(ग) जब कैलियम कारबाइड को अनुशासित सूची में नहीं सम्मिलित किया था, उस समय उस का बाजार भाव क्या था, और उस का वर्तमान भाव क्या है ?

The Minister of Commerce (Shri Karmarkar): (a) and (b). Calcium Carbide was removed from the Open General Licence with effect from 16th March, 1954, with a view to regulate its imports, and also to encourage indigenous production of this item.

(c) A statement is laid on the Table of the House. [See Appendix IV, annexure No. 40.]

FINE CLOTH (EXPORT)

*676. **Shri Ganpati Ram:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there has been any export of fine cloth during the past six months;

(b) the total quantity and value of such cloth; and

(c) the names of the countries to which these exports have been made?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 41.]

HAND AND MILL PAPER

*679. **Th. Jugal Kishore Sinha:** Will the Minister of Commerce and Industry be pleased to state the ratio between the quantities of hand-made paper and mill-made paper consumed annually during the last three years?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The information is being collected and will be placed on the Table of the House in due course.

COMPENSATION TO INDIAN LAND OWNERS IN BURMA

*680. **Shri D. C. Sharma:** Will the Prime Minister be pleased to refer to the reply to starred question No. 477 asked on the 27th of February 1954 and state whether the question of compensation for the nationalized land in Burma to Indian land owners has been finally decided by the Burmese Government?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): Yes, Sir. The Burmese Parliament during its February-March 1954 Session has passed the Burma Land Nationalisation (Amendment) Act, 1954 which prescribes the scale of compensation payable to the land owners.

द्वितीय पंच वर्षीय योजना

*684 { श्री एम० एल० द्विवेदी :
पंडित तमुनीश्वर वस्तु
उपाय्याय :

स्था योजना मंत्री यह बताने की कृपा करेंगे :

(क) द्वितीय पंच वर्षीय योजना के सम्बन्ध में काम की तैयारी करने के लिये सरकार ने जो गश्ती पत्र भेजा था, उसका उत्तर किन किन राज्यों ने दे दिया है और

किन किन राज्यों ने अभी तक उत्तर नहीं दिया है ; और

(ख) क्या जिला स्तर पर क्रियान्वित की जाने वाली योजनाओं को तैयार करने के सम्बन्ध में राज्य सरकारें जिला योजना समितियों से परामर्श करती हैं ?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Considering the nature of the suggestions made in the letter of the Planning Commission, the States have not had sufficient time to deal with it.

(b) A suggestion to this effect was made in the letter.

ADVERTISEMENT

*686. **Shri Nageshwar Prasad Sinha:** Will the Minister of Information and Broadcasting be pleased to state the total amount paid towards the advertisement charges of the newspapers and other journals in India during 1953-54 for publishing Government advertisements?

The Minister of Information and Broadcasting (Dr. Keskar): Information in respect of advertisements given by Ministries through agencies other than the Advertising Branch of the Ministry of Information and Broadcasting is being collected. The Advertising Branch of the Ministry of Information and Broadcasting issued only display advertisements of the Government of India excepting Railways during 1953-54 and the total payment in respect of such advertisements amounted to Rs. 7,73,385/4/-.

COKE OVEN PLANT

*687. **Shri S. C. Samanta:** Will the Minister of Production be pleased to state:

(a) whether the work of setting up the new coke oven plant in Sindri is being carried on according to the schedule; and

(b) what arrangements are being made to utilise the bye-products that

will be available when the plant will come into operation?

The Minister of Production (Shri K. C. Reddy): (a) The construction of the Coke Oven Plant has been completed and it was commissioned on the 31st August, 1954.

(b) The by-products excepting Coke Oven Gas will be sold. The Coke Oven Gas is proposed to be utilized for manufacturing Urea and Ammonium Sulphate Nitrate (double salt) at Sindri.

ENGINEERS' DELEGATION TO CHINA

*688. { **Shrimati Tarkeshwari Sinha:**
Shri Raghunath Singh:
Shri Shivananjappa:
Shri Jethalal Joshi:
Shri N. B. Chowdhury:
Shri Buchhkotaiah:
Shri C. R. Chowdary:
Shri Raghavaiah:
Shri Wodeyar:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Indian delegation of Engineers who went to China to study the flood control methods and the construction of dams and other engineering projects there has returned;

(b) whether the delegation has submitted any report; and

(c) if so, whether Government propose to lay the full report on the Table of the House?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) and (c). The delegation has submitted a brief report, copies of which have already been supplied to all Members of Parliament. Fuller report is under preparation and copies thereof will also be circulated to all Members.

JUTE AND PLYWOOD INDUSTRIES

*689. **Shri Ajit Singh:** Will the Minister of Commerce and Industry be pleased to specify the areas that

have received the serious attention of the Government with regard to jute and plywood industries?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Both the Jute and Plywood industries have been receiving the Government's attention as envisaged in the First Five Year Plan. No specific areas are recommended in the Plan for special consideration.

INDIAN COTTON CONTRACT

*690. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the question of amending the Indian Cotton Contract in order to curb certain speculative tendencies which have been in evidence recently, has been considered; and

(b) if so, what is the nature of amendment that has been decided upon?

The Minister of Commerce (Shri Karmarkar): (a) and (b). The matter is under consideration of the Forward Markets Commission.

TESTS OF TEA SAMPLES

*691. **Shri Sadhan Gupta:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether in March and April 1954 the Central Tea Board in Calcutta carried out tests on certain samples of tea collected from different gardens in Jalpaiguri, Assam and South India;

(b) if so, the number of samples among them that were found adulterated; and

(c) the number of cases instituted by Government in respect of adulterated tea found by the Central Tea Board as a result of these tests?

The Minister of Commerce (Shri Karmarkar): (a) to (c). The Tea Board with the help of the local Municipal staff collected eleven samples of tea from Jalpaiguri and Assam. Out of these, ten were found adulterated. No sample was collected from South India. In respect of the six

cases detected in Jalpaiguri, the Municipal Health authorities have taken steps to prosecute the persons concerned.

VALUE OF STANDARD ACRE

***692. Shri Gidwani:** Will the Minister of Rehabilitation be pleased to refer to the reply to starred question No. 2043 asked on 26th April 1954 and state:

(a) whether Government have taken any decision regarding the fixing of the value of the standard acre of agricultural land; and

(b) if so, what is the value per acre?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). The matter is under consideration.

अस्पृश्यता उन्मूलन

*693. { श्री जी० एल० औषरी॒
श्री लोटन राम॒
श्री एन० ए० बोरकर॒

क्या सूचना तथा प्रसारण मंत्री यह बताने की क्रपा करेंगे कि जनवरी १९५४ से ३१ अगस्त १९५४ तक आकाशवाणी के भिन्न भिन्न केन्द्रों से अस्पृश्यता उन्मूलन के सम्बन्ध में कितने निबंध, वार्तायें और गीत प्रसारित किये गये?

The Minister of Information and Broadcasting (Dr. Keskar): The information is being collected and will be placed on the Table of the Sabha in due course.

REHABILITATION OF DISPLACED PERSONS IN MANIPUR

***694. Shri Rishang Keishing:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that land at Mantri Pukhri has been set apart for the Rehabilitation of the middle class displaced persons in Manipur;

(b) if so, how many middle class displaced persons are to be rehabilitated there; and

(c) what are the details of the scheme?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) and (c). The State Government are ascertaining the actual number of middle-class displaced persons to be rehabilitated on the land. The details of the Scheme will be worked out thereafter.

BORDER INCIDENTS

*695. { **Shri D. C. Sharma:**
Shri G. P. Sinha:

Will the Prime Minister be pleased to state:

(a) how many border incidents were officially reported during the period from January to August, 1954 on the Indo-Pakistan borders of East and West Punjab;

(b) the nature of incidents; and

(c) the number of such incidents that have been amicably settled between the two Governments?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Six incidents on the East Punjab—West Punjab border have been reported to the Government of India during the period from January to August, 1954.

(b) One incident related to attempted cattle-lifting by Pakistani nationals and subsequent firing by the raiders at the Punjab (I) Armed Police.

Two incidents related to the kidnapping of Indian nationals from Indian territory by the Pakistan Border Police. In one of these incidents, the kidnapped Indian national was killed.

Three incidents related to attempts being made by the Pakistan Border Police and Pakistani nationals to occupy areas belonging to Indian nationals. In two of these incidents,

Pakistani Police opened fire on the Indian Police, leading to the death of one Indian constable and injuries to two others.

(c) In all these cases, senior officials were eventually able to prevent the situation from worsening and to restore normalcy. The Government of India have also taken up with the Government of Pakistan the question of compensation to be paid to the injured persons as well as to the heirs of the deceased. The replies of the Government of Pakistan are awaited.

PASSPORTS

*696. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state:

(a) the number of Indians who got passports and visas to enter Ceylon since the 1st June, 1954 when restrictions in respect of visas came into operation; and

(b) the number of persons, if any, who had valid passports but were refused visas during that period?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). 1,498 Indian citizens were granted India-Ceylon passports from 1st June to 31st July, 1954. Exact figures for visas issued and refused during the period are not available, as this is now the concern of the Ceylon Representatives in India.

MRS. MANIE GANGARAM

*697. **Shrimati Tarkeshwari Sinha:** Will the Prime Minister be pleased to state:

(a) whether Government are aware of the fact that for nearly two years, an Indian lady Mrs. Manie Gangaram living in Grahams Town has been appealing to the South African Government, to be allowed to live permanently with her husband in Durban, but has not been so far allowed to stay with her husband; and

(b) if so, whether the Government of India propose to take some steps in the matter?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Government have seen Press reports to this effect.

(b) Mrs. Gangaram is a 'prohibited immigrant' in Natal under the South African law. She has already made direct representations to the Union Government. It is not proposed to take any action in the matter in view of the fact that the Government of India have already raised in the United Nations the general question of the discriminatory treatment of persons of Indian origin in South Africa.

FOREIGN FIRMS IN INDIA

296. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the steps taken, if any, to find out the extent to which foreign firms operating in India, with monopoly in the matter of distribution of the foreign manufactured products like the Imperial Chemicals Limited do not over-invoice the articles manufactured by their concerns abroad and sell them here, through "India Limiteds" with a view (i) to take more profits abroad and (ii) to show less of profits in Indian business; and

(b) whether Government have made any efforts to study this problem with the seriousness it deserves?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The question relates to a matter which is almost the daily concern of the Customs Appraising authorities. In assessing the customs duty on goods imported, the Customs authorities check up both over-invoicing and under-invoicing, and the attention of the concerned authorities is drawn by them where it is necessary.

COTTON TEXTILE MILLS

301. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to state:

(a) the total net profits and gross profits made by cotton textile mills during the year 1953: and

(b) the percentage of increase or decrease over the figures for the previous year?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a), and (b). The information asked for is not readily available.

INDO-WEST GERMAN TRADE AGREEMENT

302. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to refer to the report regarding new Indo-West German Trade Agreement at page 343 of the Journal of Industry and Trade, March, 1954 and state:

(a) the articles of West German manufacture allowed to be imported under the liberalisation of West German imports;

(b) the names of firms to whom Import licences have been issued for West German products and for what value;

(c) whether any of the West German manufacturers have appointed any Indian firms as sole distributors in India for such products; and

(d) if so, the names of such Indian agencies or firms?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (d). The report refers to liberalisation of imports of some commodities into Western Germany from India and not of imports into India from Western Germany. The whole question is therefore based on a misapprehension.

COD LIVER OIL

303. Shri A. K. Gopalan: Will the Minister of Commerce and Industry be pleased to state:

(a) the total annual production of (i) Cod Liver Oil and (ii) Shark Liver Oil in India at present;

(b) the total consumption of both for (i) industrial and other purposes and (ii) human consumption;

(c) the total requirements for (i) industrial and other purposes and (ii) human consumption; and

(d) the total imports during 1952-53 and 1953-54, countrywise?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) There is no production of cod-liver oil in the country. The production of shark-liver oil since 1952 has been as follows:

	Gallons.
1952	19,857
1953	14,425
1954	13,454

(January to June)

(b) Information is not available.

(c) The present annual demand for cod-liver oil has been estimated at 30,000 gallons per annum—10,000 gallons for tanning industry and the balance for drugs and pharmaceutical industries. The demand for shark-liver oil would be about 25,000 gallons per annum, if it is to substitute cod-liver oil.

(d) Shark-liver oil was not imported into India at all.

Imports of cod-liver oil during 1952-53 and 1953-54 were as follows:

Country	1952-53		1953-54	
	Gallons	Gallons	Gallons	Gallons
1. U.K.	7,100		12,800	
2. Singapore	600		..	
3. Belgium	200		..	
4. Norway	4,000		6,900	
5. Germany (Western)			700	
6. Denmark	500		..	
7. Italy			600	

ZINC SPELTER

304. Shri Balwant Sinha Mehta: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a decision has been taken to set up a zinc spelter plant in India; and

(b) if so, how long it will take to implement the decision?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The report of the Committee which was set up to examine this question is at present under consideration.

GATT

305. Sardar Hukam Singh: Will the Minister of Commerce and Industry be pleased to state whether all the contracting parties to the General Agreement on Tariffs and Trade have signified their approval to the decisions of GATT taken in 1952:—

(i) to adopt a code of Standard Practices for documentary requirements for the importation of goods; and

(ii) to lay down certain standard practices for consular formalities?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): In approving—(i) a code of Standard Practices for documentary requirements for the importation of goods, and

(ii) standard practices for consular formalities, the Contracting Parties to the General Agreement on Tariffs and Trade acting jointly recommended the

member-Governments merely to observe these standards. As such, the documents were in the nature of recommendations only and no formal acceptance or ratification was required.

CHEAP HOUSING SCHEME

306. Sardar Hukam Singh: Will the Minister of Rehabilitation be pleased to state the number of tenements and houses constructed at Government expense under the Cheap Housing Scheme, whose ownership is to be transferred to the occupants under the Compensation Scheme?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): Punjab—2,413, U.P.—350, Delhi—7,004.

INDUSTRIAL HOUSING SCHEME

307. Shri N. B. Chowdhury: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the amount granted so far under the Industrial Housing Scheme for housing purposes in the State of West Bengal; and

(b) whether Government will lay on the Table of the House a statement showing the details of different types of schemes for which money has been granted?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Rs. 20,60,500 have been granted as subsidy and Rs. 7,19,250 as loan for four housing schemes in the State of West Bengal.

(b) The details of these schemes are given below:

		Subsidy	Loan
1. Kadamtala (Government Scheme).	128 one-roomed tenements in multi-storeyed buildings at Kadamtala, Howrah.	Rs. 2,88,000	Rs. 2,88,000
2. Christopher Road. (Government Scheme)	104 one-roomed tenements in multi-storeyed buildings at Christopher Road, Entally, near Bridge No. 3 in the Eastern portion of Calcutta.	Rs. 2,34,000	

		Subsidy	Loan
		Rs.	Rs.
3.	Maniktala (Government Scheme).	556 one-roomed tenements in multi- storeyed buildings near Dhappa Parallel to the New Cut Canal, Calcutta.	12,51,000 ..
4.	Jay Engg. Works Ltd. (Private Employers' Scheme).	400 one-roomed tenements in double- storeyed buildings at Dhakuria, Calcutta.	2,87,500 4,31,250
		TOTAL . 20,60,500	7,19,250

विस्थापित व्यक्तियों के लिये मकान

- ३०८. श्री आर० एन० सिंह : क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :
 - (क) सरकार ने वर्ष १९५१-५२ और १९५२-५३ में विस्थापित व्यक्तियों के लिये कितने मकान बनवाये ; और
 - (ख) उन पर कितना व्यय हुआ ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhomil): (a) and (b). The number of houses built for displaced persons from West Pakistan and the expenditure incurred thereon is as follows:

Year	No. of houses built	Expenditure incurred
Rs.		
1951-52	28,486	5,61,70,724
1952-53	18,386	4,56,34,720
TOTAL .	46,872	10,18,05,444

Similar information in respect of houses built for displaced persons from East Pakistan is being collected and will be placed on the Table of the Sabha in due course.

JUTE

309. Dr. Ram Subhag Singh: Will the Minister of Commerce and Industry be pleased to state the total value of jute goods exported from India to Pakistan during 1953-54?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Rs. 6.55 lakhs.

SEARCH OF PACKAGES

310. Shri G. P. Sinha: Will the Prime Minister be pleased to state:

- (a) whether the Customs Authorities made any search of packages brought by French aircrafts in Calcutta in the month of June 1954; and
- (b) how many similar searches took place in the month of June 1954?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) Yes, the search was made of aircraft in transit to Indo China.

(b) Three French civil aircraft, one operated by SAGETA and two by TAI, were so searched during June, 1954.

DESIGNS AND SPECIFICATIONS

311. Shri Ramji Varma: Will the Minister of Irrigation and Power be pleased to state:

- (a) the names of the States which requested the Directorate of Dam Designs and Canal Structures to prepare drawings and specifications of surveys and emergency gates for various dams and projects; and

- (b) what are the States for which the designs and specifications asked for have not yet been furnished?

The Deputy Minister of Irrigation and Power (Shri Hathdi): (a) Bombay, Rajasthan and Travancore-Cochin.

- (b) None.

JEEPS

312. Th. Lakshman Singh Charak: Will the Minister of Commerce and Industry be pleased to state what is the number of jeeps imported from various countries in India during the last three years?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Statistics of the imports of jeeps alone are not available as they are not recorded separately in the Accounts relating to the Foreign (Sea, Air and Land) Trade and Navigation of India

INDO-SOVIET TRADE AGREEMENT

313. Shrimati Tarkeshwari Sinha: Will the Minister of Commerce and Industry be pleased to state:

(a) what are the goods consigned to India from Russia under the Indo-Soviet Trade Agreement;

(b) whether any of the goods have reached India so far; and

(c) if so, what are they?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (c). A statement showing the commodities which have reached India from the U.S.S.R. during the period December 1953 to June 1954 is attached. [See Appendix IV, annexure No. 43.]

Government have no information about the goods which have been consigned to India from Russia, but which have not so far arrived.

COAL-MINE WORKERS

314. Shri K. C. Sodhia: Will the Minister of Production be pleased to state:

(a) the total number of labourers working in the Government coal mines;

(b) the approximate total number of their children of school going age;

(c) the number of schools working at present in the colliery area and their total enrolment; and

(d) whether Government propose to make primary education compulsory in this area?

The Minister of Production (Shri K. C. Reddy): (a) to (c). Information is being collected and will be laid on the Table of the House.

(d) Primary education is the responsibility of the State Government.

PLASTIC के कारखाने

315. श्री नवल प्रभाकर : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) आजकल देश में प्लास्टिक के कितने कारखाने काम कर रहे हैं; और

(ख) इन कारखानों में क्या मुख्य वस्तुएं बनाई जाती हैं?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) About 60 plastic factories are irregular production.

(b) A statement is attached. [See Appendix IV, annexure No. 44.]

YARN

316. Shri Kelappan: Will the Minister of Commerce and Industry be pleased to state:

(a) the measures that are being taken by Government to ensure that the hand-loom weavers get all the yarn that they require;

(b) the total output of mill yarn in the country;

(c) the quantity consumed by the mills; and

(d) the total off-take by the hand-looms?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) To ensure adequate supply of yarn to handloom weavers, the fol-

lowing measures have been taken:

- Under Clause 12(1) of the Cotton Textile (Control) Order, 1948, Mills are required to supply a certain quantity of free yarn for the use of hand-looms, powerlooms and other miscellaneous consumers.
- As a general rule, permission is not given for the installation of additional looms to be worked on cotton yarn. Installation of new spinning mills and expansion of the existing spinning mills is allowed.
- Encouragement is being given for the installation of Co-operative Spinning Mills by weavers' co-operatives.
- Import of cotton yarn of counts 80s and above is being permitted by established importers and Weavers' Co-operative Societies as Actual users.

(b) 1953 (January to December)—1,505 million lbs. 1954 (January to June)—762 million lbs.

(c) 1953 (January to December)—1,130 million lbs. 1954 (January to June)—557 million lbs.

(d) 1953 (January to December)—266 million lbs. (Estimated). 1954 (January to May)—118 million lbs. (Estimated).

INK FACTORIES

317. **Shri Balakrishnan:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of factories which are manufacturing ink in India;

(b) their maximum productive capacity; and

(c) the number of persons employed in them?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) 44 factories.

(b) The total rated capacity is of the order of 3.52 million doz. bottles of

358 LSD

2 oz. each per annum but the effective capacity is not known.

(c) Information is not available.

AGREEMENT WITH NEPAL

318. **Shri D. C. Sharma:** Will the Prime Minister be pleased to state:

(a) whether the Governments of India and Nepal have entered into an agreement in respect of minor irrigation projects and drinking water facilities in the rural areas of Nepal; and

(b) if so, what is the nature of the agreement?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) Yes.

(b) Rupees fifty lakhs will be provided as a grant-in-aid to the Government of Nepal during the period of four years commencing with 1954-55. The amount is to be utilised for providing goods, equipment and skilled personnel necessary for the execution of approved projects for minor irrigation works and drinking water facilities.

COAL

319. **Th. Lakshman Singh Charak:** Will the Minister of Production be pleased to state:

(a) the quantity of soft coke and charcoal consumed in every State during 1953 and 1954; and

(b) the total production of coal in India during those years?

The Minister of Production (Shri K. C. Reddy): (a) A statement showing the approximate quantity of soft coke supplied to different States during the years 1953 and 1954 (upto July) is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 45.]

Information regarding charcoal is not available.

(b) The figures are:

	(Tons)
1953	35,979,167
1954 (upto July)	20,896,081

AUCTION OF SURPLUS STORES

320. Shri Shivananjappa: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that remunerations are paid to the auctioneers appointed by the Directorate-General of Supplies and Disposals for conducting sales by auction of surplus stores; and

(b) if so, the amount paid on this account during the years from 1948 to the end of April, 1954?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes, Sir. A commission on the actual realisation in auction sales is paid to the auctioneers.

