

Thursday, 16th 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

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LOK SABHA

Thursday, 16th September, 1954

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

ENLARGEMENT OF THE PLAN

*987. **Shri D. C. Sharma:** Will the Minister of Planning be pleased to state:

(a) whether as a result of the modification and enlargement of the plan, any special schemes have been drawn up for Punjab, and if so, what they are; and

(b) what is the estimated additional amount that will be necessary for carrying out these schemes?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). A statement is laid on the Table of the House. [See Appendix VI, annexure No. 34.]

Shri D. C. Sharma: May I know why no money has been provided for educational development excepting in the case of engineering colleges?

The Minister of Planning and Irrigation and Power (Shri Nanda): This provision is made at the instance of the States. They send us schemes and then after discussion we settle and agree to certain schemes.

Shri D. C. Sharma: What will be the underlying principles for the development of roads in Bhakra-Nangal area? Has any decision been taken with regard to the area which these roads are going to cover?

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Shri Nanda: That also will be decided by the State but the idea is to promote and quicken development of the area which is going to derive the benefit from the irrigation facilities.

Shri D. C. Sharma: May I know what is meant by this 'Roads equipment'—the last item of the statement?

Shri Nanda: It must be for the construction of roads.

Shri Bhagwat Jha Azad: May I know whether this enlargement of the Plan was undertaken with a view to provide employment to the unemployed? May I know whether the Government has got any figure as to what percentage of unemployment will be reduced in this country by the enlargement of the Plan?

Shri Nanda: We have not got figures relating to Punjab. In certain cases the employment potential of the schemes has been worked out; in certain other cases the States have not given us any figures. But apart from that schemes have also been accepted which were necessitated by other considerations.

DISPLACED PERSONS DEBT ADJUSTMENT ACT

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

(a) the number of applications submitted under the Displaced Persons Debt Adjustment Act to the various tribunals in the country upto the 30th June, 1954; and

(b) the number of applications disposed of till that date?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) 15,085.

(b) 10,673.

Sardar Hukam Singh: May I know the number of cases in which the creditors took advantage of the Act and filed their applications under section 11?

Shri J. K. Bhonsle: Sections 10 and 11 go together. I have got the figures for section 10 but not for 11.

Sardar Hukam Singh: May I know the number of tribunals that are still working and the number of applications that are pending at this moment?

Shri J. K. Bhonsle: The tribunals are 353 and the cases pending before them are 4,404.

Sardar Hukam Singh: There was some dispute about section 5. Has the point as to whether it is the exclusive jurisdiction of the tribunal to decide whether an applicant under section 5 is a displaced person or not or the civil courts also have authority to determine it been finally adjudicated upon?

Shri J. K. Bhonsle: It is by the tribunal, subject to right of appeal.

PURCHASE OF KHADI BY GOVERNMENT

*991. **Shri Dabhi:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that Government have decided to go in for Khadi to meet all their requirements of cloth;

(b) the total quantity and the value of Khadi purchased for Government requirements during 1953-54;

(c) the total quantity and value of Khadi proposed to be purchased by Government during 1954-55; and

(d) the total annual Government requirements of cloth?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) It has been decided in principle that to the maximum extent practicable Government requirements of cloth should be met by Khadi. A

committee with which the All India Khadi and Village Industries Board is associated has been appointed to examine the details as to the specifications required for various purposes, their relaxation, availability cost, etc.

(b) to (d). A statement is placed on the Table of the House. [See Appendix VI, annexure No. 35.]

Shri Dabhi: From the statement I find that for the year 1953-54, khadi worth Rs. 3.75 lakhs was purchased. May I know the value of cloth other than Khadi purchased by the Government for its requirements during the year 1953-54?

Sardar Swaran Singh: I require notice for this question.

Shri Dabhi: May I know which peculiar difficulties come in the way of Government purchasing most of their requirements from khadi?

Sardar Swaran Singh: Generally, non-availability of cloth of the requisite quality.

Shri S. N. Das: May I know the agency through which the Government purchase—whether directly from the producers or from any other agency which is appointed by them?

Sardar Swaran Singh: Through the All-India Khadi and Village Industries Board.

Shri Thimmaiah: May I know whether any instructions have been issued to the State Governments to go in for khadi for their requirements?

Sardar Swaran Singh: No, Sir. The Central Government can presume that they know their duties.

ETHIOPIA

*992. **Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) the total number of Indian peasant families that have so far reached Ethiopia under the scheme formulated at the request of the Ethiopian Government;

(b) what are the facilities besides allotment of land, that have so far been given to them; and

(c) whether any report as to the condition of their living there has been received?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) A party of eight Indian agriculturists went to Ethiopia to settle there.

(b) In addition to the allotment of land, the Government of Ethiopia have provided the agriculturists with tractors, oxen and ploughs. The families will be exempt from the payment of customs duty on agricultural implements and land tax for the first three years. The settlers will also be granted citizenship rights after three years and the Government of Ethiopia have given the assurance that there will be no discrimination against these settlers.

(c) No.

Shri S. N. Das: May I know, in view of the fact that these eight peasant families went to Ethiopia in 1953, whether the scheme which was just prepared by the Indian Government is not applicable now?

Shri Anil K. Chanda: I could not follow the question.

Mr. Speaker: Is the scheme still in force? That is what he wants to know.

Shri Anil K. Chanda: Yes, Sir. The settlers are there.

Shri S. N. Das: What is the maximum number of peasant families that would be allowed to go there?

Shri Anil K. Chanda: Originally, the Ethiopian Government suggested that thirty families may go but in the first instance only eight families have gone.

Shri S. N. Das: May I know whether the Government of India give any facilities—financial and otherwise—to these families?

Shri Anil K. Chanda: We have not given them any facilities. They

have formed a co-operative society of their own and they have been able to finance themselves.

Ch. Raghubir Singh: May I know the names of the States from where these Indians have gone to Ethiopia?

Shri Anil K. Chanda: All of them are from East Punjab.

Sardar Hukam Singh: May I know whether the number of eight families was restricted because others or more numbers were not prepared to go or the Government for experimental purposes allowed only eight families?

Shri Anil K. Chanda: It seems that one Mr. Sivaraj Singh went to Ethiopia, surveyed the land and he started a co-operative society and it was his suggestion that, to start with, not all the thirty families which were permitted to go should go but a smaller number should first go and make prospecting there. At the moment there are only eight families there.

RECRUITMENT OF TEACHERS AND MEDICAL PERSONNEL

***993. Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) whether the Government of India have received a request from the Government of Afghanistan for recruiting some teachers and medical personnel;

(b) if so, how many teachers and medical personnel have been asked to be recruited; and

(c) what steps have Government taken in this regard?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (c). No request has been received recently from the Afghan Government for the recruitment of teachers. In May, 1954, the Rector of the Kabul University made a request to the Indian Embassy in Kabul for the recruitment of highly qualified medical professors. The Government of

India advertised the terms of appointment and also addressed various State Governments. Later on it was understood that the requirements of the Afghan Government were met from some other country. No medical professors were, therefore, recruited from India.

HANDLOOMS

*994. **Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) what part of the grants and loans sanctioned from the Handloom Fund were availed of by the States during the year 1953-54;

(b) how will the balance of the amounts not taken be disposed of;

(c) whether there is any State to which rebate on the sale of handloom cloth has not been allowed; and

(d) if so, the reason therefor?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Out of the sanctioned amount of Rs. 296 lakhs for 1953-54, the State Governments are reported to have spent about Rs. 56 lakhs.

(b) The unutilised balances of the grants and loans have again been made available to the State Governments for being utilised during the current financial year.

(c) Yes, Sir.

(d) Because the States concerned had not asked for a grant for the purpose.

Shri Jhulan Sinha: May I know which is the State in which no rebate has been granted under part (c) of the question?

Shri T. T. Krishnamachari: The State Governments of Punjab, Rajasthan, Vindhya Pradesh, Himachal Pradesh, Cutch, and Coorg did not ask for any funds under the rebate scheme last year.

Shri Jhulan Sinha: May I know the grounds on which rebate has been refused to these States?

Shri T. T. Krishnamachari: The grounds are best known to them. They did not make any request.

Shri Gadilingana Gowd: May I know if the Andhra Government has spent all the amount allotted to it?

Shri T. T. Krishnamachari: No, Sir.

Shrimati Ila Palchoudhury: May I know if any prize is offered by the Government as an incentive for better designs in handlooms?

Shri T. T. Krishnamachari: No, not so far as I know.

FOREIGN EXPERTS AT BHAKRA-NANGAL

*995. **Shri K. P. Sinha:** Will the Minister of Irrigation and Power be pleased to state:

(a) the number of foreign specialists working in Bhakra-Nangal Project;

(b) the number of foreign experts working as master mechanics and foremen on this Project;

(c) whether any Indians have been trained to take up the work of master mechanics and foremen; and

(d) by what time the services of all the foreign experts will be dispensed with?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) 44.

(b) 35.

(c) Yes, Sir.

(d) There will be a progressive reduction in the number of foreign experts employed on the Bhakra Nangal Project but a limited number will be required till the completion of the Project.

Shri K. P. Sinha: May I know if it is a fact that the cost of administration of this project is double that of other projects?

Shri Hathi: It is not that the cost is double that of other projects. The

cost depends upon the magnitude of the work involved in the project. It is not double that in the other projects normally.

Shri K. P. Sinha: May I know if it is a fact that some of the foreign experts working in this project are only doing supervisory duties?

Shri Hathi: They are not merely doing supervisory duties. Some are consultants, some are specialists, some are experts.

Shri T. N. Singh: May I know if the Government can categorically state whether all these foreign experts have as under-studies Indian personnel under them? If there are any exceptions, may I know which are the exceptions?

Shri Hathi: Indian engineers are generally placed as under-studies in all important branches.

Shri T. N. Singh: What about the exceptions?

Mr. Speaker: We shall proceed to the next question.

CENTRAL WATER AND POWER COMMISSION

*996. **Shri Ramji Verma:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that a saving of Rs. 4,20,000 was effected by not filling certain technical and other posts in the Central Water and Power Commission;

(b) if so, what were those technical posts; and

(c) what was the number of the other posts which were not filled?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) An over-all saving of Rs. 4,20,000 was shown in the second revised estimates for 1953-54 in respect of the Water Wing of the Central Water and Power Commission, out of which the saving on account of vacant posts amounted to Rs. 1,76,800 only.

(b) and (c). A statement is placed on the Table of the Sabha. [See Appendix VI, annexure No. 36.]

Shri Nanadas: May I know the reasons for keeping these posts vacant?

Shri Hathi: That was because of the Menon Committee's Report which recommended that certain posts should not be filled up.

Shri Nanadas: May I know whether Government propose to fill these vacancies by Scheduled Caste candidates in view of the fact that there are very few Scheduled Caste candidates in the Central Water and Power Commission?

Shri Hathi: In the first instance, the filling of these posts will depend on the posts sanctioned. It is likely that more posts will have to be sanctioned having regard to the nature and magnitude of the work. The question of giving preference also will be considered.

Shri Bhagwat Jha Azad: From the statement, I find that the posts of Director, Assistant Directors, Assistant Executive Engineers, and so many other posts were vacant. May I know if the vacancies of so many posts has in any way caused any inefficiency in the work or is it an indication of the over-estimation of the work?

Shri Hathi: It was not a question of any single project. This statement relates to the organisation known as C. W. & P. C., here in Delhi. These posts were kept vacant mainly because of the Menon Committee's Report which suggested decrease in the number of posts.

COAL

*998. **Pandit D. N. Tiwary:** Will the Minister of Production be pleased to state:

(a) whether export of coal to Pakistan has increased since the introduction of the open tender system; and

(b) the facility and convenience the Indian colliery-owners and traders will get by the introduction of this system?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) The open tender system was adopted by the Pakistan Government, for obtaining coal supplies from India, from 1st May, 1954, and it is too early to say whether under this system coal exports to Pakistan have increased.

(b) No particular advantage is likely to accrue to the Indian colliery owners and traders by the adoption, by the Pakistan Government, of the open tender system.

Pandit D. N. Tiwary: May I know whether this has tended towards competition and lowering of the rates?

Shri R. G. Dubey: Not exactly competition. I may say that because of the introduction of the open tender system, the Pakistan Government has the option to make their selection in the open market irrespective of the grade.

The Minister of Production (Shri K. C. Reddy): May I say that the question of lowering of prices by competition does not arise, because the prices of coal are controlled.

Shri Bhagwat Jha Azad: May I know whether the Government of Pakistan has requested the Government of India to send coal through the land route and not by the sea route? If it is so, in what way will it affect our transport in the country?

Shri R. G. Dubey: It is a fact that the Pakistan Government has been insisting that the maximum quantity may be exported by the rail route via Mogalsarai. It is not possible for the Government of India to meet all these supplies by this route because it is likely that the internal supplies may be affected. However, we have agreed to send to the extent of about 48,000 tons by the rail route via the west.

Shri Nageshwar Prasad Sinha: As I just now learn from the answer given by the hon. Minister that coal prices

are controlled, I want to clear up one doubt and it is this. As regards this open tender system, the prices will be competitive according to quotation and tenders. May I know how this is reconciled with the continuance of control on coal prices?

Shri K. C. Reddy: By the open tender system, the Pakistan Government would be in a position to select their firms for the supply of coal. Hitherto, the Pakistan Government had to place a consolidated demand on the Coal Commissioner who in his turn would select the firms and decide the quantity and quality of coal to be exported to Pakistan, keeping in view the internal requirements, etc. The only change is, under the open tender system, Pakistan would be in a position to select the firms. The question of price does not come in. I reiterate that what I said quite fits in with the system now introduced.

BICYCLES (EXPORTS)

*999. **Th. Lakshman Singh Charak:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of bicycles manufactured in India which have been exported during the period 1953-54;

(b) what is the price fixed at the time of export; and

(c) the countries to which they were exported?