(b) The following amounts were paid to the auctioneers as commission during the years in question:

	Rupees
1948	2,07,207
1949.	4,01,112
1950	5,46,048
1951	2,71,504
1952	93,179
1953.	1,21,021
1954 (upto 30th April 1954)	47,266

ILMENITES (EXPORT)

321. Kumari Annie Mascarenhas: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of the countries to which Ilmenite and other mineral sands are exported;

(b) the quantity exported to each of these countries; and

(c) the company or companies to whom licence has been given for export?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The export of ilmenite

ore to various destinations, during 1953-54 was as follows:

Countries	Quantity
	Tons
U.K.	61,845
U.S.A.	1,41,284
Netherlands	1,100
Japan	4,500
Belgium	2
TOTAL	2,08,731

There was no export of Monazite sand.

The export of other sands is not shown separately in the Sea-Borne Trade accounts.

(c) The principal firms exporting ilmenite are (1) Messrs. Hopkins and Williams, (2) Messrs. Travancore Minerals Concern, and (3) Messrs. F. X. Pereira & Sons, all of Travancore.

BEE-KEEPING INDUSTRY

322. Shri Badshah Gupta: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of the Centres where bee-keeping industry is carried on; and

(b) the amount of money spent on this industry during 1953-54?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The information is being collected and will be laid on the Table of the House.

(b) It is understood that Rs. 1,10,842 and Rs. 25,500 were disbursed by the All India Khadi and Village Industries Board as grant and loan, respectively, during the year 1953-54.

"INDIA NEWS"

323. Shri T. B. Vittal Rao: Will the Prime Minister be pleased to state:

(a) the total expenditure incurred by the India High Commission in London for publishing the weekly journal "India News" during 1952 and 1953;

(b) whether any other Indian Embassy abroad publishes any weekly journal; and

(c) if so, the names of the countries where they are published?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) 1952-53 Rs. 97,560; 1953-54 Rs. 91,720.

(b) Yes.

(c) Belgium, Burma, China, British East Africa, Iran and Switzerland.

COCONUT OIL

324. Shri Achuthan: Will the Minister of Commerce and Industry be pleased to state:

(a) the estimated quantity of coconut oil used in India in 1952 and 1953 for (i) soap manufacture, (ii) toilets and other preparations and (iii) edible purposes (in tons); and

(b) the quantity of indigenous coconut oil available and used for the above purposes during those two years?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) The Oils and Soap panel reported in 1946 as follows:

Soap Industry, Toilet and domestic uses, Edible purposes, Other uses, making a total of 150,000 tons. No estimate has been made since then though the total availability is about 5/6 thousand tons less.

(b) About 120,000 tons per annum.

DEVELOPMENT BLOCKS IN MIDNAPUR

325. Shri N. B. Chowdhury: Will the Minister of Planning be pleased to state:

(a) whether there is any proposal to start some new Development Blocks in the district of Midnapur in West Bengal;

(b) if so, the names of the localities where these Development Blocks will be allocated; and

(c) the main features of these proposed blocks?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). The Government of West Bengal have recently been allotted 10 National Extension Service Development Blocks for the year 1954-55. Work in these Blocks is to be taken up on 2nd October, 1954. The selection of areas for allocation of these Blocks will be made by the State Government and their decision in the matter is awaited. The pattern of the programme and the estimated expenditure in respect of these blocks is contained in the pamphlet "Organisation of National Extension Service & Expansion of Community Programme", copies of which are available in the Library of the House.

COPRA AND COCONUT OIL

326. Shri Achuthan: Will the Minister of Commerce and Industry be pleased to state:

(a) the import policy of Government with regard to copra and coconut oil;

(b) whether the preferential import duty was reduced from 25 per cent. in 1952 to 5 per cent. in the second half of 1953;

(c) the reasons for this reduction; and

(d) whether the Central Coconut Committee recommended in April, 1954 that the maximum quantity to be imported shall not exceed 50,000 tons (both copra and oil inclusive) and whether Government intend to accept this recommendation?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) During the current licensing period both copra and cocoanut oil are allowed to be imported by established importers on a quota of 100 per cent. of half of best year's import. These items are open to actual users and to new-

comers also. Not more than two-third of the face value of the licences issued for the import of cocoanut can be used for the import of cocoanut oil and the balance will have to be utilised for the import of copra or cocoanut kernel. One-third of the face value of the licences may be utilised for the import of Palm oil in lieu of cocoanut oil.

(b) This is true only with regard to copra.

(c) The object was to stimulate the import of copra in preference to cocoanut oil for the benefit of the crushing industry in India; and incidently to bring down the general level of prices of edible oils in India.

(d) The recommendations of the Central Cocoanut Committee were taken into consideration when formulating the import policy for these items.

Wednesday, 8th September, 1954

LOK SABHA

DEBATES

(Part II—Proceedings other than Questions and Answers)



VOLUME VI, 1954

(23rd August to 11th September, 1954)

Seventh Session
1954

LOK SABHA SECRETARIAT

NEW DELHI

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

1247

LOK SABHA

Wednesday, 8th September, 1954

The Lok Sabha met at a Quarter Past Eight of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-20 A.M.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS.

PRESENTATION OF ELEVENTH REPORT

Shri Kasliwal (Kotah-Jhalawar): I beg to present the Eleventh Report of the Committee on Private Members' Bills and Resolutions.

ELECTION TO COMMITTEE

COIR BOARD

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move:

"That in pursuance of sub-section (3)(e) of section 4 of the Coir Industry Act, 1953, this House do proceed to elect in such manner as the Speaker may direct, one Member from among themselves to serve on the Coir Board."

Mr. Speaker: The question is:

"That in pursuance of sub-section (3) (e) of section 4 of the

373 LSD.

1248

Coir Industry Act, 1953, this House do proceed to elect in such manner as the Speaker may direct, one Member from among themselves to serve on the Coir Board."

The motion was adopted.

Mr. Speaker: I have to inform Members that the following dates have been fixed for receiving nominations and withdrawal of candidatures, and for holding election, if necessary, in connection with the Coir Board, namely:—

Date for nomination	Date for withdrawal	Date for election
11-9-1954	14-9-1954	16-9-1954

The nomination to the Board and the withdrawal of candidature will be received in the Parliamentary Notice Office upto 12 Noon on the dates mentioned for the purpose.

The election, which will be conducted by means of the single transferable vote, will be held in Committee Room No. 62, First Floor, Parliament House between the hours 10-30 A.M. to 1-00 P.M.

BUSINESS OF THE HOUSE

CHANGE IN TIMINGS OF Sittings

Mr. Speaker: Before the House proceeds with the next business, namely, the further consideration of the Bill to provide a special form of marriage in certain cases, for the registration of such and certain other marriages and for divorce, as passed by the Rajya Sabha, I have to make

[Mr. Speaker]

an announcement in view of the discussions at the Business Advisory Committee to adjust the business of the House. It was considered necessary by all concerned that the House must sit longer hours, because otherwise, the legislation and other business of the House will continue to be progressively in arrears.

There was a lot of discussion about the timings of these sittings, and there were different views expressed, but ultimately some particular view was advanced, and the matter was kept over to have the reactions of the hon. Leader of the House. He has been consulted.

Babu Ramnarayan Singh (Hazaribagh West): Not of the Members of the House?

Mr. Speaker: The Members of the House, through the Business Advisory Committee, had expressed themselves. As this concerns the government business and the expedition with which it is carried, it is but natural that the spokesman of the Government should be consulted. His reactions have been obtained.

With the concurrence of the Members of this House as also the hon. Leader of the House, I am announcing now that the House will be sitting from day after tomorrow—tomorrow is a holiday—from 11 A.M. till 5 P.M.—this will give six hours—without a break for lunch. That means, the sitting of the House continues, and whosoever wants to have lunch will have to arrange for himself either in the Parliament House or outside.

But in this connection, I would like to invite your attention to one convention in the House of Commons. I would, therefore, put it to you that if the House agrees, we may adopt that convention and establish a convention that the House shall not be counted between 1 P.M. and 2-30 P.M. There is no count for that period. (Interruptions).

But if on a division taken on any business between 1 P.M. and 2-30 P.M. it appears that 50 Members are not present, the business shall stand over until 2-30 P.M. the same day or the next sitting of the House, as may be convenient, and the next business shall be taken up. The point is that no question will be decided finally which requires a vote of the House between 1 P.M. and 2-30 P.M. if 50 Members are not present, that is, the number of the quorum.

Shri K. K. Basu (Diamond Harbour): Unless it is the unanimous decision of the Committee, I think the better course would be to sit from 12 NOON to 6 P.M.

Mr. Speaker: The Committee was, of course, unanimous but is never pressed on this particular point. The question of 12 NOON to 6 P.M. was also considered, and when I announced this, the proposition of 12 NOON to 6 P.M. is not altogether ruled out. The point pressed at present was that as the day is getting shorter, it is better that we adjourn earlier by the end of the day than sit longer hours so that Members may be left some time free for their evening engagements. The other consideration was that some more time may be left in the morning to attend to their business, and from that point of view 12 NOON to 6 P.M. would be better. But this point is open and if Members express a desire that we should sit from 12 NOON to 6 P.M., the Chair will have no objection. (Interruptions.)

Shri S. S. More (Sholapur): We may have 12 NOON to 6 P.M. with one provision, because it becomes difficult to maintain quorum, that the provision or convention that you have suggested is accepted for the period between 5 P.M. and 6 P.M. Then we shall have easy progress.

Shri Gidwani (Thana): It will be better to sit from 12 NOON to 6 P.M.

Shrimati Renu Chakravarty (Basirhat): I would submit that we should not accept this proviso about not counting for 1½ hours, because the main idea is that we should get through the arrears. If we are not to have a quorum between those hours, I am sure the same difficulty that we experience during discussion of Private Members' Bills and Resolutions will come up and we shall be postponing, again and again very vital decisions. Actually, the time gained will be lost in another way.

Mr. Speaker: There seems to be a misapprehension on this point. It is not that the House is not functioning and it shall not be counted. If anybody raises a point or some question has to be voted upon and if there is no quorum, then votes will not be counted; the House will proceed with other business. That is the point.

The Minister of Defence Organisation (Shri Tyagi): In other words, quorum will not be questioned. (Interruptions.)

Mr. Speaker: I am requesting Members just to develop a convention. Our Constitution provides for a quorum and I would not like to go against the provisions of the Constitution. Therefore, I advisedly said that we might try to establish this convention.

As regards the other points of Mr. More, for having this kind of thing—the House not being counted at later hours—I am afraid it is difficult to agree with him, because we agree to this procedure between 1 P.M. and 2-30 P.M. as it is lunch time. There is no such thing as between 5 P.M. and 6 P.M., but we may see whether we can have half an hour or three-fourths of an hour for tea time when the House will not be counted. Some such thing might be there.....(Interruptions). It seems the inclination is not to accept it. So for the present, how do we agree—between 12 NOON and 6 P.M. or 11 A.M. and 5 P.M.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): As I ventured to put it to you yesterday, I am entirely in your hands and in the hands of the House. Whatever time is fixed, we shall adapt ourselves to it, even though it might not be wholly convenient. Only one thing I would submit, that is, that between these two timings, if it is 11 A.M. to 5 P.M., it might continue to 6 P.M. also occasionally. I see no reason why Members should not continue to sit till the end of the sitting; I do not think it is right or fair for Members to absent themselves when important work is at hand.

Mr. Speaker: So this closes the question. The House will sit from 11 A.M. to 5 P.M., and if need be, up to 6 P.M. I assume that there is an agreement on this point by the House and the time is settled.

Several Hon. Members: Yes.

Dr. Rama Rao (Kakinada): On a point of order, Sir. By raising this question of not taking quorum into account, are you not interfering with the Constitution? Can we do that?

Mr. Speaker: The hon. Member did not hear me when I was on my legs. The difficulty in this House is that Members are talking among themselves on their own questions when discussions are going on, and then they put in something by way of a point of order. I said that I did not wish to go against the Constitution. I therefore said that we might establish a convention, and not a rule of this House going against the Constitution.

Shri Vallatharas (Pudukkottai) rose—

Mr. Speaker: Even now, if there are 40 Members in the House, unless the attention of the Chair is drawn, the House goes on. It is perfectly valid according to the Constitution.

SPECIAL MARRIAGE BILL.—(contd.)

Clause 4.—(Conditions relating to solemnization of special marriages—Contd.

Mr. Speaker: The House will now proceed with further discussion on clause 4 of the Special Marriage Bill. Amendment No. 61 relating to age-limit, i.e. part (c) of clause 4, was adopted yesterday. Also amendments 425 and 114 relating to degrees of prohibited relationship was moved yesterday and are now before the House. Amendment No. 113 was moved on the 2nd September, 1954.

Now as regards certain amendments which were already tabled before, and other amendments which were tabled subsequently in a modified form, a question was raised yesterday in the House as to whether those amendments were barred as a result of the House accepting amendment No. 61. My attention was invited to that. I have gone through the debate in the House and the amendments concerned and I am now giving my ruling on this question.

The question is as to the effect of the acceptance by the House of amendment No. 61. It has to be noted that this amendment was considered along with a number of amendments, many of which contained a provision that the consent of the guardian should be taken in case the bride or the bridegroom was above fifteen or eighteen but had not completed the age of twenty-one. In other words, they desired that the age of marriage may even be lower than eighteen or twenty-one, provided there was the consent of the guardian. The amendment carried lays down the age at eighteen or twenty-one, without any exception in favour of a lower age.

Considering the decision of the House in the context of all the amendments which were moved and considered, it is clear that the House re-

jected the idea of requiring the consent of the guardians in case the male had not completed twenty-one or the female had not completed eighteen. It is, therefore, immaterial whether the lower age is fifteen or fourteen or sixteen or any other not specified in the amendments considered. In view of this decision, it is clear that the new amendments proposed by Shri Venkataraman and others in modified forms are barred by the decision of the House, and cannot be moved. We will now proceed with clause 4.

I take it that none is anxious to speak further on this now.

Shri B. C. Das (Ganjam South). Yesterday our amendment was opposed by Shri Nand Lal Sharma. After hearing his speech, I am sure those Members who claim themselves as progressive must think about their action again, because Shri Nand Lal Sharma and his Party are against this Bill. They want to restrict its scope. The various amendments suggested by his Party are intended to cripple this Bill. Now, the present opposition is actuated by that very spirit. What do they want? They want that very few Indians should take advantage of this Act. That is the trouble about it. Now, what is our stand? We want that as many people as possible should take advantage of this progressive measure. This is a measure which will make marriage cheap, very rational, within easy reach of people and will not make people incur debts observing ceremonies. This is the type of marriage intended by this Bill. We want every section of Indians to take advantage of this Bill. So, why should you bar a particular section of Indians on the ground that they solemnize their marriages according to the customs prevailing in the country? I could have understood the logic of the Members who oppose our amendment if they insist upon banning such kinds of marriages under

any system of law. They think that this type of marriage is sacramental if it is solemnized under the Hindu law or under the Muslim law, but, if it comes under the purview of this Bill, it becomes unreasonable and irrational and all that. How is it? We want one set of marriage provisions for the entire country and, for that purpose, the first attempt should be that all sections of Indians should come under one particular law. Of course, it is not a compulsory measure; but it enables every section of the Indians to come under the purview of this Bill. This is the intention of this Bill.

[SHRI PATASKAR in the Chair.]

If this amendment is accepted, it will enable all sections of the people to perform marriages under this law. The marriage of a cousin, according to the provisions laid down in this Bill, is considered to be barred, but that marriage is considered all right and legal under the customary law. Why should that be barred? Why should you discriminate against such marriages under this Bill? I could have understood if they said that under the Hindu law also customary marriages should be banned. If they had enunciated certain scientific principles and said that according to those principles our marriage law should be enacted, then, we would have welcomed that proposal. But, they do not do that. What they intend is that people should be tempted to take advantage of the religious types of marriages, the sacramental types of marriages and the secular type of marriage should not be taken advantage of by large sections of Indians. This is the attitude that actuates our friends who oppose our amendment.

An Hon. Member: No.

Shri B. C. Das: Those friends of ours who claim themselves to be progressive now find themselves in the company of Shri Deshpande and Shri Nand Lal Sharma. Shri Nand Lal Sharma and Shri Deshpande wanted

the age of marriage to be raised to 25. These progressive friends of ours found themselves in that group. Shri Nand Lal Sharma and Shri Deshpande wanted that this kind of marriage should be applicable only to those people who want inter-communal or inter-religious marriages and these friends of ours express their sympathy for this stand. Now, those very persons support Shri Nand Lal Sharma on the ground that our amendment is not very progressive. They forget one fact, namely, that we want the applicability of this Bill to be enlarged. This is the basis of our amendment. This should not be restricted to as few persons as possible. Let all sections of Indians take advantage of it. Then alone, in the near future, when proper psychological conditions are created, when proper social conditions are created, we can have a common marriage law for the entire country. That is the intention why we want this amendment to be accepted. If it is accepted, we can bring under the purview of this Bill all sections of Indians and that is why we press for the acceptance of this amendment. Let not pseudo-progressivism stand in the way of accepting this amendment.

Shri Dabhi (Kaira North) rose—

Mr. Chairman: Does the hon. Member want to speak or does he want to put some questions?

Shri Dabhi: I want to speak, Sir.

I rise to oppose this amendment which recognises custom allowing the marriage within the prohibited degrees of relationship. Up to this time, I took it for granted that our communist friends were very progressive in social matters like marriage etc. But, I now find that they are really conservative and, perhaps, reactionary in this matter. I do not understand why our friends, who want a uniform social and political system throughout the world—not only that who want a uniform thinking of their own pattern throughout

[Shri Dabhi]

the world—should support these customs, good, bad or indifferent.

We know that this Bill is one step forward in the establishment of one uniform code envisaged by article 44 of our Constitution. Now, if we recognise all customs which are prevalent among several communities in different parts of the country, then this Bill would be of practically no use. If we want to allow these customs, it is better we drop this clause 4(d) altogether.

Some hon. friends said that there is a custom among certain sections of the people of marrying the maternal uncle's daughter. If these customs are allowed, not only will one be able to marry the maternal uncle's daughter, but he would be able to marry his own sister's daughter, who is considered by some people to be one's own daughter. Not only that; there are certain customs prevalent among certain communities whereby one can marry the paternal uncle's daughter and sometimes also the sister of the half-blood. So, it would mean that all these marriages would be allowed. If you allow all these marriages, then there is no use incorporating this provision regarding prohibited degrees of relationship in this Bill.

Several Members have also argued that the aim of this Bill is to bring as many people under this law as possible. If that is the aim, then why not do away with all restrictions? Why not do away with clause 4 itself? When once we have decided that certain principles are to be observed before a marriage under this Bill is to be allowed, then we must not allow any variations in this matter; otherwise, the Bill would be of no use.

Then, Sir, I do not understand how some of my hon. friends, especially my friend Dr. Rama Rao came to think that celebration of marriages in a sacramental form requires large expenditure to be incurred by the

parties concerned. I may tell him: it is quite true that in certain communities people incur large expenditure at the time of marriages, but it is not because that such a form of marriage requires such large expenditure to be incurred. It is because certain caste customs require big marriage feasts and all these things to be given and therefore they incur such expenditure. This means that these people are unable to do away with the caste customs. How are those people, who cannot do away with these caste customs, expected to have their marriages registered under this Act? They incur large expenditure at the time of marriage under the force of their caste. That means they are wedded to their caste and therefore these people who cannot do away with their caste customs have no right, and they would never try, to register their marriages under this Act.

Then, Sir, some hon. friends think that if marriages are celebrated under this Act, the parties concerned would not incur any expenditure. To them I would say that even if marriages are celebrated under this Act nobody prevents them from giving feasts. They may not give feasts according to the caste customs, but they would naturally be giving big parties to their friends, and, perhaps, they would incur more expenditure than what the other people would expend under ordinary sacramental marriage. I may tell my hon. friends, due to social reforms, in several parts of the country—of course, I can speak of Gujarat—where marriages are performed under the sacramental law, the parties concerned practically incur no expenditure at all. When Mahatma Gandhi was living—you might know—in his Ashram several marriages were being performed and practically not more than Rs. 5 were expended for the purpose. Therefore, there is no sense in saying that marriages performed under this Act would not require any large expenditure.

There is no point in arguing in this way.

So, from every point of view I hope the House would reject all these amendments and I hope my friend Dr. Rama Rao also will see that it is no use allowing custom in this Bill which is meant for all castes and communities.

Mr. Chairman: May I say a word about these amendments? These three amendments, they are practically one; almost the same except a little difference in wording. I am told that there has been, rather, sufficient discussion and I wish that hon. Members do not spend more time here because there are important clauses to come as yet. Of course there is no motion for closure and I do not want to prevent hon. Members from saying what they want; but, if we can ourselves voluntarily undertake the regulation of the discussion that would be much better than any artificial method. That is the only suggestion I want to make to hon. Members before they rise and speak.

Pandit Thakur Das Bhargava (Gurgaon): Sir, there is clause 15 also where there is a provision allowing registration of marriages sanctioned by custom: There this argument will come up again. Therefore, if you kindly hear the arguments now and do not allow any time then, I think that would be all right.

Mr. Chairman: But the point also is small.

Pandit Thakur Das Bhargava: If you will allow argument then, we may not say anything now. But, if you will kindly extend the scope of argument here, and have arguments at one time only, that would be better. If that is the course you are going to adopt then we propose to speak on those amendments. My amendment is there in clause 15, number 264, because I want those words to be deleted from clause 15.

The Minister of Law and Minority Affairs (Shri Biswas): The question is

not quite the same in clause 4 and clause 15. So far as this particular condition, whether you should allow any customary variation of rules laid down in clause 4, that is something very different from what is provided in clause 15. In clause 15 the question is: when a marriage is registered you may allow customs; but so far as the marriage which is going to be solemnized for the first time under this Act, the question under clause 4 is: whether or not you should allow any customary marriage. Therefore, the two questions are different.