The Minister of Commerce (Shri Karmarkar): (a) and (c). Exports of bicycles are not separately recorded in Trade statistics. The information, furnished by the manufacturers, however, shows that 200 bicycles were exported in 1953-54 to Tibet.

(b) There is no control on prices of cycles. It is understood that the 200 cycles were exported to Tibet for Rs. 23,600/-.

Th. Lakshman Singh Charak: Do we manufacture cycles surplus to our requirements, to allow exports to other countries?

Shri Karmarkar: As the hon. Member may be aware, our local production falls short of our requirements. But, in the meanwhile, bicycles were required in Tibet. With a view to encourage exports in the near future when we are likely to produce more than our requirements, they were sent with a view to develop an export market.

Shri L. N. Mishra: According to the new import policy, we are to import cycles from outside. May I know the countries from which we shall import and how their price will compare with the price of cycles manufactured in India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Normally, we import from the U. K. But, cycles are imported from other countries as well: e.g. Japan and Germany. Even from U.S.A. they can be imported if somebody wants. Prices differ from make to make. Ordinarily, in the case of standard bicycles which are made in this country like those made by Sen-Raleigh Co, which are called 'Robinhood' and by the T.I. Cycles, Hercules, etc. the price of imported article is slightly higher than the prices marked locally.

Shri V. P. Nayar: May I know whether it is a fact that some cycles or cycle accessories were sent from India to Western Germany and if so, what is the result?

Shri Karmarkar: I have no information.

आकाशवाणी

*१००२. श्री नवल प्रभाकर : क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या शिक्षा सम्बन्धी कार्यक्रमों को छात्रों में लोकप्रिय बनाने के लिये कोई नई कार्यवाहियाँ की गई हैं ;

(ख) क्या इस सम्बन्ध में विशेषज्ञों की कोई समिति बनाई गई है ; और

(ग) यदि हाँ, तो इस समिति के सदस्य कौन कौन हैं ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The following steps have been taken to make educational broadcasts widely popular amongst students:

- (i) Station Directors have established personal contacts with Heads and teachers of educational institutions;
- (ii) Students are encouraged to participate in dramas, School magazines, Quiz, discussions, debates, recitations etc; and
- (iii) Programmes are often arranged at a School or some other place of interest to students and the entire programme is relayed from there.
- (iv) Sustained efforts are being made to increase the number of school sets.

(b) Most of the Stations putting out School broadcasts have Consultative Panels consisting of Educational Supervisors and teachers.

(c) A statement giving the information is laid on the Table of the Sabha. [See Appendix VI, annexure No. 37.]

श्री नवल प्रभाकर : स्टूडेंट में और सब केन्द्रों की समितियों का विवरण दिया गया है लेकिन दिल्ली के लिए कोई समिति नहीं बनायी गयी है। क्या मैं जान सकता हूँ कि दिल्ली आकाशवाणी केन्द्र से प्रसारित कार्यक्रम के निमित्त समिति नहीं बनायी गयी, इसका कारण ?

डा० कैसकर : बात यह है कि हर जगह से एजुकेशनल कार्यक्रम नहीं हो रहे थे। शुरूआत हो रही है। जहाँ काफी संख्या में कार्यक्रम हो रहे हैं वहाँ समितियाँ बनायी गयी हैं। दिल्ली के बारे में क्यों नहीं बनी मैं नहीं बता सकूंगा।

Shri Bhagwat Jha Azad: The names in the statement are very

impressive, but, is the hon. Minister aware that for light music the listeners switch on to Ceylon Radio, for educational broadcasts to the B.B.C., and even for the correct proceedings of this House, they rely on newspapers rather than on A.I.R. broadcasts?

Dr. Keskar: Intelligent students might be listening to B.B.C. educational broadcasts. Most of our educational broadcasts are in the Indian languages. I have not yet heard that the B.B.C. has got programmes in Indian languages.

Shri Bhagwat Jha Azad: May I know if the Government is aware that even the proceedings of this House given by the news bulletins of the A.I.R. are not correct?

Dr. Keskar: Does it arise out of this?

Mr. Speaker: It does not arise.

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि इन समितियों ने विश्वविद्यालयों के लिए भी कोई कार्यक्रम प्रसारित करने की सिफारिश की है ?

डा० केसकर : अभी तक विश्वविद्यालयों के लिये खास कार्यक्रम सब जगह शुरू नहीं हुए हैं, केवल एक या दो स्थानों में होते हैं, जैसे पूना के विश्वविद्यालय के वाइस चांसलर और प्रोफेसर मिसकर रीडियों से विश्वविद्यालय के लिए कुछ विशेष कार्यक्रम का आयोजन कर रहे हैं ।

Shrimati Ha Palchoudhury rose—

Mr. Speaker: Next question.

INTEGRATED PUBLICITY PROGRAMME

*1003. **Shri Bahadur Singh:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the mobile cinema vans under the integrated publicity programme on audio-visual methods for Five Year Plan have been equipped with documentary films etc., for the purpose of explaining to the rural audience the significance of the Plan; and

(b) if so, the names of the States which have been visited by these vans so far?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Out of the 37 vans ordered, 11 which have been received so far are equipped with documentary films, etc.

(b) The States visited so far by these vans are:—

1. Himachal Pradesh.
2. Punjab
3. PEPSU
4. Delhi
5. Uttar Pradesh
6. Ajmer
7. Bombay
8. Madras
9. Travancore-Cochin
10. Madhya Bharat
11. Bhopal.

Shri Bahadur Singh: May I know the total amount spent during 1954 in preparing such documentary films?

Dr. Keskar: I would require notice regarding the expenditure on documentaries.

Shri Bahadur Singh: May I know whether these documentary films are prepared in all the regional languages? If not, what are the languages left out?

Dr. Keskar: Formerly, all documentary films used to be prepared in four or five languages, but the documentaries that are now being prepared for publicity of the Five Year Plan, are being prepared in all the regional languages.

Shri Bahadur Singh: May I know how far this audio-visual method of publicising the Five Year Plan through documentary films has proved successful amongst the rural people?

Dr. Keskar: We find that this is probably the best method of acquainting the rural population and masses of people with the Five Year Plan.

Mr. Speaker: Next question. **Mr. Krishna Chandra.**

Shrimati Tarkeshwari Sinha: May I request you to take up Question No. 1036 along with this?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I am prepared to answer both the questions together if the Chair permits it.

Mr. Speaker: Yes. Both can be taken together.

AUTOMOBILE INDUSTRY

***1004. Shri Krishna Chandra:** Will the Minister of Commerce and Industry be pleased to state:

(a) the action taken or proposed to be taken by Government to increase the volume of demand in the country for automobiles in pursuance of the observation of the Tariff Commission that one of the main obstacles to the development of automobile industry is the smallness of the demand;

(b) whether the production of automobiles in the country has stepped up as a result of the restrictions placed on the imports and if so, to what extent; and

(c) what is the present position with regard to the country's demand and production in automobiles?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Obviously Governmental action in this regard has several limitations. One step taken by Government of India in this direction was the reduction in import duty. The Transport Planning Study Group set up by the Ministry of Transport is also investigating other lines of action which might lead to an increase in the demand for automobiles.

(b) Yes, to some extent.

(c) The Tariff Commission have estimated the demand for automobiles in India between 18,000 to

20,000 a year. As against this, the number of vehicles assembled in 1953 was about 14,000 and about 7,200 during the period January—July, 1954.

AUTOMOBILES MARKET

***1036. Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the automobile market in the country which saw a substantial contraction in 1953, has shown any signs of recovery in 1954;

(b) whether Government have prepared an annual estimate of minimum overall demand for cars and trucks since 1950; and

(c) if so, how do the comparative figures stand?

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

(a) Government are unable to express any views on this matter.

(b) and (c). The Tariff Commission gave an estimate of the demand after its inquiry into the automobile industry in 1953. No further estimates have been made.

Shri Krishna Chandra: May I know whether there is any likelihood of the cost of the indigenous product coming down?

Shri T. T. Krishnamachari: Yes, Sir. We hope it will come down.

Shri Matthen: When, Sir, please?

Some Hon. Members rose—

Mr. Speaker: I may just invite the attention of the hon. Members to the practice which I have been following, which some Members seem to have forgotten, and that is, the hon. Member who has tabled the question should have the first opportunity of putting supplementaries, and it will then, if possible, be the turn of the other Members.

Yes, Mr. Krishna Chandra.

Shri Krishna Chandra: May I know the percentage of parts of automobiles that are at present manufactured in this country?

Shri T. T. Krishnamachari: Excepting those cars that have come in as baggage along with people who have gone abroad, practically all the other cars sold here are cars assembled in this country.

Shri Krishna Chandra: May I know whether sales tax is a handicap to the progress of this automobile industry.

Shri T. T. Krishnamachari: I must leave the hon. Member to draw his own deductions. It would not be proper for a Minister of the Central Government to say that sales tax is a handicap on the sales of automobiles. It all depends upon the rate of the sales tax.

Shrimati Tarkeshwari Sinha: May I know if there is any proposal to reduce the price of the cars assembled here in the near future?

Shri T. T. Krishnamachari: That is what I said. We hope it will be reduced in future.

Shrimati Tarkeshwari Sinha: May I know whether a British firm is manufacturing a very cheap variety of car costing nearly Rs. 6,000 and whether Government intend to increase the import quota of that variety of car?

Shri T. T. Krishnamachari: Unless the hon. Member means an advertisement which appeared in the papers in regard to the prices at which Ford Anglia is being sold, I must tell the hon. Member that no permission has been given for the Ford people to assemble cars in this country, and these cars must be the residue of what was left in the days when they were allowed to import these cars. At the present moment, there is no intention of encouraging the assembly of Ford Anglia cars any more than the stocks that they now possess.

Shri Meghnad Saha: May I know if the total demand for automobiles in the whole of India is sufficient for a single factory to be economically profitable, and if there are too

many factories, is it not desirable that some of the inefficient factories ought to be shut down and there should be one or two very efficient factories....

Mr. Speaker: Order, order.

Shri Meghnad Saha:...aiming at production of cheap cars?

Mr. Speaker: The hon. Member is making a suggestion for action. He may ask for information.

Shri Bansal rose—

Mr. Speaker: Yes, Mr. Bansal.

Shri Bansal: May I know if the attention of the hon. Minister has been invited to certain press reports emanating from New York and London that Fords have again approached the Government of India to allow them to manufacture their cars here?

Shri T. T. Krishnamachari: Yes, Sir. I have seen these Press reports.

LEIPZIG INTERNATIONAL TRADE FAIR

*1005. **Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether a non-official Indian Trade organisation has expressed a desire to participate in the Leipzig International Trade Fair;

(b) if so, whether Government have given any grant to them; and

(c) if so, what is the amount of grant given?

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

(b) No, Sir.

(c) Does not arise.

Shrimati Tarkeshwari Sinha: May I know whether the East German authorities have agreed to allot substantial space free of cost to these trade organisations, which have gone to participate in the Leipzig Fair?

Shri Karmarkar: I am not aware as to whether they have allotted space

free of cost, but they have certainly given all facilities to an organisation called the Indian Council of Foreign Trade, who have now deputed some people to represent them in that Fair.

Shrimati Tarkeshwari Sinha: May I know whether these Indian traders are allowed to have direct contact with the traders of other countries? And may I also know whether the East German authorities have issued import licences for the orders which Indian traders have booked with other countries?

Shri Karmarkar: I am not aware of the import licences being issued by the East German Government. But in this case, we see no objection to permit Indian traders to go to East Germany for the purpose of the Fair.

FIVE YEAR PLAN

***1006. Shri Bhagwat Jha Azad:** Will the Minister of Planning be pleased to state:

(a) the total additional revenue that has been raised by the State Governments out of the target of Rs. 230 crores for the Five Year Plan;

(b) whether there is any possibility of their reaching the target; and

(c) how do the Central Government propose to make up the shortfall in State Government's resources?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) State Governments raised about Rs. 29 crores by way of additional taxation during 1951-54. In 1954-55 the cumulative additional yield from measures of taxation adopted in the first three years as also from the measures proposed for the current year is estimated at about Rs. 27 crores. On present indications, the additional revenue secured by State Governments through fresh taxation might amount to Rs. 80 crores over the five-year period. State Governments would receive about Rs 80 crores over the Plan period as a result of the Finance Commission's award. In addition, their

receipts from public loans are expected to bring in Rs. 25 to 30 crores more than the targets initially defined.

(b) An appraisal of State finances in relation to the Plan will be given in the Progress Report of the Planning Commission to be issued shortly.

(c) The financial needs of State Governments with reference to the Plan for each year are taken into account by the Central Government when making allocations for the year.

Shri Bhagwat Jha Azad: What would be the effect of this huge shortfall in the sum which was to be raised by the State Governments, on the implementation of the Five Year Plan?

Shri S. N. Mishra: As the hon. Member would observe, there is no huge shortfall. I think the States have been able to muster up resources to the extent of Rs. 190 crores, and there is a shortfall of only about Rs. 40 crores or Rs. 42 crores.

Shri Bhagwat Jha Azad: May I know which of the States have failed to reach the target, and which have succeeded in the race?

Shri S. N. Mishra: As I said earlier, the Progress Report that is shortly being issued would present to us the complete picture. I would request the hon. Member to wait till the publication of that Report.

Shri Velayudhan: May I know how the National Plan Loan that is being collected will be distributed among the various States, for the purposes of the Plan?

Shri S. N. Mishra: I think they will receive about Rs. 25 crores.

Shri Nanadas: May I know whether any instructions have been given to the States for augmenting their resources, and if so, what they are?

Shri S. N. Mishra: I think the recommendations are already contained in the Planning Commission's report and they stand where they were.

Shri L. N. Mishra: May I know whether it is a fact that the problem before the Planning Commission and the Central Government is not want of financial resources but a shortfall in the working of the Plan, and also whether it is a fact that many of the States are to return back the unspent grants?

Shri S. N. Mishra: I think the assumption underlying the question might be true to some extent.

PALM GUR INDUSTRY

*1007. **Shri Thimmaiah:** Will the Minister of Commerce and Industry be pleased to state the amount of money granted to the Mysore State for the development of palm gur industry in the year 1953 and in 1954 so far?

The Minister of Commerce (Shri Karmarkar): The information is laid on the Table of the House. [See Appendix VI, annexure No. 38]

Shri Thimmaiah: May I know whether any report has been received by the Central Government regarding the development of this industry, and if so, can we have an idea as to how far the industry has been developed?

Shri Karmarkar: From Mysore or from everywhere?

Shri Thimmaiah: From Mysore.

Mr. Speaker: The question relates only to Mysore.

Shri Karmarkar: Regarding Mysore, I have no specific information. Possibly, we might have received reports, but I could not say now.

FILMS

*1008. **Shri M. R. Krishna:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the best films of 1953 have been selected for the award of the President's and Prime Minister's Medals:

(b) whether there is any selection committee to select the best films; and

(c) if so, the basis of selection?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The selections for the awards are at present taking place and are not yet over.

(b) Yes, Sir.

(c) The Selection Committee takes into consideration the degree of excellence attained by the films in respect of their (i) theme and treatment, (ii) direction, (iii) acting, (iv) photography and sound recording, and (v) music.

Shri M. R. Krishna: May I know which are the principal languages in which the feature films were produced in the country, and whether the award would be given to the best films of every language, or only to the films produced in Hindi?

Dr. Keskar: There is only one Presidential award, and that will be given to the best film, irrespective of language. But over and above this, there will be regional awards for language films. But as this is the first year that the Presidential award is being given, there will be no regional award this year; that will begin only next year.

Shri M. R. Krishna: May I know whether persons representing all the linguistic areas in the States are included in the committee which has been set up to select the best films?

Dr. Keskar: The persons who are selected to serve on this committee are such that they will be able to do full justice to the various films that will come before them, in whatever language they may be.

DIPLOMATIC ENCLAVE

*1010. **Shri B. K. Das:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the up-to-date progress made in the development of the Diplomatic Enclave in New Delhi;

(b) the number of plots that have been sold or leased out so far; and

(c) the names of the diplomatic missions who have purchased land or otherwise have made arrangements for the accommodation of their missions in the Enclave?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (c). A statement containing the required information is placed on the Table of the House. [See Appendix VI, annexure No. 39].

(b) 210.

Shri B. K. Das: May I know whether any of the offices of the diplomatic missions have so far removed to that place?

Sardar Swaran Singh: There is no question of removing. They have to shift to that place, when their buildings are completed. We cannot compel them to go to that place, if the buildings have not yet been completed.

Shri B. K. Das: Is it a fact that there is not sufficient demand for the plots there, and if so, what are the reasons?

Sardar Swaran Singh: No, it is not correct that there is not sufficient demand. Actually, there is a considerable pressure by way of demands.

Mr. Speaker: Next question.

Shri S. N. Das: How long more will it take...

Mr. Speaker: Next question.

LICENCES UNDER THE INDUSTRIES DEVELOPMENT AND REGULATION ACT

*1013. **Shri Bansal:** Will the Minister of Commerce and Industry be pleased to lay on the Table of the House a statement showing the latest position in regard to applications for licences received and sanctioned by the Licensing Committee under the Industries (Development and Regulation) Act, 1951 for the establishment of new industrial undertakings and for substantial expansion thereto; and state what

progress has been made in the establishment and expansion of the same?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A statement is laid on the Table of the House. [Placed in the Library. See No. S-340/54].

Shri Bansal: May I know if it is possible for the hon. Minister to give the figures of capital involved industry-wise?

Shri T. T. Krishnamachari: The statement is represented by this big brochure. Surely, my hon. friend does not want an analysis of it from me orally.

Shri Bansal: May I know the total amount of capital involved ever since this new Act came into force, up to 1st September, 1954?

Shri T. T. Krishnamachari: I have not got an appraisal in terms of capital.

Shri Bansal: In a number of places, under column 6 of the statement, regarding effective steps being taken, I find that effective steps are due to be taken on a particular date. May I know whether there is any machinery with the Government of India, which sees to it that effective steps are actually taken on or before the date mentioned?

Shri T. T. Krishnamachari: All that we can do is to find out if effective steps are not taken. If they are not taken, then notice is given to the party. The machinery is the machinery of the Commerce and Industry Ministry.

HIMALAYAN PEAKS

*1016. **Shri Badshah Gupta:** Will the Prime Minister be pleased to state the policy of Government regarding the question of giving encouragement to foreigners in the matter of climbing high Himalayan peaks?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): No particular encouragement is given to foreign nationals for this purpose.

Most of the well-known Himalayan peaks are either beyond the Inner Line in India or in Nepal. So far as the area beyond the Inner Line is concerned, permission is not accorded to foreign nationals.

In regard to foreign mountaineering expeditions to Nepal, certain facilities have been given such as transit visas, customs exemption on equipment provided it is re-exported, and broadcast of special weather forecasts.

Shri Badshah Gupta: How many teams of foreign mountaineers have been permitted to ascend the Himalayan peaks since we got independence?

Shri Anil K. Chanda: I require notice.

Shri Badshah Gupta: While giving permission, may I know if any restrictions are imposed on taking photographs of strategic surrounding areas?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): In the answer, it has already been pointed out that most of these mountaineering expeditions go beyond India, to Nepal chiefly. So the question about our giving permission only arises in the sense of their passing through India. Most of the mountains they climb lie outside India. As regards photographs of those mountains, they take plenty of them once they get there. That is one of their main purposes, I suppose, of going there.

Shri Kasliwal: Has the attention of the Government been drawn to certain reports emanating from the Soviet Union to the effect that these foreigners do not go there so much for the purpose of climbing these Himalayan peaks as for reconnaissance purposes with ulterior motives?

Shri Jawaharlal Nehru: Yes, I have seen certain Press reports to that effect. But I would again remind the House that it is outside India proper.

ASIAN FILM FESTIVAL, LONDON

*1017. **Shri A. M. Thomas:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that an Asian Film Festival is going to be held in London in January 1955;

(b) if so, whether the Government of India have received any invitation to participate in this festival; and

(c) if the reply to part (b) above be in the affirmative, whether they have decided to participate in it?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). Yes, sir.

Shri A. M. Thomas: Have the Government any idea as to which are the countries participating in this Festival?

Dr. Keskar: We are not yet aware of the final programme of the Festival. It is sponsored by the Asian Film Society, London, of which our High Commissioner in London is one of the patrons. They have invited us. We have, in principle, accepted it. But we are not yet fully aware of other details.

Shri A. M. Thomas: Who will be meeting the expense of this participation?

Dr. Keskar: Generally, it is not the Government of India which will be participating. Films will be sent from India. In choosing the films, Government certainly see that such films are allowed to participate as we consider worthy of being sent and being appreciated at an International Festival.

MACHKHUND PROJECT

*1018. **Shri Sanganna:** Will the Minister of Planning be pleased to state:

(a) whether there was a discussion between the Planning Commission and the concerned representatives of the Government of Andhra and Orissa in the third week of August, 1954 in

Delhi on the question of revision of the estimate of the Machkhund Project; and

(b) if so, the result of these discussions?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) There was no discussion with the representatives of the Governments of Andhra and Orissa on the revision of the estimates of the Machkhund Project.

(b) Does not arise.

Shri C. R. Chowdary: May I know what is the contribution of the Centre to this project?

Shri S. N. Mishra: I think that stage has not come yet.

Shri Sanganna: May I know whether the Government is in a position to say anything about the agreement entered into between the Governments of Andhra and Orissa in respect of this project?

Shri S. N. Mishra: We have no information that any agreement has been reached between the two Governments.

NORTH EASTERN FRONTIER AGENCY

*1019. **Shri Rishang Keishing:** Will the Prime Minister be pleased to state:

(a) the number of the paid porters maintained by Government for the administrative convenience of the North East Frontier Agency;

(b) the amount of pay and emoluments received by each of the porters per mensem;

(c) whether it is a fact that forced labour is still in practice in North East Frontier Agency; and

(d) if so, the reasons therefor?

The Parliamentary Secretary to the Prime Minister (Shri J. N. Hazarika): (a) 1,880.

(b) The pay-scale of a porter is Rs. 22-4-28 per mensem, plus free rations and clothing.

(c) and (d). No. Strict orders have been issued to all officers not to engage or allow forced labour.

Shri Rishang Keishing: Is it not a fact that there is an Act called the Labour Requisition Act of 1954 and this Act empowers the authorities there in the North East Frontier Agency to requisition any number of porters at any time for any purpose?

Shri J. N. Hazarika: That regulation promulgated by the President has yet to be enforced.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): It is for an emergency, but it has not been used and we hope it will not be used, unless some very grave emergency arises. It is not for the normal state of affairs.

Shri Rishang Keishing: May I know the reason why this Act is still necessary to be enforced in that area?

Shri Jawaharlal Nehru: I have just answered that. It is an Act for an emergency. The House will remember that a year or two ago, there was a grave emergency at the border when a number of our officers and others were killed, unfortunately, by certain raids. We dealt with those raids, if I may say so, in a relatively peaceful way and without grave consequences. As a consequence of that, it was thought that some power should be had, but, as I said, it is not used and very strict orders have been issued not to have any kind of forced labour.

Shri Rishang Keishing: May I know whether the Prime Minister can assure us that this Act will not be abused?

Shri Jawaharlal Nehru: I can certainly assure the hon. Member that we make every effort to see that it will not be abused.

SODA ASH FACTORY

*1020. **Shri Ramachandra Reddi:** Will the Minister of Commerce and Industry be pleased to refer to the answer given to the supplementary

question to Starred Question No. 169 on the 26th August, 1954 and state whether the proposed factory for producing soda ash would be a private enterprise or a State enterprise or a combination of both?

The Minister of Commerce (Shri Karmarkar): It is not possible to say at this stage what the exact nature of the enterprise will be.

Shri Meghnad Saha: May I know what are the special reasons for selecting this site which has neither raw materials nor a good market?

Shri Karmarkar: Which site?

Mr. Speaker: The site which is proposed.

Shri Karmarkar: The position is that it is not yet proposed to have any specific site.

INDIAN NATIONALS IN BURMA

*1021. **Shri Bishwa Nath Roy:** Will the **Prime Minister** be pleased to state whether the attention of Government has been drawn to the fact that the Indian nationals employed in Burma are not allowed to remit to India amounts in excess of Rs. 50 per month per head even from their own savings?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): Indian nationals in Burma are permitted to remit to India by money order upto a limit of Rs. 40 (Rupees forty) per head per month without exchange control. If the monthly income exceeds Rs. 200 normally 50 per cent. of the income is allowed to be remitted to India.

Shri Bishwa Nath Roy: May I know whether Government have taken any steps for removal of these restrictions?

Shri Anil K. Chanda: These are general restrictions in Burma.

Shri Bishwa Nath Roy: May I know whether Government have any information about the amount of deposits in the banks of Burma held by Indian nationals?

Shri Anil K. Chanda: No, I do not think we have that information.

Shrimati Ila Palchoudhury: May I know whether the same restrictions exist for Burmese nationals in India?

Shri Anil K. Chanda: Not that I am aware of.

DIESEL ENGINE

*1022. **Shri V. P. Nayar:** Will the **Minister of Commerce and Industry** be pleased to refer to the answer to Starred Question No. 317 on 31st August, 1954, and state:

(a) whether it is a fact that even under the changed position referred to in part (a) of the answer, 70 per cent. of the installed capacity of Diesel Engine Manufacturing Industry is idle;

(b) if not, the latest figure regarding the percentage of idle capacity; and

(c) whether it is also a fact that in the matter of purchase of Diesel Engines Government issues instructions to purchase specific foreign makes only?

The Minister of Commerce (Shri Karmarkar): (a) No, Sir.

(b) The capacity usually claimed by an industry is higher than the actual rated capacity or its effective capacity. Any attempt to work out the idle capacity of an industry in terms of percentages will, therefore, be only misleading. In the diesel engine industry, however, it is understood that the factories have not confined their production to diesel engines alone. Other types of machinery are also being produced.

(c) No, Sir. On the other hand, Government's desire is that all our requirements should be met from indigenous products.

Shri V. P. Nayar: In view of the fact that Government have admitted in the question which is referred to in this question and stated that a number of foreign-made diesel engines were purchased for Government purposes, and also in view of the fact that the diesel industry has much of

idle capacity, has it ever been thought necessary by the Government to let the Indian industry know sufficiently in advance the actual requirements of Government and also the specifications of engines required so that they can have plans to manufacture them here?

Shri Karmarkar: So far as the policies of the Government of India are concerned, they have been laid down in directions, on which my esteemed colleague, the Minister of Works, Housing and Supply, will be able to inform the House better. Our policy has been to help the indigenous production. But—I speak subject to correction—I should think that where an indenter asks for a specific make, then we place an indent for that. But about that I am not sure.

Shri V. P. Nayar: It was answered last time that Government had purchased some foreign-made diesel engines also. Am I to take it that they were so ordered and the foreign-made diesel engines were purchased by the Government because there was no manufacture of the requisite specification in India or because Government were not satisfied with the product manufactured?

Shri Karmarkar: If the hon. Member will definitely indicate to me the time, who answered, and what question, I shall certainly look into the matter.

Mr. Speaker: This question refers to another question which was answered on the 31st August.

Shri V. P. Nayar: My question is in addition to the answer given by the hon. Minister here.