Mr. Chairman: Clause 15, to my mind, is more important than the discussion on this particular amendment at this stage.

Pandit Thakur Das Bhargava: Then you propose to allow discussion then?

Mr. Chairman: Of course, if Members want it. I only made a suggestion that we must also exercise some voluntary regulation of the time for discussion.

Pandit Thakur Das Bhargava: Then, am I to understand that you will allow discussion on clause 15?

Mr. Chairman: Yes, Clause 15 is a different point.

Shri Achuthan (Crangannur): Sir, in fact, I was astonished to see that Dr. Rama Rao, being a medical man of that locality, has come in this House with such an amendment which is not at all rational, progressive and up to the trends in our country. So far as social, religious and economic reforms are concerned, the Party with the name Communist Party wants to have revolutionary changes made in this country and when they come to the question of having a legislation with regard to uniform marriage adapted to the modern trends of the world, they come with an amendment saying: if there is any outmoded, useless, ugly custom or usage in some parts of the country, that must be given some validity. I can understand if Dr. Rama Rao says that it is for some ten or fifteen years, but

[Shri Achuthan]

he wants that the provision must be there for ever. I am sorry that such a political party is not going to have any future so far as the problem of social reforms are concerned in this country. With regard to this particular aspect of the question the whole world says that some principles are to be accepted with regard to the blood relationship. Is it Dr. Rama Rao's view that if there is some custom or usage anywhere that a brother can marry a sister, or that a father can have his daughter as his wife, it should be allowed?

An Hon. Member :Who said that?

Shri Achuthan: Then it amounts to foolishness and stupidity. If you want to give validity to such customs it is nothing but stupidity. On that grounds, not a single man except the so-called Communist Party who say at the top of their voice that they are going to reform the country, need support this amendment. It must be opposed tooth and nail: root and branch. I can understand if some other members from Hindu Mahasabha or Ram Rajya Parishad come and say: "All right; you are in a majority: even then, for our sake, there must be some time limit—say, for ten years this must be so—to get ourselves accustomed to the change. It will take some time to inject this psychological idea into the heart of society and in due course the provisions of this Bill may have a widespread application". Our aim is to see that even though we may have our Hindu, Muslim, Christian or Parsi laws, as far as possible, the society must be such that any member from any part of the country, irrespective of the question of caste, religion or community, must have sufficient legal backing for a marriage to be conducted from any other part of the country. That is our ideal. To achieve that purpose we must see that such retrograde amendments are not added to this nice legislation. Yesterday, even when that amendment was passed, even though it did not have the back-

ing of a large section of the House, we went a step forward saying that even though the age of the girl be 18, no consent of the guardian is required. We want to see that such marriages take place in this country in future. Excepting on the question of the Communist Party wanting to see that the so-called poor people here and there, may not give up their support to the party concerned, I do not find any reason in supporting this amendment. Dr. Rama Rao is a level-headed and moderately thinking man and I hope, rather than giving himself away under the influence of other people, he would directly get up and say: "I withdraw this amendment".

Shri Biswas: I have very little to add to what has been said by a large section of the House. There is one misapprehension which I should like to clear up. It is said that the object of the Bill is to make marriage easy. We are removing the bar of religion, but even so, marriage between persons of different religions must be subject to certain restrictions. If you wanted to make marriage easy, you might just as well sweep away all restrictions and simply say that two persons of opposite sexes may marry whenever they like, under whatever conditions they like and in any circumstances and that might perhaps be the ideal law!

Shri Lokenath Mishra (Puri): Yes, that will be the ideal law.

Shri Biswas: But it must still take us time to return to the jungle life.

Shri S. S. More (Sholapur): Why do you call it jungle life?

Shri Biswas: Because I think like that.

Mr. Chairman: Jungle life does not necessarily mean bad life.

Shri Biswas: Sometimes, denizens of the jungle are better than denizens here.

As regards the amendment, this does not contemplate marriages between persons of different religions. Customary form will mean the custom-

which will apply to both parties to the marriage. Suppose there are two persons of different religions; in one case, the list of prohibited degrees is laid down in a certain manner, and in the other case it is laid down in a different manner; what is to be done then? Therefore, the amendment itself contemplates that the marriage will be between two persons who belong to the same religion. If that be so, why should it not be possible for those persons to marry under their personal law which will include the customary variations, because if there is a custom, such custom will have the force of law in that community and among those persons. Therefore, it is always open to them to marry accordingly, and we are not barring any such marriage. The question is, when we are providing a law which will be applicable to all, are we justified in imposing the custom of one particular part of the country on another? If we have to provide for this custom, then we must provide for all customs in the country.

Shri Sadhan Gupta (Calcutta—South-East): May I know whether the same thing is not going to be done in the Hindu Marriage and Divorce Bill?

Shri Biswas rose.—

Pandit Thakur Das Bhargava: That is not relevant here.

Shri Biswas: If my hon. friend has actually read the Bill as has been introduced—it is now under examination before a Joint Committee—I am quite sure that when the Bill emerges from the Joint Committee and is placed before the House, my hon. friend will see that there is nothing of that kind in that Bill. I do not wish to take up the time of the House any longer because the majority, as I take it, are against this amendment.

Mr. Chairman: I think the amendments are Nos. 113, 114 and 425. They are all the same and two of them are identical even in phraseology. I will

now put amendment No. 113 to vote. The question is:

In page 3, lines 7 and 8, after "relationship" insert:

"unless the law or any custom or usage having the force of law, governing each of them permits of a marriage between the two".

The motion was negatived.

Mr. Chairman: The other two amendments are barred by the decision on this amendment.

There are some amendments to sub-clause (e) of clause 4. I do not know whether any hon. Members want to move their amendments.

10 A.M.

Dr. Rama Rao (Kakinada): I beg to move:

In page 3, lines 10 and 11, for "both parties are citizens of India domiciled in the said territories" substitute:

"either or both of the parties are citizens of India".

Shri Sadhan Gupta: I beg to move:

In page 3, lines 10 and 11, for "both parties are citizens of India domiciled in the said territories" substitute:

"either party is a citizen of India:

Provided that if such territory is outside the territory of India, as defined by the Constitution of India, and one of the parties not a citizen of India, no marriage shall be solemnized under this Act, if the party not being a citizen of India is prohibited from contracting the marriage under any law applicable in such territory."

Shri Nand Lal Sharma (Sikar): I beg to move:

In page 3, line 10, for "both parties are citizens of India" substitute:

"either party is a citizens of India".

Mr. Chairman: These are the three amendments which will now be con-

[Mr. Chairman]

sidered and I will place them before the House. Amendments moved:

In page 3, lines 10 and 11, for "both parties are citizens of India domiciled in the said territories" substitute:

"either or both of the parties are citizens of India".

In page 3, lines 10 and 11, for "both parties are citizens of India domiciled in the said territories" substitute:

"either party is a citizen of India:

Provided that if such territory is outside the territory of India as defined by the Constitution of India, and one of the parties not a citizen of India, no marriage shall be solemnized under this Act, if the party not being a citizen of India is prohibited from contracting the marriage under any law applicable in such territory."

In page 3, line 10 for "both parties are citizens of India" substitute:

"either party is a citizen of India".

Shri Sadhan Gupta: The object with which I have moved my amendment is this. In the Bill, as far as territories to which the Bill is sought to be applied are concerned, there is no question of domicile: Anyone residing in any part of India may proceed to any other part, have his residence there for the length of time which is required under the Bill and may then marry in that particular place. I think the principle should be that even in territories, to which this Act does not apply, if there is a person from outside who is not domiciled in those territories, he should be allowed to take full advantage of the Bill and he should be allowed to marry in accordance with the provisions of the Bill by the Marriage Officer appointed for the purpose in those territories. Secondly, in a place which is in the territory of India but which is outside the territories to which this Act applies, there is no sense in restricting the

right of marriage only to citizens of India, when in the other territories, there is no such restriction on the right of marriage. Therefore, I have provided in my amendment that the restriction should, firstly, be that either party should be a citizen of India, and secondly, whatever the restriction be in this particular clause should apply not to territories which are situate in India, but to foreign territories, territories which are absolutely outside India and over which our sovereignty does not extend. It is only in those parts that a citizen of India should be allowed to marry an alien. Of course, there should be no bar to that marriage under the law applicable there, because we must recognise that when we are doing something in a foreign country, exercising the power which is something like extra territorial rights, we must ensure that we do not come into conflict with the laws of that country. Therefore, I have sought to provide in my amendment that the restriction as regards marriages should apply only to territories which are outside our sovereign jurisdiction, outside the territories comprised in Part A, B, C and D States of India.

Further, we provide that the right of marriage should exist where either party is a citizen of India and where one of the parties who is not a citizen of India is not barred under the local law. I submit that is illogical. If you provide that both parties must be citizens of India, it is unnecessarily restricting the scope of the Bill. In a foreign territory, you might choose to marry a foreign girl: it is being done in so many cases and they have to resort to churches and change their religion for the purpose, or they have to marry under the law of England or under the law of the country in which they marry. Our law for this purpose is infinitely a better law. For example, let us consider the case of England, which may be the country in respect of which this particular Bill will be most relevant or this particular provision will be most relevant. In England, if you marry under the English law, the

rights of divorce you will have, are very different, very much more reactionary, than what we are enacting here. Here, if an alliance proves unfortunate, we can dissolve the tie by mutual consent. There, if an alliance proves unfortunate, you have to go in search of a co-respondent. The parties may be absolutely innocent as far as adultery is concerned, but just because the company of each other has become unbearable, the parties have to submit to ugly allegations and leave them uncontested, and make some show of a contest and thereby, collusively, by taking a forced claim upon oneself, one of the parties sees to it that the tie is dissolved. We do not want anything of the kind. We do not want to go in search of fictitious co-respondents. We want the straightforward manner of divorce provided in this Bill, and therefore, provision should be made that even in a foreign country, if either of the parties is a citizen of India, marriage should be possible, unless of course the law of that country bars it as far as the non-citizen is concerned. I would commend this amendment to the hon. Minister as a very logical thing and as really carrying forward the purpose of the Bill. With these words, I commend my amendment.

Dr. Rama Rao: My amendment—amendment No. 115—is to substitute “either or both of the parties are citizens of India,” for “both parties are citizens of India domiciled in the said territories.” In my amendment, “both” is redundant. Anyway, I consider this is a matter of national self-respect. None of our citizens, as a rule, want to marry a non-Indian. He or she must be enabled to take advantage of our Indian law. If you do not accept my amendment—an Indian citizen wants to marry somebody else, and he can marry and they are marrying now under some foreign law—you accept the French law or the English law or the Russian law but you do not want to extend the benefits of those laws to your own citizen. If both parties are not citizens of India domiciled in the foreign

territories, why do you stand in the way of their taking advantage of this law? So, if the Law Minister bestows his attention to my amendment, I am sure he would concede it. The only point is one of national self-respect. We must enable our citizens to marry according to our Indian law when they can marry under some other foreign law. I know of a couple who were in Europe and who went away to Moscow and married under the Soviet law just because they have not got such a law. So, I would request the hon. Law Minister to view this from a liberal stand-point. You are not preventing these marriages but you are compelling some to marry under some foreign law, whereas you can extend the benefit of this law and see that they marry under this law. I therefore commend my amendment to the House.

Shri Bogawat (Ahmednagar South): I oppose this amendment for the reason that it would be barred. If you read sub-clause (2) of clause 1, you will find that this Act “extend to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India domiciled in the territories to which this Act extends who are outside the said territories.” If the words are “citizens of India,” I do not think that his amendment would be admissible here. Unless both the persons are citizens of India, I do not think that the marriage can be allowed under this clause. Some people, or some hon. Members, may have the idea for having a marriage with a foreign girl, but as the Act says it applies to the citizens of India, I do not think that this amendment will be admissible. As we have passed clause 1, I think that this amendment is not admissible. No doubt, we must be liberal.

Mr. Chairman: May I draw your attention that, in the first place, clause 1 has not been passed?

Shri Bogawat: Though it has not been passed yet, I think that if this amendment is accepted, we will have to amend sub-clause (2) of clause 1 also. My objection is—and I am

[Shri Bogawat]

sorry to say—that if clause 1 has not been passed, this amendment will not be admissible until that clause 1, sub-clause (2) is passed. But, as we are very keen to have marriages between the citizens of India living outside India, I think the sub-clause, as it is, should be allowed to stand. I therefore oppose the amendment.

Dr. Jaisoorya (Medak) rose—

Mr. Chairman: I will first call upon those who have moved the amendments. I will call the other Members afterwards. Shri Nand Lal Sharma.

Shri Nand Lal Sharma: I do not think this requires a long speech.

Shri Biswas: What is your amendment?

Shri Nand Lal Sharma: My amendment is No. 342 in list No. 8. This is practically a repetition of sub-clause (2) of clause 1 where the extent of the Bill is given. It applies also to the citizens of India domiciled in the said territories. With regard to the arguments advanced by Shri Bogawat. I am surprised to see how he argues the case against one of the parties to the marriage. If one of the parties is an Indian citizen, this Act should be made applicable to that citizen. Now, the difficulty will be just as has been argued in other cases also. Although Jammu and Kashmir belongs to India, to Indian territory, most of our Bills are not extended to that territory.

The representations from Jammu and Kashmir have repeatedly stated on the floor of this House that they are Indian citizens and inasmuch as our Constitution applies to them, they should be governed by it. The House will notice that in the case of all our legislative measures there is a proviso to the preamble to the effect that "this measure extends to the whole of India, except the State of Jammu and Kashmir." But the preamble to this Bill as well as the Hindu Marriage and Divorce Bill says that "It extends to the whole of India except the

State of Jammu and Kashmir, and applies also to citizens of India domiciled in the territories to which this Act extends who are outside the said territories." That means this Act would apply to Indian citizens who have migrated from this country and have domiciled in other territories. For example, if an Indian boy who is domiciled in a foreign territory wants to marry a girl of that country, or an Indian girl who is domiciled in a foreign territory wants to marry a boy of that country, we should not allow the law of that country to govern that couple. That would be considered to be an admission of the weakness of our law and an injustice to our citizens.

Therefore, I think the hon. the Law Minister will see his way to accept my amendment.

Dr. Jaisoorya: Sir, I would very much welcome the words "either party is a citizen of India", but there are very serious legal difficulties. For instance, an Indian male wants to marry a foreign woman. She can acquire citizenship of India subsequently, but it becomes a difficult matter, because international laws of citizenship are not yet quite clear. There are some cases of dual citizenship. A Swedish woman marries an Indian; she can retain her Swedish citizenship. So also under the German law, her German citizenship, although she marries a foreigner. But the problem becomes more difficult if a foreign male should marry an Indian woman who is an Indian citizen. The problem then arises what citizenship will she have. Then there is always the problem of jurisdiction of courts and several other ticklish problems which we have no thought of, and which the hon. Minister may perhaps clarify for us. Therefore if we put it blindly as "either party is a citizen of India", the question as to the matrimonial law of which country will arise.

So, if we leave it at that, we can later on think out the details. We must keep our eyes open to the legal difficulties over which at any rate many of us have not thought.

Shri Jethalal Joshi (Madhya Sausrashtra): Mr. Chairman, there is an amendment in my name, but after proper consideration I think it proper not to move it.

Shri Biswas: Sir, I should make it perfectly clear that there is no intention to shut out a marriage between a citizen of India and a person who is domiciled in any other territory. The question is whether we should make provision for it, in this Bill. This Bill has a limited scope. If we introduce a provision like the one suggested by Shri Sadhan Gupta, that would not serve the purpose. The question of foreign marriages is not quite so simple as my hon. friend imagines. If only he will turn to the Foreign Marriage Acts which are in force in different countries, he will see what elaborate provisions have been made there. As my hon. friend Dr. Jaisoorya has pointed out, there are questions of international law involved. These questions have got to be taken into account. As I have already said—I do not know whether it was in this House, or in the other—we have in contemplation the enactment of a Foreign Marriage Act much on the lines of the United Kingdom Act on this subject. We have not yet examined the different enactments in various other countries. We have examined only the English Foreign Marriage Act, and it is our idea to have a similar law in this country. But that must be a separate law dealing with this specific question and it cannot just be smuggled in by the backdoor here by substituting the words suggested.

The object of this Bill has been made perfectly clear in the Short Title in clause 1. It is a territorial law of India. Any two persons, whatever their nationality, if they live in India can have their marriage solemnised in India. So far as par-

ties who are outside the territories of India are concerned, sub-clause (2) will come into operation.

Sub-clause (2) reads:

"It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India domiciled in the territories to which this Act extends who are outside the said territory."

So, it is required that both the parties must be of Indian domicile, must be Indian citizens. Otherwise, all sorts of difficult questions will arise. We are not going to forbid marriages between an Indian citizen and a non-citizen of India. But that has got to be provided for in a separate enactment that we have in contemplation. So, I cannot accept any of these amendments.

As regards the point which was made by my hon. friend Shri Nand Lal Sharma, who has disappeared, he is very much concerned over Jammu and Kashmir. I have pointed out before and I wish to make it clear again to hon. Members here that if they turn to the Integration Order under which Jammu and Kashmir were made parts of India, they will find it expressly stated that there is no integration except in respect of matters in the Union List. Lists 2 and 3 have been expressly excluded. Now in this Bill, we are trying to acquire legislative jurisdiction in respect of marriages. But according to the terms of Integration of Jammu and Kashmir we have not acquired any legislative jurisdiction in these matters over that State, but, if Indian citizens both of them live for the time being in Jammu and Kashmir, they will be permitted to marry under this Act, because they are Indian citizens.

Shri Sadhan Gupta: On a point of clarification: are not citizens of Jammu and Kashmir Indian citizens?

Shri Biswas: They are not Indian citizens. If Indian citizens happen to be in Jammu and Kashmir they will be competent to marry under this Act; not people of Kashmir because they are not Indian citizens for

[**Shri Biswas**]

the purpose of this type of marriage, because Lists 2 and 3 have been expressly excluded.

Mr. Chairman: I think there are now three amendments, Nos. 115, 342 and 426.

Shri Biswas: I would appeal to my hon. friends not to press these amendments.

Shri Sadhan Gupta: Could we have an assurance from the Law Minister that under the contemplated Foreign Marriages Act it will be permissible for an Indian not only to marry a foreigner in a foreign country but also to divorce as in this Bill and that it will come within a reasonable time?

Shri Biswas: My only assurance is that it will be a separate Bill on this subject. What the contents of that Bill will be—I cannot give any assurance on that. As for example, whether the same rights of divorce which have been granted in this Bill, etc. will be there as well. All these and other questions will require to be examined properly. We have a Bill in contemplation—not that the Bill is ready or that it had been drafted. It is a separate matter and it requires separate consideration. We have such a Bill in contemplation. I cannot say when it will be possible for us to introduce it here.....

Shri Sadhan Gupta: Then we have to press our amendments.

Mr. Chairman: I shall put amendment No. 115 to the vote of the House. The question is:

In page 3, lines 10 and 11, for "both parties are citizens of India domiciled in the said territories" substitute—

"either or both of the parties are citizens of India."

The motion was negatived

Mr. Chairman: Now that this amendment is lost, amendment Nos. 342 and 426 are barred.

Shri Sadhan Gupta: My amendment No. 426 has a proviso.

Mr. Chairman: The main amendment itself is barred and so the proviso cannot stand.

Pandit Thakur Das Bhargava: Mr. Chairman, with your permission, I beg to move:

In page 3, after line 11, add:

"(f) the parties are at the time of marriage free from all diseases and defects which render marriage void under section 24 or voidable under section 25 or furnish grounds for divorce under section 27 and furnish medical certificate of such freedom before the Marriage Officer at the time of solemnisation of marriage."

Mr. Chairman: Amendment moved:

In page 3, after line 11, add:

"(f) the parties are at the time of marriage free from all diseases and defects which render marriage void under section 24 or voidable under section 25 or furnish grounds for divorce under section 27 and furnish medical certificate of such freedom before the Marriage Officer at the time of solemnisation of marriage."

Pandit Thakur Das Bhargava: According to clause 24, a marriage becomes void if any of the conditions specified in clauses (a), (b), (c) and (d) of section 4 has not been fulfilled and under sub-section (ii) of section 24, if the respondent was impotent at the time of the marriage and at the time of the institution of the suit. So far as voidable marriage is concerned, I will only refer to condition No. (ii), which reads "the respondent was at the time of the marriage pregnant by some person other than the petitioner....." in regard to clause 27, I might refer the House to sub-clauses (e), (f) and (g) which relate to diseases in respect of certain marriages. My humble submission is this. When we say that a marriage shall become void the consequences are too tragic to be mentioned. The result will be this. If a

girl gets married and subsequently the marriage is declared void or a divorce is obtained, I do not think she will be able to get married again. First of all, there will be the prejudice against her for the simple reason that she is a girl who has been married and secondly the question of chastity will come. The consequences will be bad for the girls as well as for the boys. People celebrate marriages, take a marriage party and spend so much money and ultimately it is found out that the marriage is void with tragic consequences. For these thousands of years we have not had such a law that makes a marriage automatically void. Even under the Sarada Act, when a marriage was contracted when the boy or the girl was not of the requisite age, the marriage was not declared null and void; on the contrary the marriage was considered good.

Now, we are for the first time making the marriage void and also providing for divorce. This is not a new provision so far as Act III of 1872 is concerned. All the same we are having these grounds which were not there before. Therefore, my humble submission is that before the marriage is solemnized, the parties must furnish a certificate before hand from some medical man that he or she is not suffering from this disease or the other defects.

I know that it will be objected to on the ground that it is a new kind of provision. At the same time, I must submit that we are making many new kinds of provisions in this Bill; they are absolutely new and foreign to the personal law of the parties. When we have a special kind of marriage and many other new things, I should think that we should not object to a certificate being produced. After all, when a person offers himself for marriage, the other party should know that he is free from these defects and if in proof of that he or she furnishes a medical certificate also, it is in the fitness of things.