Shri Karmarkar: I did not think that my hon. friend was referring to the same question. I have given here the answer relevant to that question. In addition to that, I stated to the House what our general policy is in regard to the purchase of anything in India.

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Shri V. P. Nayar: My question was, in the question which is referred to in my present question, when the answer was given to that, he stated that Government went in for about 100 or so of foreign-made diesel engines. My question now is whether it was necessary for Government to do so in view of their dissatisfaction with the Indian-made diesel engines or that the Indian-made engines did not have the specifications required by Government?

Shri Karmarkar: I should like to have notice of this question.

Mr. Speaker: His point seems to be that a reply was given to starred question No. 317....

Shri Karmarkar: The hon. Member has precisely mentioned the items under which he wanted the information and we have given that information in the answer. In part (c), he has asked, "whether it is also a fact that in the matter of purchase of diesel engines Government issues instructions to purchase specific foreign makes only?" To that, we have given our answer and I elaborated that by saying that so far as my personal information goes, if a particular indenter indents for a particular make, my impression is that we supply that material. That is my complete answer to the questions raised.

INDIAN EMBASSIES ABROAD

*1023. **Shrimati Jayashri:** Will the Prime Minister be pleased to state what general instructions are given to the Indian Embassies abroad for the celebrations of Indian Republic Day or the Indian Independence Day?

Deputy Minister of External Affairs (Shri Anil K. Chanda): Republic Day—the 26th January—is celebrated as our principal National Day in all our Embassies. It is observed as a closed holiday and receptions are arranged to which normally diplomats, officials of the Government of the country concerned and resident Indians are invited.

Independance Day—the 15th August—is also observed as a closed holiday though no elaborate celebrations take place. Usually resident Indian as well as the officers and staff of the Missions gather together for the celebration.

Shri Meghnad Saha: May I know if the Independence Day on August 15th, this year, was celebrated in the India House?

Shri Anil K. Chanda: I shall make enquiries.

Shri Meghnad Saha: May I know if the hon. Minister is aware that it was not celebrated—as I was on that day in London—and it was said that it was a Sunday and that nobody would come?

Shri Anil K. Chanda: I have already stated that I shall enquire into the matter.

Shrimati Jayashri: May I know whether August 15th was celebrated?

Shri Anil K. Chanda: It is observed as a closed holiday though no elaborate celebrations take place on this day.

SAGO

*1024. **Shri M. S. Gurupadaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that about 20,000 maunds of sago value ₹ at over 40 lakhs of rupees have been seized by the Calcutta Branch of the Enforcement Police recently;

(b) whether it is a fact that the analysis of this commodity has revealed that it is not genuine 'sago' but 'tapioca globule' of lower nutritive value;

(c) whether it is a fact that what the people have been purchasing for the last ten years was not genuine sago, but only a fake commodity; and

(d) whether Government have taken any decision to control the quality of sago?

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

(b) and (c). No, Sir. Sago, as defined by the Central Committee for Food Standards, is a starch product, derived from Sago palm or from Tapioca root.

(d) Does not arise.

Shri M. S. Gurupadaswamy: May I know whether it is a fact that the Government of Bengal issued an order for the release of the sago that had been taken by the police?

Shri Karmarkar: Yes, Sir. We knew that the West Bengal Government was willing to release the stocks which were included under the nomenclature *saboodana* and that so far as these stocks were concerned they have agreed to release them.

Shri M. S. Gurupadaswamy: Is it a fact that even after the order was passed the stock was not still released?

Shri Karmarkar: I should like to have notice of that.

Shri M. S. Gurupadaswamy: May I know whether the Deputy Commissioner of Police, in Calcutta, had issued a circular recently to the effect that the sago is genuine and the Government of West Bengal acted unwisely in seizing this commodity?

Shri Karmarkar: I will make the point clearer. I understand that there were two kinds of actions that were taken. One was under the ordinary criminal law, under cheating—I speak subject to correction—that that was described as sago. Sago, technically comes from Malaya—sago proper. Sago also includes the tapioca globules that comes under the name of *saboodana*. As I have already said, the West Bengal Government has agreed to release the stocks in the proceedings they initiated.

There is also another action, I understand, contemplated by the Corporation of Calcutta and that is our present difficulty. I understand that the West Bengal Government has taken up the matter with the Corpora-

tion of Calcutta. So far as our view is concerned, sago does include the tapioca globules which are produced in this country. We have banned the import of sago from Malaya ever since 1940. The present stock is one that we manufacture from tapioca globules, which as the hon. Member knows, is a protected industry.

CORRUPTION IN THE BHAKRA NANG PROJECT

*1025. **Shri D. C. Sharma:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that a Special Enquiry Agency was appointed in 1952 to investigate some cases of corruption in the Bhakra Nangal Project; and

(b) if so, how many cases of corruption have been investigated so far?

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

(b) 16.

Shri D. C. Sharma: May I know for how many river valley projects such special enquiry agencies have been appointed?

Shri Hathi: This Committee—an Official Enquiry Committee—was appointed by the Government of Punjab.

Shri D. C. Sharma: May I know what is the total amount involved so far as these cases are concerned?

Shri Hathi: The figures for all the cases are not available here, but the total amount is about Rs. 60,000 in respect of overpayment and in respect of illegal gratification; it is to the tune of Rs. 20,000. This is the figure which is at present available with us.

Shri D. C. Sharma: May I know if any of these cases have been decided finally?

Shri Hathi: No, Sir; the cases are not yet decided.

INDIAN FOREIGN SERVICE PROBATIONERS

*1027. **Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) whether a system whereby young Indian Foreign Service probationers will be attached to the districts where they will acquire intimate knowledge of the Indian scene as well as the background of our history and culture, has been put in operation; and

(b) if so, how many such probationers have so far been sent for such training?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes.

(b) Four.

Shri S. N. Das: May I know the time that these probationers will have to spend in the districts in acquiring a knowledge of local conditions?

Shri Anil K. Chanda: We are having an enquiry into the whole matter with regard to the training of these I.F.S. probationers. At the moment, these officers are attached to the districts for a period of six months.

Shri S. N. Das: May I know whether under this scheme those who were previously recruited will also have to undergo this training and go to the districts?

Shri Anil K. Chanda: No; we are doing this only with regard to the new entrants.

Dr. Ram Subhag Singh: May I know the districts to which these four trainees have been sent?

Shri Anil K. Chanda: These four officers who were recruited have just completed their training. They had been sent to Agra, Darbhanga, Poona and Raipur.

ALL INDIA RADIO

*1028. **Dr. Ram Subhag Singh:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government propose to close down certain radio stations of the All India Radio; and

(b) if so, which and when?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Yes, Sir. Certain Stations have been closed down and it is proposed to transfer the Mysore Station of All India Radio to Bangalore after the inauguration of the 50 K.W. medium-wave transmitter at Bangalore.

Shri A. M. Thomas: May I enquire whether the Government has decided to close down the Kozhikode station and, if so, the reasons for the same?

Dr. Keskar: There is a question tabled hereafter to which I propose to give a very detailed reply. If permitted, I will read out the reply.

Mr. Speaker: When that question is called.

Shri Raghavachari: I want to know when the inauguration of the Bangalore station will take place?

Dr. Keskar: I hope the erection of the transmitter at Bangalore will be completed during the course of this financial year.

ROURKELA WATER SUPPLY

*1029. **Shri Ramji Verma:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that the Hydro-graphic survey of the potentialities for water supply from the river Gramani to India's new steel project at Rourkela is being made at present by Government; and

(b) if so, what is the result of the survey?

The Minister of Production (Shri K. C. Reddy): (a) and (b). Investigations regarding supply of water from the river Brahmani to the projected Steel Plant at Rourkela and its colony were recently carried out by the Chief Engineer, Hirakud Dam Project. Daily discharge observations in the river Brahmani were taken from December, 1953, onwards. The quantity of water from the river required for the Plant will depend on

the 'method' of supply adopted. The report details two alternative proposals; one with storage reservoir and weir on the basis of "non-circulation" of water and the other without a reservoir on the basis of "recirculation" of water along with tentative estimates of the expenditure involved. More detailed investigations will however, be necessary to finalise the proposals, and the report is at present under examination by the Technical Consultants of the Hindustan Steel Company.

Shri Meghnad Saha: May I know if the Government took the decision to locate the plant at Rourkela without preliminary investigations about the water reserves of the place?

Shri K. C. Reddy: Preliminary investigations had taken place. But, now, we are going into a far more precise investigation.

Shri Meghnad Saha: May I know if the hon. Minister is aware that, according to reports, this river goes absolutely dry at certain times of the year and there is no flow of water?

Shri K. C. Reddy: What I can say is that the whole question has been gone into in great detail by an officer who is competent to express an opinion; and, I have just now given in my answer as to what his findings are.

Short Notice Question and Answer

STATEMENT OF THE PRIME MINISTER OF CEYLON

S. N. Q. No. 11. **Shri Syed Ahmed:** Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to a statement of the Prime Minister of Ceylon made on 7th September, 1954, in the House of Representatives of Ceylon, *inter alia*—

(1) attributing the following statement to Shri K. M. Panikkar, namely:

(i) "India must have Tricomalee base"; and

- (ii) "India, Ceylon and Burma must have Munroe Doctrine and India will be father of two children, Burma and Ceylon"; and

(2) stating, *vis-a-vis* these statements, that Shri K. M. Panikkar was supposed to speak for the Prime Minister of India; and

(b) whether these opinions alleged to have been expressed by Shri K. M. Panikkar represent in any manner the views of the Prime Minister or the Government.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) and (b). Government have seen press reports of a statement made by the Prime Minister of Ceylon in the House of Representatives of Ceylon on the 7th September. The references in the Statement to India's policy are incorrect and are evidently based on some misapprehension. Sardar Panikkar has denied having said what the Prime Minister of Ceylon attributed to him. In any event, what Sardar Panikkar says is on his own behalf and not on behalf of the Prime Minister or the Government of India.

So far as Government are aware, no one has said at any time that India must have Tricomalee as a base. Indeed any such statement would be entirely opposed to India's policy.

Nor is it correct to say that any kind of a Munroe Doctrine idea has been put forward by the Prime Minister or on his behalf.

The Prime Minister referred some months ago, in a historical context, to the development of the Munroe Doctrine by the United States of America to protect themselves from aggression from Europe. He added that the countries of Asia should also not be interfered with by outside powers and should be allowed to develop according to their own genius.

India's policy, as is well known, is to try to develop an area of peace in Asia and elsewhere if possible.

Shri Syed Ahmed: May I know whether these views of the Government of India, *vis-a-vis* the statement or rather a contradiction of the statement, have been conveyed by our Prime Minister to the Prime Minister of Ceylon.

Shri Jawaharlal Nehru: No, Sir; not officially. The Prime Minister of Ceylon did not address me on the subject.

Dr. Ram Subhag Singh: In view of the wish expressed that the countries of Asia should be allowed to progress according to their own genius, may I know whether the Government will pursue any method to have that wish fulfilled if any interference is done by any other country outside Asia?

Shri Jawaharlal Nehru: I do not quite know what the hon. Member wants me to say in regard to this. The Government of India will pursue such methods as it considers desirable and feasible at any time.

Dr. N. B. Khare: "Twinkle, twinkle, shooting star,

How I wonder. What you are."

Mr. Speaker: Order, order. Will he now resume his seat? It is not a matter for joke when we are sitting here for serious business. It is highly objectionable on the part of any Member to get up like this and not to resume his seat even when called upon by the Chair. I do not think I can condemn this action on the part of the Member too strongly. I do not approve of it and the House should not encourage him by laughter.

Shri H. N. Mukerjee: May I know if the Prime Minister of Ceylon has asked for any reassurance from our Government regarding his reported apprehension of a communist invasion from South India?

Shri Jawaharlal Nehru: We have received no communication from the Government of Ceylon on these various subjects which have been mentioned in this question.

Shri K. K. Basu: May I know whether this Prime Minister's analysis of the Munroe Doctrine will be extended to the foreign possessions that are in Asia?

Shri Jawaharlal Nehru: Analysis being extended? Any hon. Member is free to have his own analysis on the subject.

Shri Joachim Alva: Are Government aware that the relations between Ceylon and India have sometimes caused friction on account of the particular activities of the present American Ambassador there who also went over to Nepal on a holiday to see what was happening between Nepal and India?

Shri Jawaharlal Nehru: I do not propose to discuss the activities of foreign envoys in answer to a question, Sir.

WRITTEN ANSWERS TO QUESTIONS

बेकारों की गणना

*१८८. श्री एम० एल० द्विवेदी :
क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने देश में बेकारों की गणना के सम्बन्ध में कोई योजना बनाई है ; और

(ख) यदि हां, तो यह काम कब प्रारम्भ होने की सम्भावना है ?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). No scheme for conducting a Census of the unemployed has been formulated. Some sample surveys, however, for assessing unemployment in different regions have been undertaken.

TEA COMPANIES

*989. **Shri A. K. Gopalan:** Will the Minister of Commerce and Industry be pleased to state whether it is a fact that in the matter of pay and allowances, Indian medical officers and

European medical officers employed in the Tea companies have different scales?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): In 106 companies selected for examination there are 16 European medical officers and 98 Indian medical officers. Details of the qualifications of these officers are not available. There are Indian medical officers drawing as salary and other emoluments sums nearly equal to those drawn by European medical officers. In one company an Indian medical officer gets a higher salary than members of the European medical staff. No general conclusion of the nature suggested can be drawn from the facts in possession of Government.

RESIDENTIAL ACCOMMODATION FOR GOVERNMENT SERVANTS

*997. { **Shri R. N. Singh:**
Shri Radha Raman:

Will the Minister of Works, Housing and Supply be pleased to state:

(a) the number of residential buildings constructed at Delhi so far during 1954 for the employees of the Government of India; and

(b) what was the cost incurred thereon?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The number of new buildings completed in 1954, upto end of July, is 556.

(b) About Rs. 31,75,000/-.

MANGANESE AND IRON (EXPORT)

*1000. { **Shri B. C. Das:**
Shri Magan Lal Bagdi:

Will the Minister of Commerce and Industry be pleased to state:

(c) the total value of manganese and iron ores exported during last six months;

(b) the names of the countries to which they were exported;

(c) whether there has been any decline in export during this period; and

(d) If so, what steps have been taken by Government to revive the export?

The Minister of Commerce (Shri Karmarkar): (a) Value of exports—1954 (Jan.-June).

	Rs.
Manganese ore	753 lakhs.
Iron ore	275 lakhs.

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

(c) Exports of manganese ore during January-June, 1954, declined, but the exports of iron ore have been progressing satisfactorily.

(d) Export duty on manganese ore has been removed with effect from the 18th August, 1954.

A.I.R. STAFF TRAINING SCHOOL

***1009. Shri S. C. Samanta:** Will the Minister of Information and Broadcasting be pleased to state:

(a) when the A.I.R. Staff Training School was opened;

(b) the number of trainees who have come out successful from the School since its inception and whether all of them have received employment; and

(c) whether engineer apprentices are also trained in the School?

The Minister of Information and Broadcasting (Dr. Keskar): (a) In July, 1948.

(b) So far 229 trainees have been trained in the programme wing of the school. Only members of the Staff of All India Radio are admitted to this wing for training and refresher courses and there is no practice of training outsiders with a view to provide employment in All India Radio.

(c) In the engineering wing of the school, there was an apprentice

Engineering Training Scheme. These engineers were selected by a Departmental Selection Board and were imparted training for six months. Three batches (68 candidates in all) were given training, of whom 62 were absorbed as Technical Assistants. This wing, was, however, closed down from the 1st November, 1951, as a measure of economy. At present the posts of Technical Assistants are being filled through Union Public Service Commission; such of the candidates as are not selected by the Union Public Service Commission but are considered likely to be suitable later with experience are, however, allowed to undertake a course of training in All India Radio for six months on a stipend of Rs. 150/- per month. They will be absorbed in All India Radio if they are found suitable by Union Public Service Commission. This system is expected to supply the requisite number of recruits to All India Radio.

SOAPS AND TOILETS

***1011. Shri Ajit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that there is a great demand from South East Asian markets especially from Malaya for Indian made soaps and toilets; and

(b) what efforts are being made to capture these markets with regard to these items?

The Minister of Commerce (Shri Karmarkar): (a) Government have not got any precise information.

(b) None.

WIRELESS FACTORY

***1012. Shri Balakrishnan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of India have entered into an agreement with a French Firm for starting a wireless products manufacturing factory in India; and

(b) whether any Indian Firm had also applied for licence for manufacturing similar equipment?

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

(b) Yes, Sir. An application was received from an Indian firm for a licence under the Industries Act for the manufacture of a number of wire-less components. It is not, however, correct to say that the proposal was for the manufacture of equipment similar in all respects to those to be produced by Messrs. Bharat Electronics, Limited. It has been decided to grant the licence asked for for all items except thermionic valves.

TEXTILE EXPORT PROMOTION COUNCIL

*1014. **Shri Jethalal Joshi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether an Export Promotion Council for the textile industry has been set up; and

(b) if so, whether it has taken any steps to promote standardisation and export of textiles and to improve its quality?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
(a) The Export Promotion Council for cotton textiles has been constituted but it has still to be registered under the Indian Companies Act, 1913.

(b) The Cotton Textiles Fund Committee has taken steps to standardise certain popular varieties of cloth for export and also to set up an inspection organisation. These steps are expected to improve the quality of cloth exported and thereby promote exports of cotton textiles. The function of the Export Promotion Council would be to maintain liaison with this organisation.

PORTUGUESE EAST AFRICA

*1015. **Shri Shivananjappa:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that violent demonstrations have been made

against the Indian Nationals residing in Portuguese East Africa;

(b) if so, the details of the incidents which have happened there in this connection; and

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

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) Yes; there have been anti-Indian demonstrations in Portuguese East Africa.

(b) During these demonstrations miscreants stoned Indian shops, and show-windows of about 30 shops were smashed. Doors and windows of an Indian school were broken and some furniture was damaged. Photographs of Indian leaders were smashed and trampled upon. Similar fate was meted out to the Indian National Flags. There were also cases of molestation and a few Indians were seriously assaulted.

(c) The Government of India lodged a strong protest with the Portuguese Legation in New Delhi against these incidents and demanded an assurance that all measures were being taken and would be taken in future to ensure full protection of the person and properties of the Indians in Portuguese Africa. The Portuguese Government have also been warned that they would be held responsible for any loss or damage to Indians there.

There being no Indian representative in Portuguese East Africa, the Government of India have also asked the British High Commissioner here to request the British representative in Portuguese East Africa to extend protection to Indian interests.

BETEL LEAVES

*1026. { **Shri A. K. Gopalan:**
Shri Punnoose:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government of India have received any representation for

the inclusion of betel leaves in the Indo-Pak Trade Agreement; and

(b) the estimated number of families depending upon betel leaf cultivation in India at present?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir. We did, at the time a trade agreement was being negotiated.

(b) Government have no information.

हीरों के औज़ार

*१०३०. { श्री एम० एल० द्विवेदी :
श्री बी० डी० शास्त्री :

क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि विन्ध्य प्रदेश में पन्ना की खानों से प्राप्त हीरे औज़ार और उपकरण बनाने के लिये उपयुक्त हैं; और

(ख) क्या भारत सरकार ने कोई ऐसा कारखाना खोलने का प्रबन्ध किया है जिस में इन हीरों का उपयोग किया जा सके ?

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

(b) Government have no proposal to start a factory of their own.

STORES PURCHASES

*1031. **Pandit D. N. Tiwary:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether a "State Purchase Corporation" is proposed to be formed; and

(b) what commission was paid to the middlemen for foreign and indigenous purchases in 1953-54?

The Minister of Works, Housing and Supply (Sardar Swaran Singh):

(a) The matter is under examination of the Stores Purchase Committee, appointed by the Government to examine the working of the Central Purchase Organisation and its policy and procedure.

(b) I am not in a position to say what Commission they received from their principals, Government did not pay them any.

ADVISORY BOARDS

*1032. **Shri Bhagwat Jha Azad:** Will the Minister of Planning be pleased to state:

(a) how many Part 'A' States have approved of the scheme for setting up non-official Advisory Boards; and

(b) how many of the States have actually set up such Boards?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The information is being collected and will be laid on the Table of the House.

TEA

*1033. **Shri M. R. Krishna:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that there has been a considerable decline in the export of tea from this country recently; and

(b) if so, the main reasons for this?

The Minister of Commerce (Shri Karmarkar): (a) The tempo of increase in exports of tea is generally being maintained. But in the first half of 1954 there was some decline as compared to the first half of 1953.

(b) Lesser production in 1953 crop particularly in North India is due to bad weather conditions and voluntary crop restriction.

निष्क्रान्त अचल सम्पत्ति

*१०३४. श्री नवल प्रभाकर : क्या पुनर्वासि मंत्री १४ सितम्बर, १९५३ को पूछे गये तारांकित प्रश्न संख्या १२९० के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या भारत में मुनलवानों की निष्क्रान्त अचल सम्पत्ति के अन्तिम मूल्यांकन का काम पूरा हो गया है ; और

(ख) यदि हां, तो इन सम्पत्तियों का अनुमानित मूल्य क्या है ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) No.

(b) Does not arise.

MOTOR TRANSPORT

*1035. **Sardar Hukam Singh:** Will the Minister of Planning be pleased to state:

(a) what would be the strength of a viable unit of motor transport, the formation of which has been suggested by the Planning Commission in their report;

(b) what has been the progress, if any, of the formation of such units in the States; and

(c) what steps the Commission has taken to make the State Governments encourage formation of such units?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) The strength of a viable unit was not defined in the report. The Commission, however, consider that, generally speaking, a unit consisting of 20 vehicles will be the most practical standard under the present conditions.

(b) So far, there has been no material progress in the formation of such units, but some State Governments have followed a policy of giving specific encouragement to co-operative societies or companies in the matter of issue of permits.

(c) The recommendations of the Commission have been brought to

the notice of the State Governments through the Ministry of Transport and it is primarily for the State Governments to pursue the matter further.

VAMSADHARA PROJECT

*1037. **Shri Sanganna:** Will the Minister of Planning be pleased to refer to the reply given to starred question No. 1408 on 30th March, 1954 regarding the Vamsadhara project in Andhra State and state whether the Advisory Committee on Irrigation and Power have since expressed any opinion regarding the inclusion of the project either in the First Five Year Plan or in the Second Five Year Plan?

The Deputy Minister of Planning (Shri S. N. Mishra): No, Sir. The Vamsadhara Project has not been so far submitted by the Government of Andhra to the Advisory Committee on Irrigation and Power Projects.

D. D. T. FACTORY

*1038. **Shri A. M. Thomas:** Will the Minister of Production be pleased to state:

(a) the progress that has been made in the construction of the D.D.T. Factory;

(b) whether Government propose to set up another D.D.T. Factory; and

(c) if so, the details of the proposal?

The Minister of Production (Shri K. C. Reddy): (a) The construction of the Factory Buildings is nearing completion and installation of machinery and equipment is in progress.

(b) and (c). The proposal under Government's consideration is to increase the capacity of the D.D.T. Factory at Delhi from 700 to 1,400 tons per annum and to set up second D.D.T. Factory with a capacity of about 1,400 tons per annum. A final decision has not yet been taken.

KOZHIKODE AIR STATION

*1039. **Shri V. P. Nayar:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government propose to close down the Kozhikode Station of the All India Radio;

(b) if so, the reasons therefor; and

(c) whether Government have received any representations on this matter?

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

(b). Government propose to put up in the expanded Five Year Development Plan of A.I.R. a powerful transmitter centrally located so as to cover all parts of the Malayalee speaking area which is not covered by Trivandrum. Such a transmitter cannot obviously be located at Calicut, as it is far away to the North. It will, therefore, have to be at a more centrally situated point in the Kerala. After the erection of such a transmitter, it is obvious that the Kozhikode Station of A.I.R. cannot continue to function as it is, because the area will be effectively covered by a powerful transmitter. No decision has, however, yet been taken as to what should be done with the Kozhikode Station of the A.I.R.

(c) Government have received representations regarding this matter. I propose to have a talk with the local cultural interests which are served by the present Kozhikode Station before taking any decision in this matter. However, I would like to make it clear that though I would like to see that the cultural wealth of the Kozhikode area is properly utilised and gets a due outlet, it will not be fair to insist on the maintenance of the present Station as it is.

UREA AND AMMONIUM NITRATE PLANT

*1040. { **Dr. Ram Subhag Singh:**
Shri K. P. Sinha:
Shri S. C. Samanta:

Will the Minister of Production be pleased to state:

(a) what steps have so far been taken by Government for the establishment of Urea and Ammonium Nitrate plants at Sindri; and

(b) when the construction work is likely to be undertaken?

The Minister of Production (Shri K. C. Reddy): (a) and (b). Tenders had been called for, in accordance with the Fertilizer Mission's recommendation, envisaging the utilisation of 6 million c. ft. out of the available coke-oven gas from the new Coke-Oven plant. Such tenders have since been received and examined, in the light of the present increasing requirement of fertilizers, which justifies the immediate utilisation of the entire quantity of 10 million c. ft. in one phase instead of two. Revised tenders on this basis have been accordingly called and are due by the end of this month. A decision on the tenders is expected to be taken soon thereafter.

SMALL-SCALE INDUSTRIES

*1041. **Shri Bhagwat Jha Azad:** Will the Minister of Planning be pleased to state:

(a) whether any integrated scheme for the promotion of small-scale industries is to be launched in project areas;

(b) if so, the various aspects of such a scheme; and

(c) whether any specific amount has been set apart for the implementation of this scheme?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) An integrated programme for development of cottage industries is already in operation in the Community Projects/Blocks.

(b) The Development Programme for Cottage Industries in the Project areas aims mainly at improvement of the existing skills of artisans in these areas. The schemes have been drawn up after taking into account the availability of local raw materials, technical talent and marketing facilities. The programme includes: (i) training of existing artisans in improved technique etc., (ii) training of artisans in basic course through trade schools etc., and (iii) giving of loans for industries.

(c) (i) In the 55 Community Projects started in 1952-53, Rs. 4.5 lakhs out of Rs. 65 lakhs per Project has been allotted for cottage industries. Half of it is for training and demonstration purposes and the balance for giving loans to industries or production centres.

(ii) In 55 Community Development Blocks started in 1953-54 Rs. 1.25 lakhs have been earmarked for this purpose. Out of this Rs. 75,000 are to be given as loans and the balance for training and demonstration.

NATIONALIZATION OF ROAD TRANSPORT

*1042. **Sardar Hukam Singh:** Will the Minister of Planning be pleased to state:

(a) whether the National Development Council at its meeting held in New Delhi in November, 1953 considered the road transport as a potential source of increasing avenues of employment in the country and whether they likewise recommended it to the State Governments;

(b) whether the Planning Commission has specifically mentioned that nationalisation of road transport was not accorded any high priority in the Plan;

(c) the specific recommendations that the Commission made to the State Governments in this connection; and

(d) what exactly were the intentions of the Commission when they requested the State Governments to review their existing licensing policies; i.e., whether it was to liberalise the issue of permits, or to grant them for a sufficiently longer period or both?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes Sir; road transport was included among the programmes recommended for alleviating unemployment situation in the country.

(b) Yes, the Planning Commission in a circular letter issued in July, 1953, invited the attention of the State Governments to this fact.

(c) The State Governments were requested to liberalise their licensing policies.

(d) Both.