[SHRI BARMAN, in the Chair]

It will be objected to on the ground that there will be hardship; people will have to incur some expenditure. If you consider the expenditure, it will be Rs. 5 or Rs. 10 which he may have to pay to a doctor. But consider the expenditure that he will have to incur when he goes to Bombay or Madras or other big cities and remain there for a number of days for the marriage. The expenditure is very insignificant.

Moreover, it may be suggested that there will be some difficulties if ladies are required to get the medical certificates. I humbly submit that in so far as this special kind of marriages are concerned, it is only the culturally advanced people who would largely take advantage of this; at least to start with it will be they and I should think that there should be no difficulty. There are many lady medical practitioners and a certificate can very easily be acquired. My humble submission, therefore, is this. We should avoid all these. There are other special circumstances, for instance, pregnancy of two or three months. That cannot be detected by a man unless and until a medical certificate is there. Similarly, in regard to venereal diseases, leprosy, etc. it is very difficult for the wife or the husband to know whether the other party is suffering from these diseases or not unless they have recourse to very objectionable methods which we all consider very wrong.

I should, therefore, think that nothing will be lost everything will be gained by insisting upon such certificates and—the marriage will not end in these consequences. When we are providing for something new, should also take these things into consideration. This provision will save the marriages from all these bad consequences and drawbacks which are to be found in this Bill. If a marriage is once done, it is very difficult to get away from it. I therefore think that this small inconvenience can be there rather than allow these young couples to come together and after some time discover

[Pandit Thakur Das Bhargava]

any of these defects and then have recourse to law. I very humbly submit these things for the consideration of this House. Under the maxim—Prevention is better than cure, such a condition is justifiable.

Dr. Jaisoorya: I wholeheartedly support this amendment. I think it is not so difficult or so expensive to-day or so inconvenient as to get yourself medically examined in order to remove any shadow of doubt about these diseases. Somebody stated that it will be inconvenient for a woman to draw 1 cc of blood; it is by no means an inconvenient thing because we draw blood for typhoid and a dozen other things daily. Secondly, if you are buying a motor car you ask for a certificate as to its fitness. Thirdly, the terrible damage that occurs to the other partner, through one partner who is highly infective, is beyond description—not only the bodily damage but the damage to the mind and the psychology.

Therefore there are laws in other countries where you cannot get married until you have produced a health certificate. I will give you one example. After this war the incidence of venereal diseases has increased in European and Western countries indescribably, and the havoc it creates to the married partner is a big problem that everybody is facing in Western countries and in Europe.

I therefore suggest that it should be made obligatory to see—because it is a human problem—that the other partner who is innocent and ignorant of these facts, is not damaged. Because, in spite of all our big talk about the progress that we have made, let me tell you frankly that the damage that is done by venereal diseases is something terrible and lifelong in spite of all our best treatment. With regard to leprosy it is not the question. Leprosy is not so infective as we make it out to be. And to find out whether one is suffering from leprosy it takes between ten to forty years to materialise. So,

long after you get married, you may find that your partner is a leper. But it does no harm to anybody. I have never seen a husband infecting the wife or the wife infecting the husband. The danger is only to the children. And that is remediable.

I therefore support this.

Shri Jethalal Joshi: An amendment to make a similar addition after sub-clause (e) stands in my name (No. 343), which runs thus :

"(f) the parties have obtained a medical certificate about their soundness of health and mind."

So now in support of this addition I must state that I entirely agree with what my hon. friend Pandit Thakur Das Bhargava stated previously. We all know that the soundness of health and mind are a source of happiness and joy in marital life. Similarly it is the unsoundness of health and mind which very often disrupts the family ties and marital relations. Therefore, this certificate, I consider, is very necessary before the marriage is contracted.

In this Bill there are some measures which have been provided. But they come in only after the marriage is performed. Therefore they are merely curative and not preventive. The measures are in the form of making the marriage void or seeking judicial separation or divorce. and thereafter re-marriage. But my submission is that all these measures, or cures, come in after the marriage has been fully contracted. My observation is that the remedy we suggest must be preventive.

I know of several instances in which some T. B. patients have contracted marriage and have inflicted widowhood upon very minor girls. And thereafter, as has been suggested by my friend earlier, nobody would come forward to marry such widowed girls, because even today the unmarried girls find it hard to get married and there is a large queue in some castes and sub-castes.

I know of another instance in which a boy was impotent but he was of a fairly wealthy family. A betrothal was contracted by the exchange of photographs. The party was staying in Africa. The party came down here. The marriage was contracted. Thereafter it was known that the boy was impotent. But the defence advanced was that the boy was ill for some time and that he would be cured very soon. After two or three months the party again left for Africa, and the girl was made to stay here. That party came back after eight or ten years. Now, what was that girl to do? It was a sort of forced separation, or whatever we may call it. But the girl had to stay here in that state, and there was no remedy. If the boy had been here, then of course the girl could have had recourse to a court of law and seek separation or divorce on the ground of impotency. But that recourse to court also was not possible. And it was only after ten years that she could obtain a sort of divorce.

In such cases where the marriage is itself void *ab initio*, there is no reason why the girl or the boy should be placed in a position in which he or she would have to live in a miserable condition. Therefore my submission is that there should be a certificate obtained previously, before the marriage is contracted. As my friend stated, even a motor car requires a certificate of fitness. I must say that there are certain institutions where, if we seek admission therein, we have to submit a certificate of fitness of health. There are certain avocations where it is required. If one has to go for a long voyage in foreign countries, one has to show his certificate of fitness of health. Therefore there is no reason why a certificate should not be required previously, before the marriage is contracted.

I therefore support what Pandit Thakur Das Bhargava has stated and request the House to accept this amendment.

Shri V. G. Deshpande (Guna): I wholeheartedly support the salutary

provision proposed by my revered friend Pandit Thakur Das Bhargava. Other marriages are contracted not for physical purposes only. But this is a purely physical marriage and a progressive measure where we are not barred by any emotional and sentimental things. We are entering into a contract with wide open eyes. We are not ashamed of calling it a contract marriage; we are entering into a contract. Husband and wife are coming together for a permanent union. You have made laws where the marriages would be indissoluble; in sacramental marriage even if there is incurable disease the marriage is indissoluble. And my friend Mr. More who is a very progressive gentleman ridiculed women who went round the *vat vriksh* and played that not only for that life but even for the life after she should get the same husband. These things are ridiculed in this House. You come here for a worldly contract. I say that the ordinary provisions which guide you in other spheres of life should be introduced here. When you enter service, Government demands from you a certificate of medical fitness. When you enter military service, certificate of medical fitness is demanded. Now, you are entering into a marriage. You have made provisions for which you are making advertisement that the greatest point in this law is that there is provision for divorce. Certain provisions have been made for divorce. Certain marriages are held void and certain other marriages are held voidable. In the case of void marriages, the provision is that the respondent was impotent at the time of the marriage and at the time of the institution of the suit. You have specifically provided that a marriage would be void if at a certain stage one of the persons was suffering from a certain disability. If at that point, you can stop the mischief, I think we should be prepared to do that. More than this, our Law Minister had raised an objection that it would be very difficult to ask that person whether the bridegroom or the bride to be examined on this point. There are other

[Shri V. G. Deshpande]

things also. My doctor friend says that it is possible to get a certificate even on this point.

There are other cases, for example, leprosy, venereal diseases. Do you seriously want that a girl should enter into a marriage even where the man might have contracted a worse type of venereal disease and afterwards, on these very grounds, should come forward to declare the marriage as void or voidable? There is one of the conditions: if the respondent was pregnant at the time of the marriage. It is very easy to ascertain that. The wording is: if she is pregnant by any one else. When the doctor gives a certificate, if that gentleman agrees to marry her, the presumption is that she must have been pregnant by him. It is possible that she may have been pregnant by him. But, here, it is possible that if he wants to declare that marriage void or voidable, he may bring evidence to harass the woman that she was pregnant by somebody else. If we want to avoid all this unnecessary litigation. We have not made provisions for divorce or declaring the marriages void or voidable simply for the fun or privilege of getting a divorce. We want that marriages should be as good, as efficient, as clean, and as decent as possible. You are going to have a marriage which should serve as a model marriage for others to follow. You want that others should come into it. You must see that the marriages are contracted on a very sound basis. My appeal to all the Members is this. There seems to be an anxiety that these marriages should be as easy as possible and no obstacles should be placed in the way of contracting any marriage: let him suffer from venereal diseases, let the woman be pregnant by anybody else, let the man be a leper, it does not matter. But then, there is a great anxiety that the marriages should be broken on different pretexts. I say that these very reasons on which marriages can be broken ought to be stopped when the marriages are

contracted. My friends may accuse me that we are supporting this amendment to make marriages difficult. I may state very frankly that for a limited purpose, I am a supporter of the Special Marriage Act. I have made it clear in one of my amendments that for marriages which are not possible under the ordinary personal law, the Special Marriage Act is essential. The personal law is being liberalised and that law is to come before this House and we, the same Members, are going to discuss it. The personal laws are likely to be made very liberal. I want that the special marriages should be as clean as possible. Where you have not got any extraneous considerations except the worldly functions of a marriage, this amendment is very salutary and our people with all their progressive ideas should not be afraid of facing a doctor or getting a certificate before the marriage is contracted.

Shri S. S. More: I am very much opposed to this particular amendment, because.....

Mr. Chairman: I think this is a definite point. Members may kindly speak either for or against this motion as it is, instead of giving explanations why he is supporting it as Shri V. G. Deshpande has done. I do not think it is necessary.

Shri S. S. More: Accepting what you say, I will give my reasons for opposing the amendment. One reason is, because Shri V. G. Deshpande has supported it. I am opposed to it.

An Hon. Member: That is wrong. (Interruptions)

Shri S. S. More: My friend is trying to give me a hint as to what I should say. I say I am opposed to it because Shri V. G. Deshpande who is supposed to represent all sorts of reactionary elements has supported it. There is nothing against Shri V. G. Deshpande individually. But, all the reactionary elements in this House have been making consistent

and very tenacious attempts to put spokes into the working of this measure as far as possible, and if they cannot defeat it, then to delay it or make other provisions so that as small a number of persons may take advantage of it.

Shri V. G. Deshpande: Only healthy persons should take advantage.

Mr. Chairman: I would request the hon. Member not to cast reflections on anybody. He may kindly speak on the points that he wants to make. This is not proper.

Shri S. S. More: My submission is, we are not functioning here as personalities, but as different views in the country. When I talk of reactionary elements in the country which are represented there, it does not mean that I am casting any aspersion.

Now, I shall go into the merits of the amendment. It says that there should be a medical certificate. For what purpose? For the purpose of clauses 24, 25 and 27. Does it lie within the domain of practicability to produce such a certificate?

Dr. Jaisoorya: Absolutely.

Shri S. S. More: My hon. friend who has the greatest regard and enthusiasm for the medical profession says, absolutely. I have as much regard for the medical profession; but I have not that much regard, by experience, for their honesty and integrity. Before I come to that point, I would say, let us go to clause 24. The conditions specified in clauses (a), (b), (c) and (d) of clause 4 are not covered by a medical certificate. Sub-clause (1) says:

"the respondent was impotent at the time of the marriage and at the time of the institution of the suit."

Dr. Jaisoorya has spoken on this point. He himself very frankly conceded that the medical profession was unable to find out whether a man was impotent or not.

Dr. Jaisoorya: No.

Pandit Thakur Das Bhargava: Why cannot congenital impotency be found out.

Shri S. S. More: My knowledge about medical affairs is very limited. Dr. Jaisoorya seems to have examined a good many impotent persons and possibly he has sufficient experience of impotency.

Dr. Jaisoorya: Absolutely.

Shri S. S. More: My submission is, as a practising lawyer, I have come into contact with many medical opinions and they were frank enough to concede that as far as impotency is concerned, they have been impotent to detect impotency.

Leave aside clause 24. Let us go to clause 25. As far as clause 25 is concerned, there is only one point which could be made the subject of a medical certificate. The clause says:

"the respondent was at the time of the marriage pregnant by some person other than the petitioner."

This is the only ground for which a medical certificate can be procured.

Shri Sadhan Gupta: How to certify that it was by some person other than the petitioner?

Shri S. S. More: Pregnancy can be detected. Whether the pregnancy was caused by A or B or C or D, the location of the person and the identity of the person cannot be detected. Medical opinion, at the most, will say that the lady is pregnant. That would be regarding one party only. It will have a limited application. It concerns a girl. We must also take into consideration our sentiments. It is no use saying that the medical science is competent enough. We are putting this statute on the statute book with a particular purpose. However progressive we may be, tradition also is there. We are trying to get rid of traditions: but we cannot divorce ourselves from traditions.

Shri V. G. Deshpande: You must divorce yourself from sentiment.

Shri S. S. More: I would say, looking to our human sentiments, this will be absolutely unworkable, impossible.

Then, we go to clause 27. There, venereal diseases and other diseases have been mentioned. Supposing it is possible to produce a sort of medical certificate.....

Dr. Jaisoorya: Not a sort, but a genuine medical certificate.

Shri S. S. More: I accept the qualification, the epithet "genuine".

Acharya Kripalani (Bhagalpur cum Purnea): As genuine as in government service.

Shri S. S. More: I entirely endorse what my friend Acharya Kripalani has been saying. I do not want to cast any aspersions, but as a man who has some practice in courts, I have found on occasions two medical opinions come forward conflicting to one another, and the court comes to the conclusion.....

Shri V. G. Deshpande: The same thing will happen in the divorce court also.

Shri S. S. More:...that both the opinions are not valid, are given for reasons which are not medical reasons or scientific reasons.

Shri V. G. Deshpande: What will happen in divorce courts?

Shri S. S. More: If you accept this amendment, it would be opening the very green pasture for medical practitioners who will use their power of giving certificates for the purpose of either squeezing out money or putting a spoke in the marriage. Possibly the guardians who do not desire to have this sort of marriage performed will approach the medical officers and use them for the purpose of sabotaging the marriage.

Dr. Jaisoorya: Will Mr. More accept Government laboratories?

Mr. Chairman: One point. I think even then this clause is necessary. We cannot eliminate it, because it is five years after the marriage is solemnized. So, how can we eliminate this clause here?

Pandit Thakur Das Bhargava: If a person is suffering from a disease at the time the marriage is going to be solemnized, certainly he can be put to a test. If the disease supervenes subsequently, it is not meant for that. It is only at the time of solemnization.

Mr. Chairman: Then, what is the meaning of putting in section 27 in the amendment? That is what I could not understand.

Pandit Thakur Das Bhargava: The idea is this. Supposing these provisions are passed, then if you are so pleased, this amendment may be put after these clauses are passed, or subject to these clauses being passed because these clauses we have not discussed yet.

Mr. Chairman: That is right. What I am saying is this. How do you propose by this amendment the necessity of including in this clause section 27? There is only one clause which Mr. More has pointed out. It is not eliminated. The necessity of this clause is not eliminated by your amendment.

Pandit Thakur Das Bhargava: I only submitted the grounds are given in clause 27. If these defects and diseases are to be found inherent in any person at the time of marriage, marriage may be averted. That is all that I am saying.

Shri S. S. More: And my further point is, section 27 is not obligatory. A man might suffer from so many diseases which permit a divorce, but all the same, the parties might not go to the divorce court. If this particular amendment is passed, it will prevent these parties from solemnizing the marriage.

Shri V. G. Deshpande: Yes.

Shri S. S. More: A girl or a boy who are madly in love with each other might marry even in spite of the knowledge that one of them is suffering from leprosy. If this amendment is passed, such marriages will be ruled out. I say that looking to our own Indian conditions, there are many persons who suffer from so many diseases which were not in existence when the marriage was contracted but which were subsequently acquired due to some past inheritance. The father was suffering from a particular disease, or the mother was suffering and this inherited disease remained underground at the time of marriage, and subsequently got up and asserted itself. In spite of that fact, the couple continue to remain in that sort of wedlock relationship.

Dr. Jaisoorya: Divorce is not obligatory.

Shri V. G. Deshpande: Marriage is also not obligatory.

Shri S. S. More: It might be so in the case of Shri Deshpande, but looking to the state of our development, it is obligatory in the case of some.

11 A.M.

So, my submission is that not only on the ground that it will be impracticable, but even if Government want to accept this amendment, the difficulties of putting into effect will be so many, the doors will be open for corruption and so many other malpractices.....

Shri Biswas: Government do not propose to accept it.

Shri S. S. More: Then, with that assurance, I need not say anything more. I oppose this amendment.

Dr. Rama Rao: On the fact of it, this amendment looks innocent, and as if I am here representing the interests of my profession, I should welcome it.

Acharya Kripalani: What is his profession?

Dr. Rama Rao: Medical. Because there will be quite a crop of medical certificates which would be necessary. (Interruptions).

I want to be brief and give the list of certificates that will be necessary according to Pandit Thakur Das Bhargava. First, under clause 4 (b) you require a certificate that the party is not an idiot or a lunatic. Therefore, the girl must go to the lunatic asylum so that the doctor can observe the patient for a number of days and then only can he certify there is no lunacy or idiocy.

Then, under clause 24, you require a certificate that the person is not impotent. Of course, Mr. More has suggested—I need not elaborate it. It is very difficult, and in practice it is impossible to certify. There may be some specialists, some special apparatus where a person may be able to say, but in general practice it is absurd and impossible to certify.

Then, you require a certificate that the girl is not pregnant. So, she has to go to a lady doctor for this certificate.

[**SHRI PATASKAR** in the Chair]

Then, you come to leprosy. When you go to a leprologist, he will ask you to go in for so many other tests. You have to produce those certificates.

Then, you come to venereal diseases. Venereal diseases are several. One doctor will not undertake to certify for all diseases. The doctor who can certify about gonorrhoea will not certify that there is not syphilis. He will say the blood must be sent for Wassermann reaction or some other reaction. So, probably Pandit Thakur Das Bhargava does not know that he will be sending these girls and boys to half a dozen specialists at least. In fact, there will be more. Venereal disease itself will require three or four specialists.

Shri M. S. Gurupadaswamy (Mysore): Cannot the same doctor certify?

Dr. Rama Rao: Certainly not. The same doctor cannot certify about all venereal diseases. I cannot certify about syphilis. My friend Dr. Jaisoorya cannot certify unless he sends the blood for examination.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): What is wrong with that?

Dr. Rama Rao. That is exactly what I am saying.

Shri Nand Lal Sharma: May I know for what you can certify?

Shri Biswas: In a matter where doctors differ, it is not safe to act upon medical opinion!

Dr. Rama Rao: On this there is no difference. About this, that you require a bunch of medical certificates from specialists for every marriage, there is no difference.

Pandit Thakur Das Bhargava: Then there will be no divorce.

Dr. Rama Rao: Our friend Mr. Gurupadaswamy was asking whether one doctor could not certify for all the venereal diseases. He cannot. First he will examine and say: "I do not say anything, but the blood must be sent to some special institution". There is an institution in the South at Guindy. I do not know whether there is any institution here.

Acharya Kripalani: The general practitioner can certify.

Dr. Rama Rao: The general practitioner cannot certify.

Mr. Chairman: Let there be no interruptions please.

Dr. Rama Rao: The general practitioner cannot certify about syphilis, about gonorrhoea, about pregnancy. About pregnancy, I mean she would prefer to go to a lady doctor, and the lady doctor will not certify about syphilis. She will send her to the venerealist and so on. So, though it looks very simple on the face of it, it is very difficult and it is only

causing obstruction to the marriages. Secondly....

Pandit Thakur Das Bhargava: May I put one question to the hon. Member speaking? Why have this law—sections 24, 25 and 27—if you cannot really depend upon any doctor to testify to all these things?

Dr. Rama Rao: I never said that they cannot rely upon any doctor. You can rely upon every doctor, and all these doctors, at least half a dozen of them, will make a lot of money on every marriage. In every marriage, these certificates are necessary, according to Pandit Thakur Das Bhargava's amendment, for every boy and every girl.

Pandit Thakur Das Bhargava: It will come to Rs. 25, at the rate of Rs. 5 per doctor.

Dr. Rama Rao: Not Rs. 5. My hon. friend thinks very cheaply of doctors. They charge Rs. 15, Rs. 20 or Rs. 25 for every consultation, and there will be a dozen consultations for this purpose.

Shri B. S. Murthy (Eluru): Rs. 15 is the minimum.

Dr. Rama Rao: My second point is this. The medical grounds mentioned in clause 27 and other clauses come in only in a very small percentage of cases, whereas Pandit Thakur Das Bhargava wants to make such certificates obligatory in all cases.

Therefore, I oppose this amendment.

Dr. N. B. Khare (Gwalior): I want to speak, because my profession is attacked by my hon. friend here. I rise to oppose the amendment moved by my hon. friend Pandit Thakur Das Bhargava, and as a medical man, I am opposing it. My hon. friend Shri S. S. More has cast certain aspersions upon the profession to which I belong. I strongly protest against those aspersions. He had said that

doctors will earn money, although the doctors will earn money still I am against it.

The first reason is that all the tests carried out for leprosy, syphilis, tuberculosis etc. are never determinable; they are never decisive, and sometimes, the result is negative. For instance, in the test for syphilis, namely, Wassermann's reaction or Khan's test, the result is sometimes negative on a patient who may be suffering from syphilis. That happens also in the case of leprosy and other diseases. It is difficult to determine specifically and definitely that a patient is suffering from leprosy, by way of blood test, because sometimes the blood of a leper shows a negative result. Therefore, it is fruitless to have this certificate.