रेडियो संगीत सम्मेलन

*१०४३. { श्री नवल प्रभाकर :
श्री जी० एल० चौधरी :

क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नये प्रतिभा-शाली कलाकारों की खोज करने के लिये अक्तूबर, १९५४ में एक रेडियो संगीत सम्मेलन किया जा रहा है ;

(ख) यदि हां, तो क्या उन्हें चुनने के लिये कोई बोर्ड बनाया गया है; और

(ग) क्या इस बोर्ड में प्रसिद्ध संगीतज्ञ भी होंगे ?

The Minister of Information and Broadcasting (Dr. Keskar): (a) One of the objects of the Radio Sangeet Sammelan is to organize an All India Music Competition with a view to discovering new talent. The preliminary competitions will be held at the All India Radio Stations in the country; and the final competition will be held in Delhi.

(b) Selection Boards have been set up for this purpose at the Stations and also at Delhi.

(c) Yes. The Board will be composed of renowned musicians, connoisseurs of music and persons learned in music.

ALKALOIDS

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

(a) the total value of Alkaloids required annually at present in India;

(b) the quantity required and the quantity produced in India and the

value of import of the following alkaloids in 1953-54—

- (i) Santonine;
- (ii) Brucine;
- (iii) Strychnine;
- (iv) Ephedrine;
- (v) Atropine; and
- (vi) Morphine; and

(c) the steps, if any, taken by Government to get the raw materials required for the manufacture of Santonine and Ephedrine, after partition?

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

(a) Information is not available.

(b) Information for the year 1953-54 is not available. A statement giving information as far as is available for the year 1953 is attached. [See Appendix VI, annexure No. 41.]

(c) Limited quantities of crude drugs—artemesia and ephedra—of fairly good quality are obtainable from Kashmir. Efforts are also being made to cultivate artemesia in East Punjab.

It is understood that the Indian Council of Agricultural Research has sanctioned a research scheme at Chakrata (U.P.) under the Forest Research Institute, Dehra Dun, for the cultivation of these crude drugs.

MANUFACTURE OF INJECTIBLES

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

(a) the total installed capacity in the Indian pharmaceutical industry for the manufacture of injectible preparations;

(b) the percentage of capacity lying idle at present and the reasons therefor;

(c) the value of imported injectibles in 1953-54; and

(d) what is the total value of ampoules imported in 1953-54?

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

(a) The capacity is estimated to be about 4,000 million c.c. *per annum*,

(b) Government have no precise information.

(c) and (d). The information is not available, as injectibles and ampoules are not separately recorded in the Sea-Borne Trade Accounts.

LIVER EXTRACTS

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

(a) the estimated value of liver extracts—oral and injectible, consumed in India in 1953-54; and

(b) whether Indian manufacturing units are at present completely equipped to meet the requirement of the country?

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

(a) Precise information is not available.

(b) Yes, Sir.

INSULIN

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

(a) the total value of imports of Insulin imported into India in 1953-54; and

(b) the impediments, if any, in the way of indigenous production of Insulin and the steps taken by Government to overcome the difficulties?

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

(a) Insulin worth approximately Rs. 14 lakhs was imported during the calendar year 1953.

(b) Some of the impediments in the way of indigenous manufacture of Insulin are understood to be—

(i) Insufficiency and poor quality of pancreatic glands available in the country.

(ii) Unscientific management of slaughter houses.

(iii) Lack of cold storage facilities for the glands while in transit and in slaughter houses.

DISPLACED PERSONS

493. { **Sardar Hukam Singh:**
Shri M. L. Agrawal:

Will the Minister of Rehabilitation be pleased to state:

(a) the fresh categories of the displaced persons from whom fresh applications for compensation have been invited as a result of the decisions taken after 15th May, 1954; and

(b) the number of claimants from whom applications have so far been invited?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) A statement is placed on the Table of the Sabha. [See Appendix VI, annexure No. 42.]

(b) It is estimated that roughly 2½ lakh claimants will be covered.

Ad hoc LICENCES

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

(a) the number of the firms which have been given *Ad hoc* licences and the value for which these licences have been given for the following commodities during the July-December 1953, January-June, 1954, and July-December 1954 licensing periods:

- (i) Soda Ash;
- (ii) Blanc fixe;
- (iii) Culture Pearls;
- (iv) Precious Stones;
- (v) Chocolates; and

(b) the grounds for the granting of *Ad hoc* licence in such cases?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement is attached. [See Appendix VI, annexure No. 43.]

(b) *Ad hoc* licences have been issued with a view to develop new sources of supply or to enable actual users and manufacturers to tide over special difficulties.

SODA ASH

495. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state the target set for the import of Soda Ash for the second half of 1954 as compared to the first half of 1954 and the latter half of 1953?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): No targets are fixed for the import of Soda Ash. Import requirements are estimated from time to time after taking into consideration the anticipated demand and the anticipated production of Soda Ash in the country. The quantities licenced during July-December, 1953, January-June, 1954, and expected to be licensed during July-December, 1954, are approximately 23,000 tons, 45,000 tons and 40,000 tons respectively.

KHADI AND HANDLOOM INDUSTRY

496. **Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to refer to the statement relating to the schemes for the development of khadi and handloom industries laid on the Table of the House in reply to Starred Question No. 1412 asked on the 30th March, 1954 and state:

(a) the estimated expenditure to be incurred on each of these schemes; and

(b) progress made by each scheme?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is attached. [See Appendix VI, annexure No. 44.]

SILK WASTE (EXPORT)

497. **Shri Jhulan Sinha:** Will the Minister of Commerce and Industry be pleased to state what is the total quantity of silk waste exported from the Calcutta port during the year 1953-54?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): 201,000 lbs.

MANGANESE ORE (PRICE)

498. Shri B. C. Das: Will the Minister of Commerce and Industry be pleased to state:

(a) the present price of high and low grade manganese ores in the market; and

(b) how it compares with the prices prevailing in 1953, 1952, 1951, and 1950?

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

(a) The prices of high (46 per cent.) and low (38 per cent.) grade manganese ores during the week ending the 3rd September, 1954, were Rs. 60 and Rs. 39 respectively per ton excluding duty, f.o.b., Calcutta port.

(b) The prices for the corresponding period in 1953, 1952, 1951 and the last week of October, 1950, were as follows:—

	High Grade per cent		Low Grade per cent	
	Rs.	per cent.	Rs.	per cent.
1954	60/-	46	39/-	38
1953	170/-	46	95/-	38
1952	160/-	48	110/-	38
1951	165/-	46	125/-	38
1950	117/8	48	96-	38

ADVERTISEMENTS

499. Shri Nageshwar Prasad Sinha: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government give advertisements to only those newspapers which are certified by the Audit Bureau of Circulations in India; and

(b) if so, the conditions a newspaper has to fulfil in order to get such a certificate from the Bureau?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir. Newspapers and periodicals are required to furnish authentic circulation figures which may be supported by such proof as a certificate of a Chartered Accountant or the Audit

Bureau of Circulation if a newspaper or periodical is a member of the Audit Bureau.

(b) Does not arise.

IMPERIAL PREFERENCES

500. Shri Buchhikotaiah: Will the Minister of Commerce and Industry be pleased to state which Imperial preferences have been withdrawn since 1947?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): a statement is attached. [See Appendix VI, annexure No. 45.]

CEILING RATE FOR PUNJAB COTTON

501. Shri K. G. Deshmukh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Cotton Research Institute of Bombay has stated in its report that the Cotton No. 0394, produced in Madhya Pradesh has got the same staple length as that of the Cotton produced in Punjab; and

(b) if so, what are the reasons that led to fixation of Rs. 50 as "Over" upon ceiling rate for Punjab Cotton?

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

(b) The floor and ceiling prices of Punjab American 216F (grown in Punjab) and Buri 0394 per candy and 784 lbs. for 1954-55 cotton season have been fixed as follows:—

Floor Ceiling

Punjab American 216F	675	1045
Bur 0394	625	940

Staple length is not the only criterion for fixing prices. Uniformity, strength and evenness of the fibre have also to be taken into consideration. The former is grown under dry conditions and its quality varies from place to place and from season to season. Punjab American 216F, on the other hand, is grown under irrigation. This cotton is understood to

be more uniform and subject to considerably less variations under mill conditions as compared to Buri 0394; and is generally preferred by the trade.

FIRE AT ZIRO

502. **Shri Gohain:** Will the Prime Minister be pleased to state:

(a) the causes of fire that broke out at Ziro (Subansiri Frontier Division) in the office of the Political Officer on the 6th March, 1954;

(b) the loss caused by the fire;

(c) whether any enquiry has been made into the matter; and

(d) if so, the findings of the Board of Enquiry?

The Prime Minister and Minister of External Affairs and Defence (**Shri Jawaharlal Nehru**): A Board of Enquiry has been set up to inquire into the causes of the fire and to fix responsibility. Investigations are still in progress.

Some accounts papers were destroyed and the total approximate loss is Rs. 11,500.

IMPORT OF FOREIGN FILMS

503. **Shri S. N. Das:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the total number of foreign films allowed to be imported in India in 1952, 1953 and upto 31st August, 1954 giving separate figures for each country from where they were imported; and

(b) the number of films among them which were banned after they were shown in this country?

The Minister of Information and Broadcasting (**Dr. Keskar**): (a) Statistics of imports of exposed cinematograph films are maintained by footage and not by number and titles. The footage of films imported from the

various countries in 1952, 1953 and upto 31st July in 1954 is as follows:—

Name of the country	Footage (in thousands)		
	1952	1953	1954 (January to July)
U. S. A.	5,528	4,823	2,166
. K.	3,818	3,774	1,255
Burma	980	531	58
Ceylon	987	853	233
Australia	58	77	20
Pakistan	66	21	8
Hongkong	54	81	39
Kenya Colony	45	19	9
Singapore	91	51	5
Aden and Dependencies	52	5	66
France	111	55	11
Italy	20	71	22
Belgium	10	801	..
Western Germany	6	18	19
Japan	84	45	50
Czechoslovakia	193	93	43
U.S.S.R.	111	53	106
Rest	242	95	120
Total	12,456	11,466	4,230

Figures for August, 1954, are not yet available.

(b) From among the foreign films certified by the Central Board of Film Censors for public exhibition, during the period from 1st January, 1952, to 31st August, 1954, two have been uncertified by the Central Government.

NORTH EAST FRONTIER AGENCY

504. **Shri Bhagwat Jha Azad:** Will the Prime Minister be pleased to state:

(a) whether any conference was held recently between the Officers of External Affairs Ministry and the Adviser to the Governor of Assam for the administration of North East Frontier Agency;

(b) the topics discussed in the conference; and

(c) the progress that has been made so far in improving the social and the economic conditions in the North East Frontier Agency areas?

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): (a) The Adviser to the Governor of Assam was recently called to Delhi for consultations by the External Affairs Ministry.

(b) The topics discussed related to the general administration of the Agency and in particular to the various development schemes in hand.

(c) A statement is laid on the Table of the House. [See Appendix VI, annexure No. 46.]

सस्ते मकानों की योजना

५०५. श्री नवल प्रभाकर : क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे :

(क) सस्ते मकानों की योजना से अब तक कितने व्यक्तियों ने लाभ उठाया है ; और

(ख) यह योजना किन किन राज्यों में लागू की गई है ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) About 9,700 displaced families.

(b) Punjab, U.P. and Delhi.

DISPLACED PERSONS IN WEST BENGAL

506. Shri Bhagwat Jha Azad: Will the Minister of Rehabilitation be pleased to state:

(a) whether Government have sanctioned any amount for Rehabilitation of displaced persons in West Bengal during the second quarter of the current financial year; and

(b) if so, the amount so granted?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). Yes, schemes costing about Rs. 1.3 crores were sanctioned and against that the Government of West Bengal

331 L.S.D.

have drawn a loan of Rs. 50 lakhs besides the carry-over of Rs. 90 lakhs approximately out of funds allotted last year. In addition, grants-in-aid amounting to Rs. 21 lakhs have been given during this quarter.

HANDLOOM INDUSTRY IN MADHYA PRADESH

507. Shri N. A. Borkar: Will the Minister of Commerce and Industry be pleased to state:

(a) the amount so far spent out of the sum allotted for the hand-loom industry to Madhya Pradesh under the First Five Year Plan and the manner in which it has been spent;

(b) whether that State has submitted any particular scheme to the Central Government in this connection;

(c) whether it is a fact that the Central Government have allotted some grants-in-aid for the uplift of the cottage industry in Madhya Pradesh; and

(d) if so, the names of the industries that have been included in the programme?

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

(a) A statement showing the amounts spent by the Madhya Pradesh Government during 1953-54 out of sums sanctioned to the State from the Handloom Cess Fund is attached. [See Appendix VI, annexure No. 47.]

(b) Yes, more than one.

(c) Yes, Sir.

(d) A statement is attached. [See Appendix VI, annexure No. 48.]

COTTAGE INDUSTRIES IN UTTAR PRADESH

508. Shri R. S. Lal: Will the Minister of Commerce and Industry be pleased to state the number of small scale and cottage industries in Uttar Pradesh receiving financial assistance from the Centre?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The following small-scale and cottage

industries in Uttar Pradesh are receiving financial assistance from the Centre:—

Small scale Industries

1. Textile Designs
2. Blacksmithy
3. Leather Tanning
4. Mathematical, surveying & Drawing Instruments Industry.

Cottage Industries

5. Handloom.
6. Silk and Sericulture.

Handicrafts

7. Non-ferrous Metal Industry
8. Chikkan Embroidery Industry
9. Pottery Industry
10. Ivory Industry.

Village Industries

11. Khadi
12. Hand-made Paper
13. Bee-keeping
14. Village Oil
15. Leather.

संगीत सम्मेलन

५०९. श्री जी० एल० चौधरी : क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे कि आल इंडिया रेडियो ने २३ अक्टूबर से २७ अक्टूबर, १९५४ तक जिस संगीत सम्मेलन का आयोजन किया है उस पर कितना खर्च होगा ?

The Minister of Information and Broadcasting (Dr. Keskar): The net expenditure on the Radio Sangeet Sammelan at Delhi and Madras is estimated at Rs. 16,000.

LAJPAT NAGAR (NEW DELHI) QUARTERS

510. **Shri Nand Lal Sharma:** Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that Government have decided to raise the price of the two-roomed tenements in J and K Blocks of Lajpat Nagar, New Delhi from Rs. 4,400 which was the price originally fixed and intimated to the allottees to Rupees 5,661; and

(b) if so, the reasons therefor?

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

(b) Government offered these tenements to displaced persons on actual cost basis; but at the time of making the offer the final figure of actual cost could not be computed. Therefore, the estimated cost was recovered, subject to final adjustment later when the actual cost was determined. Recoveries and refunds are being made accordingly.

बाढ़ सम्बन्धी फ़िल्म

५११. श्री नवल प्रभाकर : क्या सूचना तथा प्रसारण मंत्री यह बताने की कृपा करेंगे :

(क) क्या देश में बाढ़ के सम्बन्ध में कोई फ़िल्म तैयार की गई है ; और

(ख) यदि हां, तो यह समाचार फ़िल्म है या वृत्त चित्र ?

The Minister of Information and Broadcasting (Dr. Keskar): The floods and flood relief operations have been filmed and released in four news-reels so far. Further coverages have been arranged.

Vol. VII—No. 19
16th September, 1954 (Thursday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



(Vol. VII contains Nos. 16—31)

LOK SABHA SECRETARIAT
NEW DELHI

SIX ANNAS (INLAND)

TWO SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

Dated 27.11.2014

(Part II—Proceedings other than Questions and Answers)

2043

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LOK SABHA

Thursday, 16th September, 1954

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12.5 P.M.

PAPERS LAID ON THE TABLE

ADDENDUM TO INDIAN ADMINISTRATIVE AND INDIAN POLICE SERVICES (PAY) RULES, 1954.

The Deputy Minister of Home Affairs (Shri Datar): I beg to lay on the Table, under sub-section 2 of Section 3 of the All India Services Act, 1951, a copy of the Addendum to the Indian Administrative Service (Pay) Rules, 1954 and the Indian Police Service (Pay) Rules, 1954. [Placed in Library. See No. S-338/54.]

MESSAGE FROM THE RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of the Rajya Sabha:—

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 14th

September, 1954, agreed without any amendment to the Prevention of Food Adulteration Bill, 1954, which was passed by the Lok Sabha at its sitting held on the 26th August, 1954."

CORRECTION OF ANSWER TO STARRED QUESTION NO. 2323-A

The Minister of Information and Broadcasting (Dr. Kestor): I beg to state that in reply to Starred Question No. 2323-A by Shri D. C. Sharma and supplementaries thereon, asked on the 7th May, 1954, I made a statement which will have to be corrected. I said that the Education Ministry had made proposals for a relay. The correct position is, it was the correct position is, it was the and not the Education Ministry.

Dr. N. B. Khare (Gwalior): Sir, on a point of information.

Mr. Speaker: Order. order. I have already conveyed to him that I refuse my consent to the adjournment motion which he has tabled before the House. I am not going to mention the motion at all. He is bringing the same thing over and over again—obviously inadmissible motions. I do not want to give publicity to what he has thought about or what he wants to think. It is not germane to the business of the House.

Dr. N. B. Khare: I wanted to censure the Home Ministry on their failure to take notice

NOMINATION OF MEMBERS TO JOINT COMMITTEE

JOINT COMMITTEE FOR MAKING RULES
UNDER SALARIES AND ALLOWANCES OF
MEMBERS OF PARLIAMENT ACT, 1954.

Mr. Speaker: In pursuance of the provision in sub-section (1) of section 9 of the Salaries and Allowances of Members of Parliament Act, 1954, I nominate the following ten Members from the Lok Sabha to serve on the Joint Committee of both Houses of Parliament for the purpose of making rules under section 9 of the said Act:

Shri Satya Narayan Sinha,
Shri Bhagwat Jha Azad, Shri
U. Srinivasa Malliah, Shri Diwan
Chand Sharma, Shri Jagannath
Kolay, Shri Govind Hari Deshpande,
Shri Nemi Chandra Kasliwal,
Shri N. C. Chatterjee,
Shri Kamal Kumar Basu and
Shri Asoka Mehta.

CONVICTION OF MEMBER

Mr. Speaker: I have to inform the House that I received the following telegram yesterday:—

"On 15th September at 12-15 hours Shri Nalla Reddi Naidu, Member Lok Sabha, was arrested under Sections 143 and 447 I.P.C. at Karivena Village Andhra State in connection with an agrarian satyagraha and taken to Stationary Sub-Magistrate, Nandikotkur. for trial—DISPOL KURNOOL RURAL".

I have received the following further telegram today:—

"Reference arrest of Shri Nalla Reddi Naidu, Member, Lok Sabha. He is convicted and sentenced to 6 months R.I. under Section 143 I.P.C. and 3 months R.I. under Section 447 I.P.C., both sentences to run concurrently, by Stationary Sub-Magistrate, Nandikotkur, and sent to Allipuram Jail, Bellary.—DISPOL KURNOOL RURAL ANDHRA STATE."

MEDICINAL AND TOILET PRE- PARATIONS (EXCISE DUTIES) BILL.

The Deputy Minister of Finance (Shri A. C. Guha): I beg to move for leave to introduce a Bill to provide for the levy and collection of duties of excise on medicinal and toilet preparations containing alcohol, opium, Indian hemp or other narcotic drug or narcotic.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the levy and collection of duties of excise on medicinal and toilet preparations containing alcohol, opium, Indian hemp or other narcotic drug or narcotic."

The motion was adopted.

Shri A. C. Guha: I introduce* the Bill.

SPECIAL MARRIAGE BILL—contd.

Clause 27 — (Divorce)—contd.

Clause 27-A—contd.

Clause 33.— (Duty of court in passing decrees.)—contd.

Mr. Speaker: The House will now proceed with 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. The amendments also will be taken into consideration.

The House will now resume discussion of clause 27, new clause 27-A and clause 33 of the Special Marriage Bill. As already intimated by Members, the following amendments to clauses 27, 27A and 33 will be moved subject to their being otherwise admissible:

Nos. 510, 142, 386, 387, 201, 88, 436, 50, 408, 437, 409, 51, 144, 278, 463, 145, then 89, 146 and 412 which are identical, 438, 147, 202,

*Introduced with the recommendation of the President.

then 148, 414 and 439 which are identical, 440, 441, 203, 442 and then 90 and 149 which are identical, 443, 204, then 91 and 151 which are identical, 150, 444 then 92, 205, 206, 280, 328, and 469 which are identical, 327, 153, 518, 207 then 94 and 154 which are identical, 416, 156, 157, 53, 95, 470, 208, 158, 495, 200, to clause 27.

Nos. 54, 96, 97, 471 to New clause 27A.

Nos. 214, 496, 520, 168, 407, 169, 521 to Clause 33.

As the House is aware, 4 hours have been allotted for the disposal of this Group of clauses, out of which 2 hours and 2 minutes have already been availed of yesterday and 1 hour and 58 minutes will be available today. This will mean that the discussion on these clauses will terminate at about 2 P.M. If the House agrees, these clauses and the amendments may be put to vote at 2-30 P.M.

The next group of clauses, viz., 28 to 32 will be taken up by the House at about 2 P.M. One hour has been allotted to this group and after these are disposed of, the House will take up the last group, viz., Clauses 34 to 50 and Schedules, Clauses 1 and 2 and the title for which two hours have been allotted. That will complete the clause-by-clause consideration stage of the Bill today.

I would request members to hand in at the table within 15 minutes the numbers of amendments which they propose to move to Clauses 28 to 32 and 34 to 50, and the Schedules.

The position is that if the amendments are given now, the office can prepare the list and an announcement can be made as to which of the amendments are going to be moved.

Shri R. D. Misra (Bulandshahr Dist.): I beg to move.

In page 9, before line 1, insert:

**"CHAPTER VI-A
DIVORCE"**

Shri Bogawat (Ahmednagar South): I beg to move:

In page 9, omit lines 5 and 6.

Pandit Thakur Das Bhargava (Gurgaon): I beg to move:

In page 9, lines 5 and 6, for "committed adultery" substitute:

"had sexual intercourse with any person other than the spouse".

That in the amendment proposed by me as No. 386 above, add at the end:

"within two years of the presentation of the petition for divorce".

Acharya Kripalani (Bhagalpur cum Purnea): I beg to move:

In page 9, line 5 after "committed" insert "acts of".

Shrimati Jayashri (Bombay Suburban): I beg to move:

In page 9, line 6, after "adultery" insert:

"or unnatural offence."

Shri Sadhan Gupta (Calcutta—South—East): I beg to move:

In page 9, line 8, for "three years" substitute "two years".

Shri Dabhi (Kaira North): I beg to move:

In page 9, omit lines 10 to 16.

Shri H. G. Vaishnav (Ambedkar): I beg to move:

In page 9, line 11, after "offence" insert "involving moral turpitude".

Shri M. L. Agrawal (Pilibhit Dist. cum Bareilly Dist.—East): I beg to move:

In page 9, line 16, after "years" insert "or more".

Shri H. G. Vaishnav: I beg to move:

In page 9, line 17, for "since" substitute "after".

Shri Dabhi: I beg to move:

In page 9, line 18, for "cruelty" substitute:

"such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the respondent;"

Shri Bogawat: I beg to move:

In page 9, line 18, for "cruelty" substitute:

"such cruelty that the party victim to it feels it unsafe to live together;"

Pandit Thakur Das Bhargava: I beg to move:

In page 9, line 18, for "cruelty" substitute:

"such cruelty as would render it unsafe for the petitioner to live together with the respondent".

Shri Mulchand Dube (Farrukhabad Dist.—North): I beg to move:

In page 9, line 18, after "cruelty" insert "which endangers the life of the petitioner."

Shrimati Renu Chakravartty (Basirhat): I beg to move:

In page 9, lines 19 and 20, for "continuous period of not less than five years" substitute:

"period of not less than three years".

Shrimati Jayashri: I beg to move:

In page 9, line 20, for "five years" substitute "three years".

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

In page 9, line 20, for "five years" substitute "two years".

Shri H. G. Vaishnav: I beg to move:

In page 9, line 20, for "five years" substitute "three years".

Shri Sadhan Gupta: I beg to move:

In page 9, line 20, for "five years" substitute "two years".

Dr. Rama Rao: I beg to move:

In page 9, omit lines 22 to 25.

Dr. Jaisoorya (Medak): I beg to move:

In page 9, for lines 22 to 25 substitute:

"(f) has knowingly or unknowingly infected the petitioner with venereal disease; or".

Shrimati Renu Chakravartty: I beg to move:

In page 9, line 22, for "five years" substitute "three years".

Shri H. G. Vaishnav: I beg to move:

In page 9, line 22, for "five years" substitute "three years".

Shri M. L. Agrawal: I beg to move:

In page 9, line 22, for "five years" substitute "three years".

Shri Sadhan Gupta: I beg to move:

In page 9, line 22, for "five years" substitute "two years".

Shri M. L. Agrawal: I beg to move:

In page 9, line 24, after "form" insert "or from leprosy".

Shri Raghavachari (Penukonda): I beg to move:

In page 9, lines 24 and 25, omit:

"the disease not having been contracted from the petitioner".

Shri M. L. Agrawal: I beg to move:

In page 9, omit lines 26 to 29.

Shrimati Jayashri: I beg to move:

In page 9, line 26, for "five years" substitute "three years".

Shrimati Renu Chakravartty: I beg to move

In page 9, line 26, for "five years" substitute "three years".

Shri Sadhan Gupta: I beg to move:

In page 9, line 26, for "five years" substitute "two years".

Shri Raghavachari: I beg to move:

In page 9, omit lines 30 to 32..

Shrimati Jayashri: I beg to move:

In page 9, lines 30 and 31, for "seven years" substitute "five years".

Dr. Rama Rao: I beg to move:

In page 9, lines 30 and 31, for "seven years" substitute "five years"

Shrimati Renu Chakravartty: I beg to move:

In page 9, lines 30 and 31, for "seven years" substitute "three years".

Shri Sadhan Gupta: I beg to move:

In page 9, lines 30 and 31, for "seven years" substitute "two years".

Shrimati Jayashri: I beg to move:

In page 9,—

(i) omit lines 36 to 38; and

(ii) line 39, for "(k)" substitute "(j)".

Acharya Kripalani: I beg to move:

In page 9,—

(i) omit lines 36 to 38; and

(ii) line 39, for "(k)" substitute "(j)".

Shri N. C. Chatterjee (Hooghly): I beg to move:

In page 9, omit lines 39 to 41.

Pandit Thakur Das Bhargava: I beg to move:

In page 9, omit lines 39 to 41.

Shri Gidwani (Thana): I beg to move:

In page 9, omit lines 39 to 41.

Shri Mulchand Dube: I beg to move:

In page 9, omit lines 39 to 41.

Shri Venkataraman (Tanjore): I beg to move:

In page 9,—

(i) line 38, omit "or".

(ii) omit lines 39 to 41.

Shri Bogawat: I beg to move:

In page 9, line 39, for "one year" substitute "three years".

Shri Jhunjhunwala (Bhagalpur Central): I beg to move:

In page 9, line 39, for "one year" substitute "six months".

Shri Raghavachari I beg to move:

In page 9, lines 40 and 41, omit—

"or the parties refuse to live together and have mutually consented to dissolve the marriage".

Shri S. V. L. Narasimham (Guntur). I beg to move:

In page 9, line 40, for "or" substitute "and".