My second reason is this. These certificates are very irksome, and they will throw very great impediments in the case of free choice and fulfilment of love. These marriages performed under this Act will necessarily be contractual and contraceptive. In that case, why should there be a certificate? If a man or a woman wants a spouse who is obviously a leper or a tuberculosis patient, it is his or her affair. Why should other people care for it? I cannot understand it. Besides, when their marriage is contraceptive, there will be hardly a chance of any progeny or any harm to society as such. When these spouses fall for each other only for the sake of infatuation—it may be momentary, transient or it may be lasting for some time—they want to marry in this particular fashion. If that is so, why should you throw impediments and cut asunder those two loving hearts? It is all absurd. They will stew in their own juice, they will be very hot, as they say, and as an Urdu poet says:

दोनों तरफ हैं आग बरबर लगी हुई ।
वह आग कैसे बुझे । बुझाने का तरीका तो
आप बन्द कर रहे हैं । खुदा के बास्ते उनकी
मिलने दीजिये ।

If they fall for infatuation, let them fall for it. Since their marriage is contractual and contraceptive, society will not be harmed by it. Therefore, I oppose this amendment. My main reason for that is that it is very difficult to determine specifically whether a person is suffering from syphilis, leprosy etc. even by blood test. That is all that I wanted to say.

श्री अरूप डी मिश्र (चिला बुलन्दशहर) : सभापति महोदय, मेरा इस मसले पर चोलने का कोई इरादा नहीं था लेकिन दूंकि मैं डॉ खर्र को मार्ट साहब को सपोर्ट करते और इस अमेंडमेंट को अपोज करते दूसरा हूं इसलिए मैं इसको सपोर्ट करता हूं । मैं एसा इसलिए कर रहा हूं कि वे दोनों दो भिन्न विचार धाराओं के दलों के सदस्य होकर एक बैंच पर बैठते हुए भार्गव सां की अमेंडमेंट को अपोज कर रहे हैं । इसमें मुझे सतरा मालूम होता है ।

इस बिल में जो हमारे सामने हैं इस संशोधन का होना बहुत अच्छा है । यह इसलिए है कि हम अपने आपको एक मजबूत कॉर्म बनाना चाहते हैं । अभी हिन्दुस्तान को आजादी मिली है । हम अभी कमज़ोर हैं । हम अपने देश को मजबूत बनाना चाहते हैं और इसलिए हम चाहते हैं कि जो बच्चे देश में हों वे मजबूत हों और तन्द्रुरस्त हों । एसे बच्चों को पैदा करने के लिए इस बात की ज़रूरत है कि तन्द्रुरस्त लड़के और लड़कियां आपस में शादी करें । इसलिए शादी के पहले इस बात का सटीकीकरण होना चाहिए कि जो आदमी शादी करना चाहते हैं वे बैनीरियल फिजीजेब से तो सफर नहीं कर रहे हैं, उनको गर्मी, सूजाक या और कोई ऐसी शीमारी तो नहीं है । हमको चाहिए कि हम एसे लोगों को शादी न करने दें जिनको कि इस तरह की शीमारियां हैं । एसे लोगों को यहां आँलाद पैदा करने की इजाजत नहीं होनी चाहिए । एसे लोगों को आँलाद पैदा करने का कोई ग़ाहट नहीं दिया जाना चाहिए । लैकिन यहां डाक्टर खर्र आदि कह रहे हैं कि बैनीरियल फिजीजेब का पता नहीं लगाया जा सकता । अगर ऐसा है तो फिर हम यह कानून कैसे बना

[श्री आर० डी० मिश्र]

सकते हैं कि वैनीरियल डिजीज के कारण डाइवार्स हो सकेगा । अगर डाक्टर यह नहीं बतला सकते हैं तो उन्होंने क्या पढ़ा है । हम कानून बना रहे हैं कि अगर किसी को वैनीरियल डिजीज होगी तो डाइवार्स मिल सकेगा । लीकिन यह तो कैन करना कि किसी को वैनीरियल डिजीज है या नहीं । अदालत तो यह जानती नहीं । डाक्टरों की राय है कि इसमें हमारा कोई तजर्बा नहीं है । तो फिर कैसे तो होगा कि इसको बीमारी है ।

इसके लिए मैं ने भी एक अमेंडमेंट दिया है कि जो शादी करें वह पहले एक फार्म में यह डिक्लेअर करें कि मैं लुद्द इम्पोटेंट नहीं हूँ ।

Dr. N. B. Khare: On a point of information. A venereal disease certificate is a certificate of potency.

श्री आर० डी० मिश्र : वह लुद्द डिक्लेअर करें कि मुझे वैनीरियल डिजीज नहीं हैं, और वह यह भी डिक्लेअर करें कि मैं ने अपने को सौंटिसफाई कर लिया हैं कि दूसरी पार्टी ल्यूनीटिक या ईंडिअट नहीं हैं । इसी तरह से दूसरी पार्टी भी डिक्लेअर करें । जब वह दोनों डिक्लेअर कर दें कि वे बीमार नहीं हैं और तंद्रुस्त हैं और उनको डाक्टरों का सिरिटीफिकेट मिल जाय तब उनको हिन्दुस्तान के अन्दर शादी करने की इजाजत होनी चाहिए ।

Shri S. S. More: Who is to certify?

Pandit Thakur Das Bhargava: Dr. N. B. Khare will certify. (Interruptions)

श्री आर० डी० मिश्र : मैं देखता हूँ कि जो सोग यहां प्रोग्रेसिव के नाम से आते हैं वे भी इस अमेंडमेंट का विरोध कर रहे हैं । क्या वह चाहते हैं कि ऐसे लोगों को शादी करने की इजाजत दी जाय जो कि वैनीरियल डिजीज से सफर कर रहे हैं । हम तो ऐसे निकम्मे लोगों को शादी करने की इजाजत नहीं देने वाले हैं । हमारे मार्य साहब जो कि बड़े प्रोग्रेसिव हैं वह कहते हैं कि इस तरह से शादी के रास्ते में रुकावट पड़ती है । क्या वह ऐसे निकम्मे

आदमियों की शादी करके हिन्दुस्तान की कौम को गारत करना चाहते हैं । अगर आप इम्पोटेंटी के कारण शादी को वाइड मानते हैं तो शादी से पहले उसका सीटीफिकेट होना चाहीरी है । ऐसा हो सकता है कि एक केस में एक आदमी पोटेंट हो और एक केस में न हो । डाक्टर तो पोटेंटी का पता लगा नहीं सकते । हो सकता है कि किसी आदमी को किसी औरत को दूखकर पोटेंटी आती हो ।

Shri Biswas: That is sexual allergy.

श्री आर० डी० मिश्र : हो सकता है कि किसी को कोई एक पसन्द हो और कोई दूसरी पसन्द न हो । इसीलिए मेरा कहना यह है कि जो शादी करने जा रहे हैं वे यह बयान करें कि हमें एक दूसरे को दूखकर पोटेंटी आती है । इसमें डाक्टर की जरूरत नहीं है । वह आदमी सिर्फ यह बयान कर दें कि इस लड़की को दूखकर मुझे पोटेंटी आती है और लड़की यह कह दें कि उसको भी कोई बीमारी नहीं है और उसे लड़के को दूखकर पोटेंटी आती है तब वह शादी करें । इसमें डाक्टर के सीटीफिकेट की कोई जरूरत नहीं है । डाक्टर क्या जानें । शादी के पहले लड़का और लड़की यह बयान कर दें कि हमें कोई वैनीरियल डिजीज नहीं हैं और अगर इसकी डाक्टर से जांच कराई जा सकती हो तो करा ली जाय, वर्ना वह लुद्द डिक्लेअर करें । आप यह कहते हैं कि इन बीमारियों का डाक्टर पता नहीं लगा सकता । लीकिन अगर डाक्टर इनका पता नहीं लगा सकते तो कौन लगा सकेगा । अगर डाक्टर नहीं बतला सकते तो क्या वकील बतलायेंगे ? या आप अदालत पर छोड़ना चाहते हैं कि जो अदालत ठीक समझे करें । अगर आप यह कायदा बनाते हैं कि इन बीमारियों की बजह से शादी वाइड हो जायगी तो हमको यह दूखना चाहिए कि इस तरह की बीमारियों वाले आदमी शादी ही न कर सकें । इसीलिए मैं भारत साहब के अमेंडमेंट को सपोर्ट करता हूँ क्योंकि यह बहुत जरूरी है कि ऐसे निकम्मे आदमियों को शादी करने की इजाजत न दी जाय । इसीलिए मैं कहता

हूं कि शादी के पहले डाक्टरी सर्टीफिकेट होना जरूरी है। अगर हम चाहते हैं कि हमारी कॉम मजबूत बने तो ऐसे आदमियाँ की शादी न हो जिनके कारण शादी बोर्ड होजाए या डाइवोर्स हो सके।

बाबू रामनारायण रिंसह (हजारीबाग परिषदम) : सभापति जी....

सभापति भर्होष्य : मैं यह जानता हूं कि वर्तमान विषय बहुत छोटा है और इसमें बहुत ज्यादा बोलने की जरूरत नहीं है।

बाबू रामनारायण रिंसह : सभापति जी, आप ठीक कहते हैं कि इस पर कोई बहुत ज्यादा बोलने की आवश्यकता नहीं है लेकिन चैंकी लोगों ने मेरे पहले इस पर बहुत कुछ कहा है इसीलिये मैं भी जरूरी समझता हूं कि कुछ इस पर बोल दूँ। इस दृश्य में बहुत से विवाह होते हैं बिल्कुल मैं कहता हूं कि अधिकतर विवाह ऐसे होते हैं जिसमें विवाह के पहले वर कन्या को नहीं जानता और कन्या वर को नहीं जानती है। विवाह होने के बाद वे एक दूसरे के सम्मान होते हैं, उनमें बातचीत होती है तथा और सम्बन्ध स्थापित होते हैं, लेकिन इस विधेयक में जिस तरह के विवाह का निर्माण किया जा रहा है उसमें तो यह होने वाला है कि दो पक्ष लिखे स्वतंत्र व्यक्तियाँ में विवाह होगा और यह तो जानी हुई बात है कि इस तरह के लोगों को मीडिकल सर्टीफिकेट की जरूरत नहीं है। वे विवाह से पहले ही एक दूसरे को ठीक से जान लेते हैं, एक दूसरे में प्रेम हो जाता है और बहुत कुछ आपस में सम्बन्ध हो लेता है तब इस तरह के विवाह होते हैं और मैं समझता हूं कि इस तरह के विवाह के लिये मेडिकल सर्टीफिकेट की जरूरत नहीं है।

श्री भुजभुजवाला (भागलपुर मध्य) : आप यह कैसे जानते हैं कि ऐसा होने पर यह सब होता है।

बाबू रामनारायण रिंसह : बिल्कुल साफ बात है क्योंकि जिस तरह का विवाह आप निर्माण करने जा रहे हैं उनमें वे ही व्यक्ति आयेंगे जो

अपने कुल की मर्यादा के बाहर जाकर स्वतंत्र रूप से विवाह करेंगे और उसके मानी यह है कि उन लोगों में वे एक दूसरे को जानते हैं समझते हैं और यह जानी हुई बात है कि भला बुरा सब कोई अपना समझते हैं। कहा जाता है कि—“हित अनीहत निज पशु पहचाना” भला बुरा पशु भी समझता है और जानता है। १५ वर्ष की स्त्री और २१ वर्ष का पुरुष पुरानी मर्यादा के प्रतिकूल और नई नियम के अनुसार विवाह करने जा रहा हो और जिसमें गारीबियन की अनुमति या सम्मति की जरूरत भी न हो, क्या आप समझते हैं कि वे एक दूसरे को ठीक से जान न लेंगे? हम लोग जानते हैं कि इस तरह के विवाह कैसे होते हैं और इस वास्ते मेरी राय में इस तरह के विवाह के लिये इस तरह के सर्टीफिकेट की कोई जरूरत नहीं है क्योंकि जिन को सर्टीफिकेट की जरूरत है वे लोग खुद एक दूसरे को खुद अच्छी तरह जान लेते हैं तब विवाह करते हैं और ऐसी हालत में यह संशोधन इस तरह के विवाह में बाधा डालता है और इस कारण मैं समझता हूं कि यह संशोधन बिल्कुल व्यर्थ ही नहीं, बिल्कुल वाधक भी है। मुझे सुशी है कि विधि मंत्री ने भी कह दिया है कि वे इस संशोधन को नहीं मानेंगे, तो पास तो यह होगा ही नहीं, लेकिन तो भी यह जान लेना चाहिये कि यह संशोधन बिल्कुल व्यर्थ है और इसे पास नहीं करना चाहिये और मैं अपने विधि मंत्री को बाधी देता हूं कि वह इसको मानने नहीं जा रहे हैं।

Mr. Chairman: I just now understand that the Business Advisory Committee has decided that all 37 hours should be devoted for the entire consideration of this Bill—all stages including the third reading stage. Therefore, I would like to bring to the notice of hon. Members that by the end of today when we adjourn at 1.15, we will have utilised 17 hours and 34 minutes. That leaves us only 19 hours and 26 minutes for all the other clause and the third reading. We are now only on clause 4, and we have been discussing, as I said, so

[Mr. Chairman]

long several of the sub-clauses. Therefore, we have to take into account the decision of the Business Advisory Committee which is representative of all sections of the House and also the fact that within some reasonable time every legislation has to be passed. It is very difficult for the Chair—whoever may be here—to control the enthusiasm of persons in a subject which, as I said yesterday, is so alluring and so easy also; at the same time Members may try to voluntarily decide for themselves as to what are the issues on which they should lay more stress and what are the points by putting which in the House they know what the result will be, and so may not devote much time merely speaking for the sake of expressing themselves. So I think unless this voluntary method is adopted, the result will be that at the end when we come to very important clauses, time will be curtailed and closure motions and all sorts of things may come and the clauses will have to be put straight to the vote. Therefore, it is much better that from the beginning we keep an eye on the time within which we have to finish this. From that point of view, I would request every hon. Member to look at this question in the light of the decision of the Business Advisory Committee.

Shri Lokenath Mishra: How long did the Rajya Sabha take to finish this Bill?

Shri Biswas: Thirty-two hours in all.

Shri Lokenath Mishra: So we should take 64 hours.

Shri S. S. More: We are twice the number.

Mr. Chairman: There is no question of competition between the Rajya Sabha and the Lok Sabha. What time others have taken should not be the main consideration. Let us try at least to curtail as much as we possibly can. For instance, on this question now before the House, if we more or less avoid repetition of

the same arguments, we will save very considerable time which could be devoted to fundamental matters which need our closer attention—rather than spend time on all these remote things.

Acharya Kripalani: I do not propose to speak for the sake of speaking, nor have I the intention of repeating any arguments that have been given by any Member before me.

Mr. Chairman: I did not mean to address the hon. Member at all.

Acharya Kripalani: I was also saying in a general way. Listening to the discussion that has been going on, it has occurred to me that the confusion that exists is primarily because the Bill does not define 'marriage'. What is marriage? For what purpose, or for what purposes, is marriage contracted? Is it for sex, or is it for procreation, or is it for companionship?

An Hon. Member: For all.

Acharya Kripalani: If you have a scientific analysis of marriage, and define what marriage is—is it for all these purposes, or is it exclusively for the first purpose, exclusively for the second purpose or exclusively for the third purpose—I am sure there will be no possibility of misunderstanding, confusion or discussion. I submit that in the present day, whatever may be the case in the past, some marriages are performed for sex alone and there is no question of children. In such cases, medical examination becomes necessary because they may contaminate each other. There are marriages that are performed for the procreation of children. When the object of marriage is procreation of children, there must be medical examination, whether the marriage is orthodox or heterodox or whether it is under the Special Marriage Bill or the Hindu Code Bill. If it is companionship, as more progressively marriages are becoming companionships, then I see no necessity whatever for a medical certificate. A person may be willing

to take a companion who is diseased in order to nurse her or him because there is affection, because there is intellectual affinity, because there is emotional affinity—all these things. Therefore, I think the Law Minister has committed a great blunder by producing before us this Bill without being scientific, without defining marriage, without saying what are the objects of marriage at the present time. If this is done, I think much of the confusion will disappear. I believe there are many people who marry simply for companionship, simply for intellectual help to each other so that they may combine their labour and produce some creative work. Therein I see absolutely no need for a certificate of any sort, and people must be allowed to do so. We must first define the term 'marriage', which is such a vague and all-embracing term. Unless we define it, we cannot carry on any discussion in any scientific manner.

As I have listened in this House, I find that our talk is desultory and sometimes because it is desultory, therefore it becomes even frivolous. I submit that the first thing is to define what marriage is and then carry on the discussions to an end.

Shri C. D. Pande (Naini Tal Distt. cum Almora Distt.—South West cum Bareilly Distt.—North): Multi-purpose.

पंडित डी० एन० तिवारी (सारन दीक्षण) : सभापति महोदय, अभी अभी कृपालानी जी ने जो स्पीच दी उन की बात मेरे समझ में नहीं आई।

आचार्य कृपालानी : कैसे आयेगी, साहब ?

पंडित डी० एन० तिवारी : शादी क्यों की जाती है ? उन्होंने तीन बातें बतलाई हैं। एक तो कम्पीनियनशिप, दूसरे सैक्स के लिये और तीसरे प्रौद्योगिक शादी के लिये। कम्पीनियनशिप में, जिस के लिये उन्होंने कहा कि सटीककैट की जरूरत नहीं है, तब तो शादी की भी जरूरत नहीं है। दोनों ही व्यक्ति साथ रहेंगे और शादी

की बात उठेगी ही नहीं। असल में हिन्दूस्तान में, या कहीं भी, जब शादियां होती हैं तो तीनों ही बातों के लिये होती हैं। उन में कोई डिस्ट्रिक्शन नहीं रहता है, कोई कम्पार्टमेन्ट नहीं होता है कि यह शादी करते हैं कम्पीनियनशिप के लिये, यह करते हैं सैक्स के लिये और यह करते हैं प्रौद्योगिक शादी के लिये। हिन्दूस्तान में कभी भी ऐसी शादियां नहीं हुई हैं। कम्पार्टमेन्टली शादी करने की बात शायद कृपालानी जी के ही दिमाग में होगी।

श्री बी० एस० मूर्ति : आज कल हो रही है।

पंडित डी० एन० तिवारी : अब रहा यह कि हम को सटीककैट की जरूरत है या नहीं। मूल्य को तो यह बड़ा एक्सर्च सा लगता है कि हर केस में सटीककैट लिया जाय। मैं ने अपने और साथियों से भी राय ली उनकी भी यही राय है। आप इसेंगे कि एक सटीककैट लेने में लोगों को कितना तरदद होगा। डाक्टरों के पास जाना होगा, उस में कितना लर्च होगा। गरीब आदमी उस को कभी बदर्दशत नहीं कर सकेगा। आप कहेंगे कि इस बिल में जो डाइवर्स का प्राविजन है उस के असर को कम करने के लिये इस सटीककैट की जरूरत है जिस में कि हर मामले में लेग कचहरी न जायें। बाद रामनारायण मिस्ह ने ठीक ही कहा है कि जब वो नवयुवक और नवयुवती वयस्क हो कर मिलते हैं और एक दूसरे को जान लेते हैं तो यह भी वे जान लेंगे कि उन में किसी को कोई रोग है या नहीं। वह जितनी दूर तक गये हैं मैं उतनी दूर तक नहीं जाना चाहूँगा कि वे दोनों बहुत दूर तक मिलते हैं। यह नहीं होना चाहिये, लेकिन इतनी कम्पीनियनशिप तो होती ही है कि वह जान लें कि दूसरे को कोई बेनीरियल डिजीज या लेप्रासी वर्गरह तो नहीं है। इतना तरे वह जान ही लेंगे। तभी वह शादी होगी।

मैं यह भी कहना चाहता हूँ कि यह जो स्पेशल मैरेज एक्ट बन रहा है उसके अनुसार वृहात के बच्चों की शादी तो होगी ही नहीं।

[पंडित ही० एन० तिवारी]

इसमें लोग वही होंगे जो कि वह वह घरों के आ०र पढ़े लिखे होंगे । साथ ही हम को यह नहीं भूलना चाहिये कि एक आ०र विल हमारे सामने आ रहा है जो कि हिन्दू कांड का दूसरा अंश है और जिस का नाम हिन्दू मैरेज ए०ड डाइवोर्स विल है । उस में भी डाइवोर्स का प्राविजन है, उस में यदि हम सीटीफिकेट मांगते तो बात समझ में आ सकती है क्योंकि उस सीजस्लेशन का असर आम जनता पर नहीं पड़ेगा । लैकिन उस विल का असर हर एक हिन्दूस्तानी पर पड़ेगा और हमारी विवाह सम्बन्धी पढ़ीत में एक चेन्ज होगा । वहां भी यदि हम सीटीफिकेट मांगते तो लोगों पर कितना भार बढ़ जायेगा ? हम को यह नहीं मालूम हुआ कि यहां यदि हम सीटीफिकेट लें तो वैसे ही अस्या प्राविजन हम दूसरे विल में भी क्यों न करें ? अगर हम वहां नहीं करते हैं तो यह गलत होगा । जब हम इस विल में सीटीफिकेट संनें का प्राविजन करते हैं तो दूसरे विल में भी हम को इसी तरह से इस का प्राविजन करना चाहिये । इस बात को जानते हुए कि हिन्दूस्तान की जनता हस्ते बदरित नहीं कर सकती है, और न इस तरह की चीज उचित ही है, इस रुकावट का रखना ठीक नहीं है । यह स्पेशल मैरेज विल है और इसमें वितनी स्पेशल बातें हो सकते होने दीजिये । यह तो मानी हुई बात है, अगर एसी शारियां दूरी हैं और डाइवोर्स होते हैं तो होने दिये जायें, इस में कोई स्वास बात नहीं है ।

Shrimati Sushama Sen (Bhagalpur South): Sir, I would like to say just a few words on this amendment.

Shri B. S. Murthy: Sir, I caught your eye.

Shrimati Sushama Sen: I oppose this amendment; I think it is not at all necessary. We have already put in provisions about lunacy and venereal disease etc. in the divorce clause 27. So, I do not see any necessity for putting in this sort of provision again.

Besides, it is impracticable we have not got the machinery for this sort of medical examination. Why should our girls be subjected to this kind of examination before their marriage? It is impossible to find out if there is any disease or not. This will also lead to a lot of corruption. Some unscrupulous persons will go to some petty doctor and get a medical certificate and have the marriage performed.

One thing more I want to point out to this House and it is this. Hon. members should not treat the special marriage so lightly because it is not only a contract. I can say with confidence the person who originated this Bill—Shri Keshab Chander Sen, had repeatedly said that marriage is a sacrament. In fact, he even went to the extent of saying that marriage should not be dissolved. So, I do not know how this question of contract only comes in, and that there is no sanctity attached to it.

With these few words, I strongly oppose this amendment.

Mr. Chairman: May I ascertain the general wish of the House whether at least after fifteen minutes we will be able to dispose of this amendment? Then only I can exercise some sort of control; otherwise, I do not know for how long it will go on. There are only two points for consideration, whether there is any necessity to make a provision like this and whether they should be asked to produce a medical certificate.

Shri N. C. Chatterjee (Hqoghly): Kripalaniji's speech has raised a very important point which deserves consideration. We won't take much time.

Mr. Chairman: We shall be very happy to know it. Some say it is necessary and some say it is unnecessary. All these things have been said already. They need not be repeated.

Shri Sadhan Gupta: I have something to add. Sir.

Shri B. S. Murthy: May I speak, Sir?

Mr. Chairman: Yes.

Shri B. S. Murthy: Mr. Chairman, I think this amendment is not necessary because we are now dealing with a very important subject, special marriage. Special marriages are not general marriages wherein the parents on either side try to get their children married. Here the consent of the girl as well as the boy is quite essential. Before giving their consent, the boy and girl would have had umpteen occasions to come close to each other and to understand each other, study each other's mind and, at the same time, to find out whether the one would be suitable to the other. After having studied each other, they would have come to the conclusion that they should marry each other so that they could lead either a life for sex or for procreation or for companionship, as Acharyaji has said.

In this connection, it is quite unnecessary to make these people, who naturally would be educated and enlightened, to go first to one doctor, then to another and then to another and so on to four or five doctors and get certificates before they actually contract the marriage. Moreover, clauses 24, 25 and 27 provide the necessary safeguard when the marriage has been contracted without previous knowledge of each other.

Under these circumstances, I consider that this amendment need not be supported.

Shri Sadhan Gupta: Sir, I do not raise any further arguments on the impracticability of getting medical certificates, but, I want to say something on a matter which has not been very much touched in the course of these arguments. Those are the principles behind the amendment. Pandit Thakur Das Bhargava has sought to illegalise marriages solemnized in contravention of the grounds mentioned in clauses 24, 25 and 27.

Sir, this raises very important questions of principle. Now, I can understand that a marriage with an impotent person should not be permitted. In fact, I have myself given notice of an amendment to clause 7 enabling objection to be taken on the ground of impotency. I think it is at that stage that an objection can be taken and that may be ruled out as a matter of policy. As regards the other diseases like leprosy, venereal diseases and other things, they may be curable diseases and the parties may be willing to take their chance out of their attraction towards each other. Therefore, I would submit that we cannot rule out marriages between parties who are suffering from one of those diseases. What we can provide is for divorce. Of course, it would be a very bad thing if persons who suffer from such diseases conceal that fact and contract a marriage by concealment of that fact. Sir, when I was drafting my amendment to clause 7, my first thought was that I should include also as a ground of objection that the party concerned had concealed the facts that he or she was suffering from a disease, categorised under section 24, 25 or 27. But, on second thought I discovered that it was quite unnecessary; because if anyone was interested enough to take an objection on that ground, he or she would certainly advise the parties who were going to undertake the marriage, that the marriage should not take place as he or she is suffering from leprosy or a venereal disease. Inspite of that advice if the parties choose to contract that marriage, then there would be no point in providing that an objection would be open on the ground of concealment.

The second thing which I wish to emphasise in this connection is the bad draftsmanship of the amendment itself. Now, Sir, I have the greatest respect for the legal acumen of Pandit Thakur Das Bhargava; but I find, in this particular instance, he has drafted the amendment in such a way

[Shri Sadhan Gupta]

that, even if I agreed with its principle. I would have had to oppose the amendment. For example, he says that one of the conditions....

Mr. Chairman: All those arguments have been replied to; why not confine yourself to the subject?

Shri Sadhan Gupta: I think that line has not been touched upon. One of the conditions, for example, is that it should be void under section 24. Under section 24 a marriage would be void on the ground that a person is impotent not only at the time of the marriage, but at the time of the institution of the suit. Now, mere impotency is not a ground of voidance under section 24. Therefore, it would be absurd to suggest that a marriage cannot be solemnized on the ground that the person is impotent not only at the time of solemnization but at the time of the suit. That amendment would be unworkable. Similarly, the other conditions in the amendment would also be unworkable.

Shri N. C. Chatterjee: Sir, I would be very brief. Acharya Kripalani has raised a peculiar point of interest. He says, marriages should be classified under two or three heads: physical marriage, sexual marriage, marriage for the purpose of procreation; and then, intellectual marriage and spiritual marriage—which has nothing to do with non-physical marriage. He says, there must be compulsory certificate taken from the parties in the case of physical marriage—marriage with the object of procreation, which you call sexual marriage—but he objects that there should be any certificate taken in the case of marriages for the purposes of only companionship or spiritual affiliation. Sir, am I to understand that you declare the object of marriage and you can possibly ask the Law Minister to frame a Bill with a view to define the particular object of the spouses concerned?

Shri Biswas: How can the Law Minister prevent a change of mind afterwards?

Shri N. C. Chatterjee: Acharya Kripalani says that the Law Minister has committed a great blunder in having brought forward this kind of Bill. How can any Law Minister, in any part of the world, prepare a bill with regard to the particular object of the marriage? Can not you have a multi-purpose marriage? According to Hindu conception and our traditional system of marriage, it is always multi-purpose. You marry not merely for *dharma* but for *artha*, *kama* or *moksha*. You marry for self-fulfilment, for fulfilment of human personality, for the welfare of the family and for society all combined.

Pandit K. C. Sharma (Meerut Distt.—South): So is the life itself.

Shri Biswas: It is a multi-purpose project.

Shri N. C. Chatterjee: The Law Minister knows it better.

Shri Gadgil (Poona Central): There are others also.

Shri N. C. Chatterjee: Pandit Thakur Das Bhargava's amendment. I submit, is neither unreasonable nor absurd. What he says is: you are legislating under section 24 that any marriage solemnized under this Act shall be null and void, you declare it void *ab initio* if any of the conditions prescribed in clauses (a), (b), (c) and (d) of section 4 has not been fulfilled. If an idiot or a lunatic marries, then under this Act that marriage is null and void. Now, he says that we should have the provision of having a medical certificate at the initial stage. A lunatic may marry, live for years, procreate children and many difficulties arise thereafter; then you declare it null and void. Instead of doing that, have it at the earliest possible stage; that is what he says. Not only that; you know in any case of divorce or nullity of marriage; in any case of declaration that the marriage was voidable and should

be declared void; in any case covered by sections 24, 25 and 26, you declare it practically on medical evidence. The best evidence for such cases is medical evidence. You should be consistent; you should be logical when you legislate. Now, anybody who has any experience of these cases knows that the judges are never satisfied simply on the declaration of one party. Generally it is referred to a doctor and the doctor gives his evidence in court and then you declare: "Yes, the man is an idiot, lunatic, or that he was impotent at the particular point of time, or suffering from some venereal disease." What Pandit Thakur Das Bhargava says is that, when under clauses 25 and 26 a marriage can be set aside, declared null and void, voidable marriage can be completely annulled by a decree of nullity passed by the court. If a person is insane or is suffering from venereal diseases, why not bring in the doctor at the earliest stage instead of at a later stage? You cannot dispense with the doctor at all. I am, Sir, mortified at the assertion made by the eminent doctors, who said: "we, the medical practitioners generally, do not know if there is leprosy or a venereal disease". If you cannot declare that you are unfit to be a doctor, I do not quite understand what sort of medical practitioners they are if they cannot find this out even. Any doctor of any competence, of any standing or experience should have no difficulty in doing this. The general hospitals can do it. My learned friend Dr. Jaisoorya reminded us the other day that there are countries where they insist on medical certificates at the earliest possible stage; at the inception stage itself. I think it is only fair that instead of allowing these people to live a married life for some years and then to file the petition for declaration of nullity or a decree for divorce on these grounds, why not take the medical certificate at the earliest stage. You say you are enlightened people; you are civilised people; you do not follow the old medieval or feudal practices. You want not

sacramental marriage, but marriage out of free love and affection. Then have it, and have all the necessary safeguards introduced. When you are allowing medical evidence at a later stage, it is better to have it at the earliest possible stage, when the contract is formed, marriage solemnized and registered under this Act.

Shri G. H. Deshpande (Nasik—Central): Sir, having heard all arguments in favour of the amendment, I am not convinced that any good purpose will be served by accepting this amendment. Instead of helping the boys and girls in making a proper choice it will lead to many difficulties in their way. That is why I want to oppose this amendment.

Let us see what happens at present. Let us take the example of the ordinary marriages which are performed and what is the result there. For the present the certificate provision is not there. In no time was there such a provision. What is the percentage of marriages in which we find that it would have been better if this provision of certificate would have been there? For instance, for the present when marriages are entered into, it is the guardians who have the discretion of making the choice. They ascertain whether the boy is good, whether he is physically fit and whether his family is generally of a good nature. This is ascertained by them from certain surroundings, from certain relations, and we find that in many cases there is no reason for repentance. I know there are certain cases wherein it has been found that the boy had a disease and he ought not to have entered into a marriage, but here in many cases you will find that distant guardians or relations brought about the marriage and perhaps took a bribe because they wanted a particular girl to marry a particular man who is undesirable to be entered into marriage, and the responsibility goes with the guardians or the distant

[Shri G. H. Deshpande]

guardians who have played a mischief for selfish motives. Otherwise, you can ascertain it without the necessity of having a medical certificate. When you say that the girl will be 18 years and the boy 21 years—at least that will be the minimum age—they will have their free choice and will not be guided even by distant guardians if they try to interfere and bring forth certain unions which will not be desirable. Let us credit the boy and the girl with some sense of responsibility and all the education that we are now providing them with will not be a waste on them. I have no doubt that whatever experience we have in the present stage in ordinary marriages, we will not have that experience when boys and girls will have their own responsibility of making their choice. Do you mean to say that a girl of 18 years of age, when she has to enter into marriage on her own responsibility, will do so without properly enquiring into all these things? Do you mean to say that a doctor's certificate is going to be the only remedy? I do not want to run down the doctors as a class in India, but do we not know what these certificates are? You can produce a doctor's certificate for any purpose, as certain pleaders have that experience. We find that there are doctors who are always there to issue certificates for such purposes and that will not be a safeguard. It will only lead to unnecessary difficulties.

When we find that marriages are not unhappy when there is not even that provision for divorce and when once there is a marriage, it is for all times a marriage,—and even there we find that there is a very small percentage wherein people are required to repent without the provision for these certificates—where is the necessity for having this special provision for medical certificates? These certificates are there if after marriage any of the parties misbehaves. If after marriage, any party

misbehaves, or becomes unfit for being a partner, then it is absolutely necessary; otherwise, I do not think it is necessary at the time when the boy or the girl wants to enter into a union. There is, therefore, no necessity for this certificate at the time of the marriage and it will not help them in making up their choice. I oppose the amendment.

Shri Biswas: Acharya Kripalani found fault with the Law Minister because the Law Minister did not define the purpose in the Bill. It is the parties themselves that will have to define it.

Shri Gadgil: Defy it!

Shri Biswas: Whether they are going to marry for the purpose of progeny or they are going to marry for the purpose of companionship or for any other purpose, it will be for them to make up their minds as to what the object is, but you cannot bind them by requiring them to sign a declaration at the time of marriage that they are doing it for this particular purpose and that they cannot change thereafter.

Shri N. C. Chatterjee: Acharya Kripalani says "once a spiritual marriage, always a spiritual marriage".

Shri Biswas: If we adopt that rule for all purposes and not merely for the sake of marriage, that would have been very welcome. What we are today, we shall remain the whole of our life.

Shri Raghuramaiah (Tenali): I hope not.

Shri Biswas: Government oppose this amendment on various grounds. Generally speaking, this is not practicable and you cannot enforce such a condition, as I pointed out when we were dealing with the question of certificates in the case of lunacy or of unsound mind. We have got no machinery here which could perform that duty. As a matter of fact, it is no use laying down a rule requiring

a medical certificate and so on and then making no provision for obtaining such certificates or placing such facilities within easy reach of the people of the country. We have got no machinery here and, therefore, it is no use saying that we must insist on the production of medical certificates saying that they are free from this or that disease.

My hon. friend has framed his amendment in such a way that it means nothing. He does not even say that he requires the parties to produce the medical certificates along with the declaration and he does not say that these certificates will be conclusive evidence on that point.

Shri Jhunjhunwala: You can add it.

Shri Biswas: You can improve upon it, I know.

The other point referred to by some of the speakers is this, namely, that the parties must be free from all those diseases and defects which render a marriage void under certain clauses referred to in the Bill. It is an objective condition. To say that they must be free from these diseases, and to say that they must be certified that they are free from these diseases, are quite different. Suppose it was found that they were not free from the diseases, then it will relate back to the date of marriage and render it void—that would be the effect of it if you impose this condition. The intention probably is that this will be a possible ground on which a marriage may be declared void later on if it was found that at the date of marriage the person was not free from a particular disease.

Pandit Thakur Das Bhargava: All this is given in clause 24.

Shri Biswas: As it is, it is very difficult to give effect to such a rule in practice and ensure that the parties to the marriage are free from this or that disease or defect. It is not stated here that he must produce a certificate stating that he is free from all diseases and defects.

There is some difference between a certificate that the man is free from such diseases etc., and the man being actually free from such diseases. That difference has not been taken note of in this amendment.

If you turn to the clauses, what are the grounds on which a marriage may be declared void or avoided under these clauses? Those conditions will have to be fulfilled before the date of marriage. Look at clause 24 first. "Any marriage solemnized under this Act shall be null and void and may be so declared by a decree of nullity if (i) any of the conditions specified in clauses (a), (b), (c) and (d) of section 4 has not been fulfilled;"—that does not arise here—"or (ii) the respondent was impotent at the time of the marriage and at the time of the institution of the suit." Now, my point is this. Will the doctor, who is called upon to give a certificate that so and so was impotent at the time of the marriage, have to anticipate the future and certify that so and so shall be impotent also at a future date when a suit will be instituted for declaring the marriage void.

Coming next to clause 25, let us only take those sub-clauses which refer to diseases or defects. The first sub-clause says that "the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage". I do not know whether you can relate it to a disease or a defect. One of the parties refuses to consummate the marriage. That may be due to sexual allergy. The particular party to the marriage may not respond to the overtures of the other party because of sexual allergy. If you take that as a disease, how is the doctor to certify that a particular man will refuse to consummate a marriage with a particular woman? Then he must make the experiment before the marriage: bring the two together and satisfy himself that the two together would respond to each other's

[Shri Biswas]

sexual urges. It is absolutely impracticable.

Take the next clause: "the respondent was at the time of the marriage pregnant by some person other than the petitioner;" It may or may not be possible to discover this fact. That will depend upon the stage at which the girl is, at the time of the marriage. Suppose she had conceived only a month before. Then I do not think it is possible for a doctor to say whether the girl has conceived or not. Therefore, do you expect that any girl will submit to all these things? We are allowing free marriage, but we are yet trying to impede the free course of love! If it is an advanced stage of pregnancy, it may be possible to know it. If, on the other hand, the other party marries in spite of that fact, then why should you object? This is not a defect which is hereditary, so that if you do not take objection at the very first moment possible, it will lead to deterioration of the breed and so on and so forth. All these questions will not arise. There have been occasions where, if the other party to the marriage accepts the position, then the marriage takes place. I remember a story. It is a true story. There was a big function at the place of a very big man years ago. A ball dance was going on there on a lavish scale. All big officials were invited. The wife of that man was having the ball dance. All of a sudden that lady—she was dancing with somebody else—slipped. Fortunately, there were doctors among the invitees. One of them came, examined the lady and found—quite *bona fide*—that she was pregnant and said: "Thank God, the baby is safe." The husband was there. The moment he heard, "The baby is safe," he wondered. He raised a hullabaloo there. Then somebody else—the father of the girl, I think—came and said: "Be magnanimous. Do not make a fuss." So, sometimes these discoveries are made all of a sudden, and it is not always

possible to make a discovery. It was not possible even for the husband to make the discovery, till this accident happened.

Shri N. C. Chatterjee: That was a spiritual marriage!

Shri Biswas: That itself cannot give effect to it.

An Hon. Member: Louder please.

Shri Biswas: I am speaking as loud as I can. There is no other reference to any possible defect or disease in respect of clause 25. I now come to clause 27. The first ground is this—adultery. Adultery is not a disease, I suppose. Then, the next condition is, desertion.

Pandit Thakur Das Bhargava: What does the hon. Minister mean by saying that adultery is not a disease? I think we are all interested in seeing that the debate is conducted here on a certain level of decorum. A reference in this vein is rather ridiculing the whole thing. When did I say that adultery was a disease?

Shri Biswas: I am now pointing out the clauses which refer to disease.

Pandit Thakur Das Bhargava: I never referred to adultery being a disease.

Shri Biswas: I am going clause by clause and pointing out that this does not refer to disease, this does not refer to defects, and so on. The first clause, sub-clause (a) of clause 27 refers to adultery. Therefore, I said adultery has nothing to do with any disease. That is what I was pointing out. It is not a question of levity. I know it is a serious legal measure. It ought to be treated seriously and not in a spirit of levity.

Pandit Thakur Das Bhargava: Is this said in seriousness?

Shri Biswas: I was pointing out the defects of your amendment.

Mr. Chairman: Let there be no excitement.

Pandit Thakur Das Bhargava: There should be no spirit of levity. We can also ridicule the hon. Minister's amendments, if we like.

Shri Biswas: If you want to ridicule, by all means, do so. I will not take any objection.

12 NOON

I know I am the object and subject of ridicule on every point, but I am much too tough for these small pinpricks: that does not deter me at all. I was just picking out the clauses which have reference to disease—that is what the amendment speaks of.

Sub-clause (a) does not; sub-clause (b) also does not come in that category; sub-clause (c)—undergoing a sentence of imprisonment—also cannot come within the definition of disease; sub-clause (d)—perpetration of cruelty—also does not come within that category. The next sub-clause (e) refers to unsound mind—that is a disease I quite admit. But when I was dealing with the question of being of unsound mind at an earlier stage, I pointed out the difficulty in this country of finding out whether a man is of unsound mind or not. We have a few lunatic asylums. But how many lunatic asylums are there in the country?—I should like to ask. Therefore, it is not practicable to certify that a person is of unsound mind with any definiteness.

Next is venereal disease. So much has been said about venereal disease, that I do not think I need add to the discussion. Venereal disease, some doctors say, can be diagnosed by blood-test. I should have appreciated the amendment much better if Panditji had only said that they must produce a certificate from a medical officer, that the blood-test, washerman test, has been carried out. But whether a particular person or woman is free from the disease is

something more than a doctor may be able to certify.

As a matter of fact, I may tell the House that this is a point on which I had some enquiries made. I wanted to find out which of the countries provided for a medical certificate as a pre-condition to marriage. It is not haphazard, or without any thought, that no provision for a medical certificate was made in the Bill. I shall give the information which I had collected. In the statement I have prepared there is one provision of the Soviet law. It is really more practical and possibly more desirable from every point of view. All that it asks for is—that is only a part of it—that the parties, when they file a declaration before a marriage registrar, must state in the declaration that they had acquainted each other with the state of his or her health.....

An Hon. Member: How is it possible?

Shri Biswas: They will say that they are free from these diseases. The declaration will be there; they inform each other about the state of health and one party can inform the other only to the extent to which he or she knows or believes. That is a sensible requirement. There is also a provision in the declaration form that if you make a false declaration, you run the risk of suffering some penalty. If my hon. friends had tabled an amendment of that kind in order to guard against these dangers cropping up later on and said: 'Let there be a declaration by each party to the marriage that to the best of his knowledge or belief he or she was free from such diseases...', I could have understood that. You can give effect to that. You will not require to spend lots of money for the medical certificate and to run fifty miles and more to the civil surgeon to obtain medical opinion. I will read the law as it stands in the Soviet Russia. Those who register a marriage shall

[**Shri Biswas**]

produce a declaration along with their identification papers and a statement that none of the legal impediments to marriage specified in certain sections exist. Those clauses deal with other matters. Then it says "...and that they are mutually informed as to state of health of one another, in particular with regard to venereal and mental diseases and tuberculosis."

Shri N. C. Chatterjee: Mutually informed or acquainted?

Shri Biswas: I am reading the law as it is. In the U.S.A. blood-tests must be made before a marriage licence is granted. When you grant a marriage licence, then you are required perforce to submit to a test of this kind and the State provides for it in Carolina, Michigan, Indiana, Iowa and so on—in all 24 States. Then there is Canada (*Interruptions*). No licence or certificate or notice of publication may issue unless a declaration is made that to the best of their belief, they are not suffering from tuberculosis or venereal diseases—much on the lines of what I said as regards Soviet Russia. A certificate in the prescribed form is produced by both the parties that a specimen of blood had been taken for serological tests within fourteen days of the application for the marriage. That is possible. You say a blood-test has been made. That is what Dr. Jaisoorya pointed out. That is possible. But to say that she or he is free from all these diseases—that is impossible.

Shri U. M. Trivedi (Chittor): On a point of information, Sir, does the hon. Minister now say that he wants to agree to this amendment?

Shri Biswas: No. I am pointing out that this amendment cannot be given practical effect; I am seeking to make out this point and I am pointing it out in self-defence—although that may have no effect on hon. Members. As a matter of fact, there was no provision made for medical certificate in

this Bill, not casually because I had forgotten about it, but because I had applied my mind to this question and obtained information regarding various countries, and then after all that, on comparison of conditions in these countries with the conditions which actually exist in our country, I came to the conclusion that it was no use making a provision which cannot be effectively enforced. (*Interruption*).

Dr. Jaisoorya: Is there any law of Germany?

Shri Biswas: So far as Germany is concerned, I tried to obtain information but I could not. There is no book available in my library where I could get that information. I hunted certain other libraries also but no book was available on that.

Dr. Jaisoorya: In 1939 there was a law.

Shri Biswas: That is about venereal diseases and leprosy.

The other clauses in this Bill do not at all refer to diseases or any defect.

Therefore I venture to submit with confidence that the House will agree with me that you cannot give effect to this amendment, however much we may be in sympathy with the object of the hon. Mover. I oppose the amendment.

Mr. Chairman: I will now put the amendment to the vote of the House. I think we have had more than enough discussion on this small matter.

An hon. Member had approached me with a request that he is going and that somebody else might move his amendment. But I do not think that is possible under the rules. The question is:

In page 3, after line 11, add:

"(f) the parties are at the time of marriage free from all diseases and defects which render marriage void under section 24 or voidable

under section 25 or furnish grounds for divorce under section 27 and furnish medical certificate of such freedom before the Marriage Officer at the time of solemnisation of marriage."

The motion was negatived.

Mr. Chairman: I think all the amendments that have been moved are exhausted. I will put clause 4, as amended, to the vote of the House.

Shri Nand Lal Sharma: I have got my amendment No. 344 in List No. 8

Mr. Chairman: Does the hon. Member insist on moving it?

Shri Nand Lal Sharma: Yes. I beg to move:

In page 3, after line 11, add:

"(f) the parties have given free consent as defined in section 14 of the Indian Contract Act, 1872 (Act IX of 1872), to their marriage; and

(g) the parties belong to different religions."

Mr. Chairman: I do not understand what is the significance of the first part. After all, solemnization of marriage between two persons can be only with the consent of the parties.

Shri Nand Lal Sharma: It is not mentioned anywhere.

Mr. Chairman: How can it be that without their own consent two persons go and solemnize a marriage?

Shri S. S. More: Clause 25, sub-clause (iii) is there.

Mr. Chairman: I shall hear him before I decide whether it is to be allowed.

Shri Nand Lal Sharma: माननीय अध्यक्ष महोदय मैं इससे पहले अंगूजी में बोल चुका हूँ लैकिन अब चूंकि हिन्दी का प्रश्न आ गया है इसीलिये अपने सिद्धान्तानुसार हिन्दी में बोलूँगा।

आत यह है कि जब दोनों के दोनों पक्ष अपने शाभाविक कानून का परिस्थाग करके अपनी

शाभाविक संस्कृति का परिस्थाग करके और अपने संस्कारों का परिस्थाग करके विवाह करने जाते हैं तो उससे सबसे बड़ी बल्लंगी आत यह है कि फ्री कंसेंट होना चाहिये। अभी विधि मंत्री ने खोड़ी दर पहले पीछत ठाकुर दास भागवत के संशोधन पर बोलते हुए कहा था कि यदि वह बजाय इसके कि मैट्टिकल सर्टिफिकेट के सम्बन्ध में कहते, वह यह कह दूँते कि हमने दूसरी पार्टी को यह विश्वास दिला दिया है, उसको ज्ञान करवा दिया है कि हमार अन्दर किसी तरह की कोई सराबी या कोई रोग नहीं है, तो मैं इस चीज को स्वीकार भी कर सकता था, तो मैं विधि मंत्री महोदय की सेवा में निवेदन करना चाहता हूँ कि मैं वही वस्तु इस संशोधन के द्वारा ला रहा हूँ। जब वह बालक नहीं है, जब दूसरे धर्म में दूसरे मत वालों के साथ विवाह इस्त्याद का हमने स्वरूप बनाया है, तो ऐसी पीरिस्थिति में हम को यह विश्वास होना चाहिये कि फ्री कंसेंट है। अभी श्री मोर्ऱ ने लहड़ होकर यह कहने का प्रयत्न किया विसेक्षण २५ में यह चीज "वायडब्लू मैरिजेज" में दी है। सेक्षण २५ सबकलाज ३ इस तरह है :

"(iii) the consent of either party to the marriage was obtained by coercion or fraud, as defined in the Indian Contract Act, 1872 (IX of 1872):"

यह मैरिज को वायडब्लू करने के लिये माना किसी को कोई इलोप करके ले गया, बैचार्ड माता पिता को कुछ पता नहीं। चाँदह दिन का आपने टाइम दिया है, अब भारतवर्ष के इतने बहु महादीप में किसी कोने में जा कर १४ विन रह कर उन्होंने विवाह करवा लिया और जिस तरह जैसिका के लोरेंजो द्वारा इलोप करना पर बेचारा शाइलांक रोता फिरा, वही हालत उनके मां बाप की होने वाली है। उसका कुछ ही नहीं सकता। मैं कहूँगा कि जब पेरेंट्स के कंसेंट की आवश्यकता न हो और जब दूसरे मत, मतान्तरों में जाने के लिये उसका मार्ग लूला हो तो कम से कम एक विश्वास और निश्चय हो जाना चाहिये कि फ्री कंसेंट दिया गया है।

[श्री नंद लाल शर्मा]

फ्री कंसेंट मैरिज को वायर्डब्लूल करार देने के लिये नहीं बल्कि अगर फ्री कंसेंट नहीं है, मैरेंड हैं, आन्धू इनफल्युएंस है, मिसर्प्रेजेंटेशन आफ फैक्ट्स हैं या कोई कोअरशन है, इन सारी अवस्थाओं में उस मैरिज को पहले ही एसेशियल कंडीशंस आफ दी मैरिज में वायर करार देना चाहिये। अगर हम ऐसा नहीं करते हों उस परिस्थिति में खास करके लड़कियों के लिये एक मुश्किल हो जाती है जिनके चरित्र पर पीछा बात उठा करती है और उसको पीछा पता चलता है कि मेरे साथ धोखा हुआ और धोखा होने के बाद वह लड़की को छोड़ देता है तो ऐसी हालत में वह बेचारी लड़की कहा जायेगी? इसीलिये यह जो सतरा आने वाला है उसके आने से पहले ही इसको एसेशियल कंडीशंस में दी दिया जाये और उस मैरिज को वायर करार दिया जाय।

जी कलाज के लिये भी मेरा कहना है कि जहां उनके अपने पर्सनल ला (वैयक्तिक विधि) उनके पास हों और जहां वह एक ही धर्म, एक ही सम्प्रदाय के अन्दर विद्यमान हों उन्हें अपने सम्प्रदाय के अन्दर विवाह करने का नियम होना चाहिये, उसी परिस्थिति में जहां उनके अपने सम्प्रदाय के अन्दर विवाह न हो सकता हो और जहां उनका अपना पर्सनल ला इसकी आज्ञा न देता हो और दूसरे धर्म में विवाह करने का ऐसा कोई कामात्र क्षेत्र नहीं : कामातरीह प्रकृतिकृपण चेतना चेतनेषु । ऐसी अवस्था में जब कोई मार्ग न रहे और किसी प्रकार की सोसाइटी हमको आज्ञा नहीं देती, हमारा अपना पर्सनल ला आज्ञा नहीं देता तब स्पेशल मैरिज के द्वारा स्पेशल कंडीशंस और सरकमस्टान्सेज बना कर विवाह करने का प्रयत्न करें, ऐसी परिस्थिति में मैं समझता हूं कि दोनों सरकमस्टान्सेज के अन्दर इसके लिये प्राविजन होना चाहिये और मैं विश्वास करता हूं कि विधि मंत्री महोदय स्वयं इसको स्वीकार करेंगे क्योंकि उन्होंने आंशिक रूप से उसको वायर्डब्लू मैरिज के संक्षेप २५ में ला दिया है जोकि उसको मैरिज कंडीशंस में नहीं लाये

और इस कारण यह भय हो गया कि विवाह हो जाने के बाद उस को वायर्डब्लू करार देने में पार्टी को चिन्ता होगी, कष्ट होगा, इसलिये उनको पहले ही उस स्थान पर रखना आवश्यक है और उसी के साथ साथ मैं जी के लिये पुनः अनुरोध करूँगा कि The parties belong to different religions यह कहना भी आवश्यक है, क्योंकि एक ही धर्म में विवाह करने के लिये हमने पहले उसका प्रबन्ध कर लिया है। हिन्दू मैरिज एन्ड डाइवोर्स बिल में भी वह सारी की सारी बातें दी दी हैं। जो हिन्दू सिद्धान्तों को छोड़ना चाहते हैं वह भी सैक्रामेंटल मैरिज के नाम से अपना विवाह कर सकें और जो सैक्रामेंटल विवाह को नहीं मानते हैं उनके लिये भी इस बिल में स्थान है, ऐसी परिस्थिति में कोई कारण नहीं दीखता कि वह स्पेशल मैरिज का आश्रय क्यों ले? स्पेशल मैरिज के बाद इसी बात के लिये हैं कि जहां धर्मान्तर का सवाल हो और जहां कि दूसरी राष्ट्रीयता में, अन्तर सम्प्रदाय में, विवाह होने को हो, वहां इस एकट के अन्दर शादी हो। यह मेरा संशोधन है और मैं विश्वास रखता हूं कि विधि मंत्री इसे स्वीकार करने की कृपा करेंगे।

Mr. Chairman: Amendment moved: In page 3, after line 11, add:

"(f) the parties have given free consent as defined in Section 14 of the Indian Contract Act, 1872 (Act IX of 1872), to their marriage; and

(g) the parties belong to different religions."

Shri Venkataraman (Tanjore): Mr. Chairman, clause 5 of this Bill provides:

"When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified...to the Marriage Officer..."

So, clause (f), the first portion of the amendment of my hon. friend is already covered. How can any persons give notice if they do not consent to it? The scheme of the Bill provides

for it. Therefore, my submission is that it is wholly unnecessary.

Then, the second portion of the amendment is, in my humble opinion, barred by the decision which the House took on amendment No. 179, moved by my friend Shri V. G. Deshpande.

Mr. Chairman: To which clause?

Shri Nand Lal Sharma: This is about conditions of marriage.

Shri Venkataraman: I refer to amendment No. 179 of the printed list at page 2, top. This was the very question which was discussed at great length by this House, and a decision was taken.

Mr Chairman: Is it the same which reads:

In page 3, for lines 1 to 11 substitute—

"in force relating to the solemnization of marriages, a marriage between any two persons may be solemnized under this Act, if marriage between them is not permissible by any custom having the force of law."

Shri Venkataraman: In support of this very point, the object of the amendment, as Shri V. G. Deshpande has claimed, was only to enable such marriages as cannot be performed under the personal law. He said that this Bill was intended to permit inter-caste and inter-religious marriages between the parties. Therefore, he said that this amendment is intended to cover cases of inter-religious marriages. On that, there was an elaborate discussion, and the House has rejected that amendment. It is therefore that I said that this amendment No. 344 could be barred by the decision which the House has taken on that matter.

My submission is that sub-clause (f) of the amendment is already provided for in clause 5 of the Bill, and sub-clause (g) is barred. Therefore, I oppose this amendment.

Pandit Thakur Das Bhargava: May I submit a word, before the objection of Shri Venkataraman is disposed of by you? When amendment No. 179 of Shri V. G. Deshpande was under discussion, it was objected to not only on one ground, but on many grounds, by Shri Barman and others. One of the grounds was that this amendment did not import any sense. This was one of the grounds advanced then. At that time, I stood up and asked the Chair—I believe Sardar Hukam Singh was in the Chair at that time—whether my amendment No. 221 to clause 1 would be barred. This amendment was of a similar nature, and I wanted to know whether I could speak on this amendment, when clause 1 is taken up. The Chair was pleased to say that my amendment would not be barred, because as a matter of fact, as my hon. friend has said, Shri V. G. Deshpande's amendment was capable of several interpretations. One of the grounds was that that amendment did not import any sense. I do not know on what basis the House was pleased to disagree with that amendment, but anyhow, that amendment was thrown out. At that time, I submitted to the Chair, that if the Chair was of opinion that this amendment of mine will not be allowed subsequently, then I ought to be allowed to speak. I wanted to speak then, but the Chair said that this amendment of mine, namely, amendment No. 221 will not be barred by amendment No. 179.

Shri N. C. Chatterjee: I ought to inform you that on the basis that Pandit Thakur Das Bhargava's amendment is still open and will be taken up when clause 1 will be discussed, the Business Advisory Committee has allotted three hours for this discussion. Since it is a very important matter, the Hon. Speaker took down Pandit Thakur Das Bhargava's amendment, and allotted three hours specifically for that, on the footing that the Chairman's ruling was correct, and was binding, namely, that that amendment was not barred because of the rejection of Shri V. G. Deshpande's amendment.

Mr. Chairman: But supposing this amendment is....

Shri N. C. Chatterjee: I have appealed to Shri Nand Lal Sharma, and he is agreeable to withdrawing his amendment. Therefore, we can discuss it at the proper place, namely, when clause 1 will be taken up.

Shri Nand Lal Sharma: I am prepared to withdraw it.

Shri U. M. Trivedi: May I make a submission?

Mr. Chairman: It would be better if the hon. Member gets advice from his friends in respect of the first part of his amendment also. I would like to hear the hon. Member before I give my ruling.

Shri U. M. Trivedi: We have not understood Shri Venkataraman's objection....

Shri N. C. Chatterjee: The hon. Member Shri Nand Lal Sharma is withdrawing sub-clause (g) of his amendment.

Mr. Chairman: If the hon. Member is prepared to withdraw the whole of the amendment. I have no objection.

Shri U. M. Trivedi: But is it legally barred? That is the point.

Mr. Chairman: If he does not withdraw, then I shall give my ruling. I may hear you also, in that regard, but not at this stage.

If there is a desire to discuss it, since it is an important point, I could understand that, and in view of what has happened earlier, it may be discussed, keeping sub-clauses (f) as well as (g) together. But if the hon. Member withdraws sub-clause (g) only, but keeps (f), I shall have to decide what I have to say about sub-clause (f). However, if the hon. Member is prepared to withdraw the whole of it, I think in course of time, it may come up.

I would like to ascertain what Shri Nand Lal Sharma feels about this matter.

Shri Nand Lal Sharma: Is it necessary that I should withdraw the whole of it?

Mr. Chairman: It is for you to decide. If the Chair has to say anything, it will appear...

Shri N. C. Chatterjee: He is agreeable to withdrawing sub-clause (g) of his amendment.

Mr. Chairman: There is no harm if it is withdrawn. Shri Nand Lal Sharma may take advice with regard to sub-clause (f) also, from those friends from whom he has taken advice in regard to sub-clause (g).

Shri N. C. Chatterjee: He is agreeable to withdrawing sub-clause (g), keeping sub-clause (f). On sub-clause (f) of the amendment, you can give your ruling. That is all that he wants.

Mr. Chairman: He should withdraw then the whole of that amendment.

Shri Nand Lal Sharma: All right, I would like to withdraw the amendment.

Mr. Chairman: Has the hon. Member leave of the House to withdraw his amendment?

Several Hon. Members: Yes.

The amendment was, by leave, withdrawn

Mr. Chairman: I will now put clause 4, as amended, to the vote of the House. The question is:

"That clause 4, as amended, stand part of the Bill".

The motion was adopted

Clause 4, as amended, was added to the Bill

Clause 5.—(Notice of intended marriage).

Mr. Chairman: There are a number of amendments to this clause and there are so many lists that I would like

those hon. Members who wish to move their amendments to rise in their seats and move them and I will take them as having been moved.

Shri Venkataraman: I beg to move:

In page 3, lines 16 and 17, for "fourteen" substitute "thirty".

Shri Nand Lal Sharma: I beg to move:

In page 3, lines 16 and 17, for "fourteen days" substitute "ninety days".

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): I beg to move:

In page 3,—

(i) line 12, before "When" insert "(1)"; and

(ii) after line 18, add:

"(2) The notice shall be accompanied by such medical certificates, documents and affidavits in proof of the conditions (a) to (d) of section 4 as may be prescribed".

Shri Bhagwat Jha Azad (Purnea cum Santal Parganas): I beg to move:

In page 3, lines 16 and 17, for "fourteen days" substitute "six weeks".

Shri Mulchand Dube (Farrukhabad Distt.—North): I beg to move:

In page 3, lines 16 to 18, for "has resided for a period of not less than fourteen days immediately preceding the date on which such notice is given", substitute:

"permanently resides or intends to settle permanently".

Pandit D. N. Tiwary: I beg to move:

In page 3, line 16 and 17, for "fourteen days" substitute "forty-five days".

Shri Krishna Chandra (Mathura. Distt.—West): I beg to move:

(i) In page 3, line 14 after "Second Schedule" insert "accompanied by an affidavit verifying the correctness of the information and particulars given in the notice".

(ii) In page 3, for lines 15 to 18, substitute: "to the Marriage Officer of the district in which the girl has been permanently residing".

(iii) In page 3, lines 15 and 16 for "at least one of the parties to the marriage", substitute "the girl".

Mr. Chairman: Amendments moved:

In page 3, lines 16 and 17, for "fourteen" substitute "thirty".

In page 3, lines 16 and 17, for "fourteen days" substitute "ninety days".

In page 3.—

(i) line 12, before "When" insert "(1)"; and

(ii) after line 18, add:

"(2) The notice shall be accompanied by such medical certificates, documents and affidavits in proof of the conditions (a) to (d) of section 4 as may be prescribed".

In page 3, lines 16 and 17, for "fourteen days" substitute "six weeks".

In page 3, lines 16 to 18, for "has resided for a period of not less than fourteen days immediately preceding the date on which such notice is given", substitute:

"permanently resides or intends to settle permanently".

In page 3, lines 16 and 17, for "fourteen days" substitute "forty-five days".

In page 3, line 14 after "Second Schedule" insert "accompanied by an affidavit verifying the correctness of the information and particulars given in the notice".

[Mr. Chairman]

In page 3, for lines 15 to 18, substitute "to the Marriage Officer of the district in which the girl has been permanently residing".

In page 3, lines 15 and 16 for "at least one of the parties to the marriage", substitute "the girl".

Shri Venkataraman: Mr. Chairman, Sir, clause 5 deals with the period of residence required before a notice of the intended marriage may be given. Under the clause, as it stands, one of the parties can give notice of the intended marriage if he has resided within the jurisdiction of the Marriage Officer for a period of 14 days. That is also the law in the present Act of 1872.

The amendment which I place before this House is to increase the period of residence from 14 days to 30 days, since we do not want to provide opportunities for some runaway people going to an out of the way place and getting themselves registered without adequate notice to the parties who are really interested in the marriage.

The question may be asked, how does thirty days, in any way, prevent such a contingency occurring? It is likely that if a person resides for a period of thirty days in a place, he would come into contact with a number of people, his presence there would also be noticed or felt by the persons whom he ought to inform. His relations would come to know the whereabouts of the person and, therefore, there are less chances of some couples running away and getting themselves married, if the period is thirty days than it is if it were only a period of fourteen days. I am not suggesting that this is a fool-proof amendment. All that I am saying is that if the period is increased from fourteen to thirty days, the chances of people coming to know of the residence of that person in that place would be more and the relatives and

friends interested in him would also come to know of it and, if any objection has got to be raised they may be able to raise it. This is a fair compromise between those who want ninety days on the one hand and those who do not want any change on the other. The Rajya Sabha has accepted fourteen days as a reasonable period.

Shri Nand Lal Shrama: Mr. Chairman, Sir, Shri Venkataraman has advanced his argument against the lesser period of fourteen days, in view of the runaways that may be new to the locality. It may be just possible that persons from North India, right from Amritsar may go to Kumbakkonam or Trichinopoly or somewhere in the South and reside there for fourteen days. Nobody knows their names or parentage and then, all of a sudden, they give notice of a marriage.

Over and above this argument, we know it clearly that it is a special marriage and it is going to break all principles and ties of society and it is not going to be according to custom. Therefore, we should try to put as much safeguard as possible against some possible mistakes.

Supposing the parties do not give out their correct parentage or supposing one of the parties—who may be a minor below the age of 18—gives out a statement that there are no parents and therefore no consent of guardian is necessary. In that case, at least people in the locality will be acquainted enough if they reside there for a period of three months. Ninety days will be necessary for certain appeals and other purposes also. Therefore, I submit that ninety days should be substituted for fourteen days.

पंडित ही० एन० तिकारी : सभापति जी, जितने लोगों ने इस विषय पर अमेंडमेंट दिये हैं उन सब का आशय है कि टाइम बढ़ा दिया जाय। लैकिन अब दूसरा यह है कि रीजनेवल

टाइम क्या है, २० दिन या ६० दिन या १४ दिन। हम समझते हैं कि १४ और ६० के बीच का टाइम यानी ४५ दिन ठीक होगा। बैंकटरमन जी ने २० दिन के लिए अमेंडमेंट दिया है। हमारा स्वाल है कि एक महीना तो आदमी सुकृतिपूर्ण कर रह सकता है लेकिन ४५ दिन में सब पता चल जायगा। इसमें ज्यादा बहस की गुजाइश नहीं है। मैं समझता हूं कि इसको मंजूर कर लिया जायगा।

श्री भावनवत भा आजाय : सभापति जी, अभी जो हमारे माननीय सदस्य श्री द्वारिका नाथ तिवारी जी ने संशोधन दिया है मैं उसका समर्थन करता हूं। कारंण वही है जो कि बैंकटरमन जी ने दिया है। हम समझते हैं कि इसमें जो १४ दिन दिये गये हैं वे बहुत कम हैं। कोई भाग कर आये और कहे कि हम शादी करना चाहते हैं तो उसकी जांच आदि करने के लिए १४ दिन बहुत कम हैं। हम समझते हैं कि इसके लिए २० दिन भी काफी नहीं हैं। तीस रोज तक कोई भी आदमी लुक-छिप कर रह सकता है। आवश्यकता इस बात की है कि हम इस समय को बढ़ा कर और अधिक करें। ६० दोज करना तो गलत होगा। यह किसी भी जनदून पार्टी के प्रति अन्यायपूर्ण होगा यदि उनको तीन महीने तक शादी करने से रोका जाय। मेरा अपना संशोधन भी ६ हफ्ते का है। मैं समझता हूं कि यह ४५ दिन का समय ठीक है और इसको मंजूर कर लिया जाना चाहिए।

श्री कृष्ण चन्द्र : सभापति जी, मेरे संशोधन २६७, २६८ और २६९ नम्बर के हैं।

क्लाज ५ में जो पार्टीज शादी करने की इच्छा की होंगी उनके लिए यह व्यवस्था रखी गयी है कि वे मैरिज अफसर को एक लिलित नॉटिस देंगी। उस लिलित नॉटिस का मजमून शिफ्टल में पीछे दिया हुआ है और उस शिफ्टल को देखने से पता चलता है कि उस नॉटिस में उनको काफी पर्टीकलर्स देने की जरूरत है। मेरा स्वाल है कि यह थीज इसी स्वाल में रखी गयी है कि अगर कोई बाहर जाकर

शादी करना चाहे तो उसे परं पर्टीकलर्स देने चाहिए। जैसा कि श्री बैंकटरमन ने भी कहा है वही मंसा अमेंडमेंट है कि अगर कोई इस तरह शादी करना चाहे तो उसके लिए हम स्पेशल मैरिज बिल तो पास करें, लेकिन इस कानून द्वारा ऐसी शादियां कहलाती हैं जिसमें कि कोई किसी लड़की को भगा लेजाकर उससे बाहर जाकर शादी कर ले। सभापति जी, इस दृश्य में जहां कि सब किस्म की बनावटी बातें हो सकती हैं और जाल और कर्ब हो सकते हैं, वहां पर इस विवाह के लिए यह बहुत सम्भव है कि कोई आदमी बाहर से कलकत्ते या बम्बई या किसी बड़े शहर में चला जाय और वहां जाकर किसी होटल में ठहर जाय, और होटल वाले से मिलकर अपना नाम पहले से लिखा दूं ताकि १४ रोज जल्दी पर्ट हो जाय और इस तरह १४वें दिन अपनी शादी रजिस्टर करा ले। हो सकता है कि वह कहीं से लड़की को बंधर प्रेशर, या प्रलोभन दंकर या भुलाया दंकर ले आये और वहां सिर्फ दो रोज पहले पहुंचे। लेकिन होटल के मैनेजर से मिलकर १४ रोज पहले अपना नाम लिखवा ले। नॉटिस तो उसने १४ रोज पहले दिया ही हुआ है, और वह दूसरे रोज ही जाकर शादी रजिस्टर करवा सकता है जारै नॉटिस में जो पर्टीकलर्स दूं वह गलत है दूं। ऐसी हालत में जो नॉटिस जायगा वह गलत जायगा। जहां नॉटिस जाना चाहिए वहां नहीं जायगा। इस विधेयक में यह कहीं नहीं रखा गया है वह जो नॉटिस का मजमून दूंगा उसमें किसी किस्म का डिकलरेशन दूंगा कि वह ठीक है। तो मेरा पहला संशोधन तो यह है कि जो नॉटिस वह दूंगा उस के साथ एक एफीडीबिट दूं जिसमें जो वह नॉटिस में पर्टीकलर्स देता है उन की तसदीक की जाय कि वे सही हैं। ताकि वे बाद में अगर गलत निकलें तो उसकी जिम्मेदारी उस पर लादी जा सके और उसके ऊपर मुकदमा चलाया जा सके।

दूसरा मेरा अमेंडमेंट यह है कि अच्छा यह होगा कि जैसे अमेंडमेंट यह दिया जा रहा है कि तीस दिन का हो, चालीस दिन का हो,

[श्री कृष्ण चन्द्र]

पेंटालीस दिन का या साठ दिन का हो, तो अच्छा तो यह है कि अगर कोई शादी अनुचित तरीके से नहीं की जा रही है, गैर-मुनासिब तरीके पर नहीं की जा रही है, लड़के और लड़की दोनों की कंसेट से की जा रही है, लड़की और लड़के के जो मां-बाप हैं या जो उनके गार्डियन हैं वह भी उस शादी का बहुत विरोध नहीं करते हैं तो ऐसी शादी के लिये कोई वजह नहीं है कि वह शादी जहां वह लड़का रहता है, लड़के का घर है और जहां लड़की का घर हो उन दोनों जगहों को छोड़ कर कहीं बाहर वह शादी की जाय। बाहर वह शादी तभी की जायगी जब उसके अन्दर कोई अनुचित चीज होगी, जैसे किसी वजह से लड़की रजामंद नहीं है और लड़की को वह भुलावा दूंकर धोखा दूंकर अनजान जगह ले आया है, वह उसको कहीं बाहर ले जाकर शादी करता है। वैसे ज्यादा मुनासिब यह है और हमारे हिन्दुस्तान में यह रिवाज चला आया है कि हमेशा शादी जहां लड़की रहती है वहां शादी की जाती है और इसीलिये मेरे संशोधन में यह सुझाव दिया गया है कि शादी का नौटिस वहीं दिया जाय जहां कि लड़की रहती है और अगर कोई शादी करना चाहता है तो उसके लिये ऐसा करना सम्भव होना चाहिये, ऐसा कम्प्लाई करने में कोई बड़ी दिक्कत और कठिनाई नहीं है। और मेरी समझ में नहीं आता कि जब वह उस लड़की से शादी करना चाहता है, काफी दिनों के लिये उसके साथ सम्बन्ध स्थापित करना चाहता है, निकटतम सम्बन्ध उस लड़की के साथ स्थापित करना चाहता है तो वह इतना भी न कर सके कि जहां लड़की का घर हो वहां जाकर वह शादी कर सके और शादी से पहले उसका नौटिस दूंसके, कोई कारण नहीं है कि वह ऐसा न कर सके अगर शादी वास्तविक है, सही है। उसमें कुछ खर्च तो लगेगा ही और यह उसे बर्खित करना चाहिये और आमतौर पर शादी ऐसी जगहों पर होनी चाहियें जहां पर कि लड़का या लड़की रहते हैं। दूसरा अमेंडमेंट मेरा यह है कि जहां पर लड़की मुस्तकिल रहती हो, वहीं पर वह शादी रीजस्टर

हो सकती है। अगर सभा को मेरा यह अमेंडमेंट स्वीकार न हो तो कम से कम इतना तो कर ही दिया जाय कि जहां दोनों पार्टियों में से एक पार्टी मुस्तकिल तौर पर रहती हो वहां शादी की जाय, वहां शादी की रीजस्ट्री की जाय और मेरा अमेंडमेंट जैसा कि इसमें जाहिर किया गया है इसी भावना और उद्देश्य को सेकर रखता गया है कि भगोड़ी शादी नहीं होनी चाहिये, कोई ऐसी चीज नहीं होनी चाहिये कि शादी में लड़की या लड़के को कोई भुलावा दिया जाय, लास तौर पर लड़की को भुलावा दिया जा सकता है। इसीलिये मैं अपनी मीलता सदस्याओं से निवेदन करूंगा कि वे इधर ध्यान दें जो कि यहां पर इस चीज की बड़ी तार्द कर रही है कि लड़कियों को आजादी होनी चाहिये और शादी करने के लिये उनके रास्ते में कोई रुकावट नहीं होनी चाहिये, मैं उनसे निवेदन करूंगा कि इस बिल को लड़कियों के लिये जितना उदार आप बनाना चाहें बना दीजिये, लेकिन इस बिल में आप ऐसी गुंजायश भत्त रखिये कि लड़कियों को बाद में मुसीबत पेश आये। क्योंकि आजकल हम अक्सर दूसरे हैं कि लड़कियों को भुलावा दूंकर, धोखा दूंकर और तरह तरह की तरगीब दूंकर आजकल के लड़के उनको फांस कर उनकी जिन्दगी खराब कर देते हैं। आजकल की हमारी जो लड़कियां हैं वे इतनी तजुर्बेकार होती नहीं हैं, दुनिया दूसरे हुए नहीं होती हैं, उनको दुनिया की ठोकर लगी नहीं होती है इसीलिये वे सहज भुलावे में आ जाती हैं....

श्री भागवत भा आजाद : लड़के भी भुलावे में आ जाते हैं।

श्री कृष्ण चन्द्र : मैं तो समझता हूं कि लड़कियां ही इस तरह के भुलावे में आती हैं, हो सकता है कि आपका तजुर्बा ऐसा हो। मेरा निवेदन है कि इस बात का एहतियात वर्ता जाय कि स्पेशल मैरिज में जो विवाह होते हैं उनमें इस बात का प्रा इतमीनान कर लिया

जाय कि किसी को उसमें धोखा न हो और भूलावे से किसी की कंसेंट न ले ली जाय या शादी की रजिस्ट्री न हो जाय । इन शब्दों के साथ मैं अपने संशोधनों को सभा की स्वीकृति के लिये उपस्थित करता हूँ और आशा करता हूँ कि सभा मेरे संशोधनों को स्वीकार करेगी ।

या नहीं, इस असे में उनको कहदवाहट या भिटास का भी पता चल जायेगा । इसीलिये मैं अनुरोध करूँगा कि बजाय चाँदह दिन के हँड महीने की अवधि दी जानी चाहिये, इससे कम नहीं दी जानी चाहिये ।

Shri C. R. Chowdary (Narasaraopet): I rise to oppose the amendment of the hon Member Shri R. Venkataraman, to clause 5 regarding the extension of time which is now fixed at 14 days. The time provided is not an all-important factor to the clause. It appears to me, on a casual reading of Schedule II under clause 5, that there is a provision for witnesses to attest the declaration to be made by the parties to the proposed marriage. As such, it appears to me that this residential qualification of 14 days is provided for as an enabling provision to procure the necessary witnesses to attest the declaration of the parties to the proposed marriage. Beyond that, I do not find any reason for residential qualification to be provided for under clause 5. As such, it does not require any extension of time. If people fail to procure witnesses within fourteen days, they may not get acquaintance with the locality after fourteen days also. But my friend's objection to fourteen days' time and his plea for extension of time are based, it appears, on the presumption that fourteen days' time will enable runaways to get solemnization of the marriage which would have been otherwise objected to by interested parties. I submit that there is no question of solemnization of marriage by runaways, because, as accepted by the House, the age is 18 for the girl and 21 for the boy. As such, no party can object to the proposal of marriage and solemnization where the parties satisfy that the necessary qualification—that is, between 18 and 21—is complied with.

श्री जांगड़ (बिलासपुर-रीव्हत-अनुसूचित जातियां) : सभापति महोदय, श्री भागवत भा आजाद ने जो संशोधन पेश किया है उसका समर्थन करते हुए कहना चाहता हूँ कि आपने यहां पर जो यह चाँदह दिन की मियाद रक्खी है, वह बिल्कुल नाकाफी है क्योंकि मैं आपको बतलाऊं कि मान लीजिये एक जिले का रहने वाला लड़का और किसी दूसरे जिले की रहने वाली लड़की दोनों जाकर किसी दूसरे ही जिले में रहने लगते हैं । उदाहरण के ताँर पर रायपुर जिले का एक लड़का और बिलासपुर की लड़की दोनों जाकर कलकत्ता के किसी होटल में अधिवा वहां किसी के घर बड़ी सरलता से १४ दिन पहुँचाई में रह सकते हैं और चाँदह दिन के बाद वे अपनी शादी रजिस्ट्रर करनां के लिये वहां के फ़िरीस्ट्रेट मरिजस्ट्रट से लिखा-पढ़ी कर सकते हैं और इस कारण यह चाँदह दिन का समय रखना बिल्कुल नाकाफी और अपर्याप्त है और मैं समझता हूँ कि कम से कम हँड महीने का समय इसके लिये निर्धारित करना चाहिये, वैसे अगर मियाद और बढ़ायी जा सके तो बेहतर है । हँड महीना रखने से यह होगा कि होटल वाला भी जान जायेगा कि वे कौन लोग हैं, जो हँड महीने से मेरे होटल में ठहर हुए हैं । उनके बारे में जानकारी प्राप्त हो जायगी और आध ही हँड महीने तक पहुँचाई भी नहीं हो सकेगी और ठहरने वाला जान जायेगा कि यह किसी बहाने से इतने दिन तक यहां पर ठहरा हुआ है, साथ ही हँड महीने के भीतर दोनों पार्टीयों को पता चल जायेगा कि हमारी जो शादी होने जा रही है वह स्थायी होने वाली है या केवल इष्ट भर के लिये है । इस असे में दोनों पार्टीयों को पता चल जायेगा कि उनकी शादी अधिक दिन टिकने वाली है

Further, I support the proposed amendment—amendment No. 297—of Shri Krishna Chandra. That amendment requires an affidavit to be produced, verifying the correctness of the particulars given in the notice.

[Shri C. R. Chowdary]

That will safeguard the interest of the parties as well. An affidavit in support of the details asked for in the Second Schedule may be accepted as valid for the purpose of accepting the proposed marriage and its solemnization I therefore oppose the extension of time as unnecessary, and if the House is desirous of providing an extension, fearing a misuse of the provision, the amendment suggested by Shri Krishna Chandra may be accepted.

Shri Mulchand Dube: Sir, my amendment No. 448 reads as follows:

In page 3, lines 16 to 18, for "has resided for a period of not less than fourteen days immediately preceding the date on which such notice is given" substitute

"permanently resides or intends to settle permanently."

The Bill provides for a period of fourteen days before a marriage can be performed after the giving of the notice. The object obviously is that persons who are interested in the parties to the marriage may be enabled to know of it before the marriage is solemnized. Now the period of fourteen days may be very good in England or some other small country like that. But the period of fourteen days is utterly insufficient for a large country like ours. Then, some friends have suggested that the period may be raised to 45 days; some others have suggested 90 days, and so on.

My question is: why should there be any such limit? Why should not the marriage be celebrated at the place where either of the parties to the marriage permanently resides. If the intention is to prevent run-away marriages from being performed, then it is absolutely necessary that notice should be given only to that officer within whose jurisdiction either of the parties resides permanently, or intends to reside permanently. My submission is that these romantic marriages, or run-away marriages in

which the parties may have an opportunity of making false declarations as to their age, or as to their parents and such other things should be prevented. I do not see any objection to a marriage being solemnized at the place where either of the parties permanently resides. There is absolutely no question of limiting the period to 14 days or 30 days, or 45 days, or ninety days, whatsoever. My submission is that the marriage should only be solemnized at a place where either of the parties permanently resides and if any of the parties does not reside permanently at that place, they should have the intention of settling there permanently. With these words I commend my amendment.

1 P.M.

पंडित सी० एन० मालबीच (रायसेन) : मैं इस एमेंडमेंट की मुख्यालिकत करता हूँ और मैं यह चाहता हूँ कि १४ दिन ही रक्षण जार्ये। यह ठीक है कि यह दृश्य बहुत बड़ा है और इतने बहुत दृश्य में छः छः महीने या साल साल भर तक लोग अन्डस्लाउन्ड रहें तब भी पता नहीं चलता। मैं कहना चाहता हूँ कि अगर ऐसी कोई बात हो तो छः महीने या साल भर क्या बारह साल तक आप को इस का पता नहीं चलेगा। हमारे यहाँ दृहाती कहावत है कि "मियां बीबी राजी, तो क्या कर्गा काजी"। आब हालत क्या है कि हम जब अपने लड़के और लड़कियाँ की शादी करते हैं तो जबर्दस्ती बिस से चाहते हैं उस से शादी कर देते हैं। उन की इच्छा की परवाह नहीं करते। हम लोग लड़की को अपनी प्राप्ती समझने लगे हैं। आपसर हम उन को उन की हालत पर क्यों नहीं छोड़ देते? जब वे १८ वर्ष के हो जायें तब हमें उन को परी आजादी देनी चाहिये कि वे सुदूर अपनी इच्छा के मुताबिक करें करें।

इस के बाद नौटिस का सवाल आता है। अगर किसी की लड़की भाग गई है या अगर किसी को शिकायत है कि ऐसा हुआ है तो वह पुलिस में रिपोर्ट कर देंगा। ऐसे मार्क पर

चाहतों और लोंग होंगी और वे लोंग इस पीरियड के अन्दर छिपे नहीं रह सकते। यह जो स्पेशल मरेज एक्ट बन रहा है उस में लड़कियों और लड़कों को कुछ माँका दिया जा रहा है। सेकिने जो लोंग अपना रोमान्स लो चुके हैं, जो इस चीज को समझते नहीं हैं कि शादी के बाहर क्या होता है, वे शादी में रुकावट ढाल रहे हैं। इस लिये मैं कहता हूँ कि जो १४ दिन का पीरियड रखता गया है वह काफी है।

Mr. Chairman: Has the hon. Law Minister to say anything?

Shri Biswas: I have very little to add and I think the compromise suggested by Mr. Venkataraman ought to be accepted—that is the period of thirty days instead of the original fifteen days, and not any of the alternatives suggested namely, ninety days, sixty days, permanent residence and so on. I think thirty days will be all right.

Shri B. C. Das: Fourteen days was in the original Act, and I think this provision worked satisfactorily all these years.

Shri Biswas: It was so even when the minimum age of the girl who was a party to the marriage was 14.

An Hon. Member: Fourteen years and fourteen days!

Shri B. C. Das: Can you suggest any basis for the proposed change? Many persons were married under the old Act, and there are no reported abuses of the provision. If there is no basis, why do you want to change this?.....(Interruptions.)

Shri R. K. Chaudhuri (Gauhati): On a point of information when the parties are anxious to undergo a marriage under this Act, can their love survive this period of thirty days?

Shri Biswas: You should put that question to those who wish to marry under this Act.....(Interruptions.)

Mr. Chairman: Order, order. I will try to analyse the position. If any hon. Member really wishes to advance any fresh argument, I will allow him; I do

not want to take away the right of discussion of any hon. Member. We have got before us nine amendments out of which five relate to time in the sense that an hon. Member wants permanent residence; another hon. Member wants 30 days; another 45 days, another six weeks and yet another 90 days. The other amendments are simple.

Shri Mulchand Dube: My amendment relating to permanent residence...

Mr. Chairman: I have taken it already. The hon. Member is so worried about his amendment but he has failed to listen to me: I have put it first. Why should we tarry on this clause for any length of time unless there is something fresh. I have already heard the hon. Law Minister. I would first like to put them in this order; I will first of all put amendment No. 448 to the vote of the House—that is, the amendment relating to permanent residence. The question is:

In page 3, lines 16 to 18, for "has resided for a period of not less than fourteen days immediately preceding the date on which such notice is given" substitute:

"permanently resides or intends to settle permanently".

The motion was negatived.

Mr. Chairman: Out of the remaining amendments, I propose to put first amendment No. 66 of Mr. Venkataraman.

The question is:

In page 3, lines 16 and 17, for "fourteen" substitute "thirty".

The motion was adopted

Mr. Chairman: This bars amendments Nos. 3, 233, and 345. I will now put amendment No. 297 moved by Shri Krishna Chandra. The question is:

In page 3, line 14 after "Second Schedule" insert:

"accompanied by an affidavit verifying the correctness of the

[Mr. Chairman]

information and particulars given in the notice".

The motion was negative.

Mr. Chairman: The question is:

In page 3, for lines 15 to 18, substitute:

"to the Marriage Officer of the district in which the girl has been permanently residing".

The motion was negative.

Mr. Chairman: The question is:

In page 3, lines 15 and 16, for "at least one of the parties to the marriage" substitute "the girl".

The motion was negative.

Mr. Chairman: I think only amendment No. 234 now remains. The question is:

In page 3,—

(i) line 12, before "When" insert "(1)"; and

(ii) after line 18, add:

"(2) The notice shall be accompanied by such medical certificates, documents and affidavits in proof of the conditions (a) to (d) of section 4 as may be prescribed."

The motion was negative.

Mr. Chairman: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6—(Marriage Notice Book and publication).

Mr. Chairman: Hon. Members who wish to move their amendments to clause 6 may mention the amendment. I will take them as moved.

Dr. Rama Rao: I beg to move:

In page 3, line 27, add at the end:

"on the day he receives the notice".

Pandit D. N. Tiwary: I beg to move:

In page 3, line 27 add at the end:

"and publish in newspapers (local or provincial)".

Shri Nand Lal Sharma: I beg to move:

In page 3, line 27, add at the end:

"and in a newspaper circulating in the district where either party permanently resides".

Mr. Chairman: I take it that to clause 6 amendments numbers 120, 4 and 348 only are moved. The rest of the amendments are not moved.

Amendments moved:

In page 3, line 27, add at the end:

"on the day he receives the notice".

In page 3, line 27, add at the end:

"and publish in newspapers (local or provincial)".

In page 3, line 27 add at the end:

"and in a newspaper circulating in the district where either party permanently resides".

If nobody wants to speak, I would be too glad and happy to put all the amendments to the vote of the House.

Shri S. S. More: Put them together. That is the process of expedition.

Mr. Chairman: I shall put amendments 120, 4 and 348 together to the vote of the House.

Shri Nand Lal Sharma: How can it be possible?

Mr. Chairman: When it was proposed that they will be put together, the hon. Member did not stand up. I have taken it that he does not want

to speak. I am going to put all amendments to the vote of the House. The question is:

In page 3, line 27, add at the end:

"on the day he receives the notice".

The motion was negatived.

Mr. Chairman: The question is:

In page 3, line 27, add at the end:

"and publish in newspapers (local or provincial)".

The motion was negatived.

Mr. Chairman: The question is: In page 3, line 27, add at the end: "and in a newspaper circulating in the district where either party permanently resides".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

The Lok Sabha then adjourned till Eleven of the Clock on Friday the 10th September, 1954.