Dr. Rama Rao: I beg to move:

In page 9, line 40, for "or" substitute "and".

Shri H. G. Vaishnav: I beg to move:

In page 9, lines 40 and 41, for "consented" substitute "given free consent".

Shri Bogawat: I beg to move:

In page 9, line 41, add at the end:

"and there being no fraud, coercion, undue influence or misrepresentation".

Shrimati Renu Chakravartty: I beg to move:

In page 9, after line 41, insert:

"provided that the court shall not grant a decree under clause (k) unless (i) it is satisfied the consent of either party to the divorce was not obtained by coercion and (ii) a six months period of reconciliation efforts by the courts have failed;"

Shri B. P. Sinha (Mongnyr Sadrum Jamul): I beg to move:

In page 9, after line 41, insert:

"(1) has not, if female, attained the age exceeding forty-five, and, if male, exceeding fifty-five".

Shri S. V. L. Narasimham: I beg to move:

In page 9, omit lines 42 to 44.

Shri Mulchand Dube: I beg to move:

In page 9, line 42, after "on the" insert "additional".

Dr. Jaisooraya: I beg to move:

In page 9, line 43, after "sodomy" insert "with her, homo-sexuality".

Dr. Rama Rao: I beg to move:

In page 9, after line 44, add:

"Provided that no petition for divorce by the husband shall be admitted when the wife is with child (pregnant)".

Shri R. D. Misra: I beg to move:

In page 9, after line 44, add:

"Provided that if the marriage of the parties has not been solemnized under the Special Marriage Act, 1872 (Act III of 1872) or under this Act, a petition of divorce may be presented to the district court either by the husband or the wife on any of the grounds specified in clauses (a)

to (k) after expiry of one year from the date of the commencement of this Act."

Dr. Jaisooraya: I beg to move:

In page 9,—

(i) line 3, after "district court" insert "(i)";

(ii) line 41, add at the end "or";

(iii) line 42, for "and" substitute "(ii)";

(iv) line 44, add at the end "or"; and

(v) after line 44, add:

"(iii) by either party when both parties to a marriage have lived apart for a period of not less than five successive years and neither party had applied for judicial separation, restitution of conjugal rights or divorce or having applied for them, not been granted relief, and there seems no reasonable grounds for reconciliation."

Shri Dabhi: I beg to move:

In page 9, after line 44, insert:

"27A. Notwithstanding anything contained in section 27, no court shall entertain any petition for divorce, if the husband and wife have lived a married life for a period of twenty years or more."

Shri S. V. L. Narasimham: I beg to move:

In page 9, after line 44, insert:

"27A. Notwithstanding anything contained in section 27, a petition for divorce may be presented by a wife to the district court that her husband has, since the solemnisation of the marriage, been guilty of sodomy, rape or bestiality."

Shri Venkataraman: I beg to move:

In page 9, after line 44, insert:

"27A. *Divorce by mutual consent.*—(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of the parties made not earlier than one year after the date of the presentation of the petition referred to in sub-section (1) and not later than two years after the said date, if the petition is not withdrawn in the meantime, the district court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of the decree."

Shri Dabhi: I beg to move:

In the amendment proposed by Shri R. Venkataraman and Shri Kotha Raghuramaiah printed as No. 97 in List No. 3 of amendments, in sub-section (2), for "and that the averments in the petition are true" substitute:

"that the averments in the petition are true and that the consent of either party to the petition was not obtained by force, fraud or misrepresentation."

Acharya Kripalani: I beg to move:

In page 11,—

(i) after line 7, insert:

"33. *Duty of court in passing decrees.*—(1) In any proceeding

under Chapter V or Chapter VI the court shall first refer the matter to a Board of Conciliation consisting of three married persons of not less than 45 years of age, one of whom shall be a person of legal or judicial experience and the Board will try to bring about conciliation between the parties within such time specified by the court and shall submit a report to the court recommending the action proposed to be taken in the matter. The court shall, after taking into consideration such report pass such order or decree as it thinks fit"; and

(ii) for line 8, substitute:

"(2) In any proceeding under".

Shri R. D. Misra: I beg to move:

In page 11, for lines 12 to 16, substitute:

"(b) where the ground of the petition of the husband is adultery, the petitioner had filed a complaint against the person who committed adultery with the respondent and that such accused person was convicted under section 497 of the Indian Penal Code (Act XLV of 1860) by the criminal court or was acquitted on doubt by such court; or where the ground of the petition of the wife is adultery she had made an application under section 23 of this Act for judicial separation on such ground and the court granted a decree for judicial separation; or where the ground of the petition is cruelty the petitioner made an application to the court under section 23 of this Act and the court granted a decree for judicial separation; or where the ground is desertion under sub-clause (b) of section 27, the petitioner presented a petition under section 22 of this Act for restitution of conjugal rights and the court granted a decree for restitution of conjugal rights, be-

[Shri R. D. Misra]

fore the presentation of the petition; and”

Shri Venkataraman: I beg to move:

In page 11, after line 16, insert:

“(bb) when divorce is sought on the ground of mutual consent, such consent has not been obtained by force or fraud; and”.

Shrimati Renu Chakravartty: I beg to move:

In page 11, omit lines 17 and 18.

Shri C. R. Chowdary (Narasaraopet): I beg to move:

(i) In page 9, line 20, for “five years” substitute “three years”.

(ii) In page 9, line 22, for “five years” substitute “three years”.

(iii) In page 9, line 26, for “five years” substitute “three years”.

Shri M. S. Gurupadaswamy (Mysore): I beg to move:

In page 9, for lines 19 to 21, substitute:

“(e) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition; or”.

Shri Jethalal Joshi (Madhya Saurashtra): I beg to move:

In page 11,—

(i) after line 7, insert:

“33. *Duty of court in passing decrees.*—(1) In any proceeding under Chapter V or Chapter VI, the court shall first refer the matter to a Board of Conciliation, and the Board shall try to bring about conciliation between the parties within a period not exceeding one year and shall submit the report to the court recommending the action to be taken in the matter. The court

shall, after taking into consideration such report, pass such orders or decree as it thinks fit.”; and

(ii) for line 8, substitute:

“(2) In any proceeding under”.

Shri R. D. Misra: I beg to move:

In page 11, omit lines 19 and 20.

Shrimati Renu Chakravartty: I beg to move:

In page 11, after line 24 insert:

“Provided that all petitions shall be disposed of within a period of six months from the date of application.”

Shri Venkataraman: I beg to move:

In page 11,—

(i) line 8, after “decrees—” insert “(1)”; and

(ii) after line 24, add:

“(2) Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties.”

Mr. Speaker: The amendments that have been moved are now placed before the House for discussion.

Shri Dabhi: Several important amendments have been moved by members. Some who have moved amendments have not got the chance, or may not get a chance. I therefore request that the time may be extended.

Mr. Speaker: I think it is a position which cannot be helped. It is not that every Member who moves an amendment will necessarily get a chance, when there is such a large number of amendments and a large number of speakers and allotment of time is

made according to the convenience of the House. That is not possible.

Shri Venkataraman: Mr. Speaker, yesterday I just commenced my speech trying to draw the attention of the House to the basic philosophy from which this clause 27 was attacked. My esteemed friend, Shri C. C. Shah, started with the premise that marriage is sacred and indissoluble, because we have regarded our relationship as something which is sacred, which has come down from the past generations and it is now a sort of an innovation which is made by the so-called reformists to break up society.

[MR. DEPUTY-SPEAKER in the Chair.]

Sir, I would invite the attention of my hon. friend to the provisions of this Special Marriages Act as it now exists. He will find that divorce is nothing new, but has been provided for in this very Act. Secondly, even in respect of Hindu Marriages, it has already been provided in the Acts in Madras and in Bombay that there can be divorce under certain circumstances and conditions. We are not trying to do anything new now, but only clarifying the various grounds on which divorce can be granted.

My hon. friend said that sub-clauses (a) to (j) of clause 27 relate to certain offences, mistakes or misdeeds performed by the other person, so that one is entitled to ask for dissolution of the marriage. He very strongly criticised the provision with regard to divorce by mutual consent. May I ask him, Sir, why if in the case of desertion, if in a case in which one spouse deserts the other and runs away and be absent for a period of three years, a divorce can be granted, why could not the same divorce be granted when two people agree to have it in a period of two years? As the clause 27 (b) now stands—about which no objection has been taken in this House—if one of the parties deserts the other, the other is entitled

to ask for a dissolution of the marriage and get a decree of divorce. If that is so, why should not, when both parties agree to dissolve the marriage they be allowed to do so? There is nothing so absurd, so reactionary as Mr. Chatterjee said yesterday; in these provisions. He said that in no country in the world, do you find a similar provision except in totalitarian countries, and then by way of a refresher course in geography, repeated the name of everyone of the countries. May I ask him, Sir: are there not communities in India which have divorce by even less than mutual consent now? I know of communities where the parties go before the headman of the caste and break the cooking pot and the dissolution of the marriage is complete. Perhaps, if Mr. Chatterjee were a judge he might say, "I would not accept it as proper dissolution of marriage". But Mr. Chatterjee will not get that chance or opportunity, because none of the members of that community have ever challenged this particular way of dissolution in a court so far. Parties have accepted it and society has accepted it. Therefore, even if all the enlightened wisdom of some of the Members would not accept the system, still the parties by virtue of accepting that kind of divorce will not give an opportunity for the court to express an opinion against it. I again asked him why he should not refer to some other parts of India where a divorce by mutual consent already exists. I referred in my speech in the second reading to the system which prevails in Malabar. An Act has been enacted by the Madras Legislature the *Marumakkattayam Act*, in which it has been provided that if there is mutual consent, the parties have to go and file a petition, and on the presentation of the petition, they have to wait for a period of six months, after which they can renew the petition and get an order for divorce, the only thing to be proved there being that they mutually agree to separate. So, we need not go and borrow all the wisdom of the other countries in the

[Shri Venkataraman]

world when we have enough of it in our own country, when several communities are practising it and when the system has worked so well in our own country. After all, when we realise the background that this is not a law which will apply to all the people but will apply to only those who elect to come under it. I do not see what objection they will have to the system of divorce by mutual consent while it is available and is practised by certain communities in this country.

I would now refer to one or two safeguards that are necessary. It may be that in a huff, in a quarrel, in the heat of passion, the parties may get angry with each other and say that they will divorce. Society and law. I agree, ought not to encourage such momentary passion to come in the way of their proper life in the future. That is why, if you kindly look at my amendment No. 97, you will find that, firstly, the parties have to live separately for a period of one year, and then they must be able to say that they are not able to live together, which includes they are unwilling to live together. My hon. friend, Pandit Thakur Das Bhargava, made a great point and said "Why do you say that they have not been able to live together? Suppose one of the two persons has to be abroad on some business, will it not come under that clause?" My answer is that the clause is put so wide as to include people who refuse to live together as well as people who do not want to live together. That is why "they have not been able to live together" has been used by me.

These two conditions are not enough and one other condition is necessary before a petition can be filed, and that is, that they have mutually agreed that the marriage should be dissolved. Unless all the three conditions are satisfied, namely, that they have not been living together for a period of one year, that they are not willing to live together and

that they have mutually agreed to separate, no petition can be presented. Even when a petition is presented, it is not unilateral petition presented by one party, but on the contrary it is a petition which will have to be presented by both parties. It is said—and there is apprehension on the part of my sisters in the House—that this consent may be obtained by coercion, fraud, misrepresentation, undue influence and so on. I beg to submit that this is without foundation, because for a period of one year they have to live separately and you cannot say that this fraud, misrepresentation, coercion, etc., will continue for a period of one year, and then, when both parties file a petition, the court will not immediately pass a decree, but will adjourn the petition with the result that for a period of one year, they cannot renew it and there will be no decree.

Pandit Thakur Das Bhargava: The parties to the application will be only the husband and the wife. What will be the enquiry? Both will admit the fact.

Shri Dhulekar (Jhansi Distt.—South): No enquiry is necessary.

Shri Venkataraman: When both parties come to the court and say that they have agreed to live separately and that they have lived separately for one year, there is a period of one year before the petition can again be taken up. During this period of one year, whatever little undue influence, misrepresentation, fraud, etc., there may be would completely be dissolved, and you cannot say that when the parties are living separately and far away from each other, one of them still continues to exercise undue influence or fraud or coercion on the other. Therefore, my submission is that this apprehension is wholly without any basis. When the parties come to the court, the court will have to be satisfied, as my amendment No. 520 will show, that this consent has not been obtained by force or fraud. It is on the

satisfaction of all these things that the decree for the dissolution of marriage can be given. I do not see why this clause should excite such a great amount of opposition when in the other clause we are going to allow, in the case of desertion, a petition by one party and there will be no enquiry about any fraud or force or undue influence. My submission is that we are really labouring under an illusion. It is a misapprehension and there is absolutely nothing which puts this clause in a different footing from the other clause which I have referred to.

I have to refer to another amendment of mine to clause 33. In the speech of Acharya Kripalani and a few others, both during the second reading and subsequently, they made a really important point that before the court grants a decree for divorce, it should try to bring about a reconciliation. There is considerable force in that argument. The only thing is that I am unable to agree to the amendment as proposed by Acharya Kripalani for this reason that he wants that a reference should be made to a board of conciliation consisting of three persons. That, I submit, will lead to multiplicity of proceedings. What I have suggested in my amendment No. 521 is simpler. The very court, to which a petition for divorce is presented, will try to bring about a reconciliation between the parties, and if it fails to bring about such a reconciliation, then it will proceed to grant divorce or deny it as the case may be. My amendment reads like this—"Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties". This gives the court, to which a petition for divorce is presented, the authority and the duty of bringing about a reconciliation. The reference to another body will only lead to multiplicity of proceedings, and that

is why I am not in favour of the other amendment. There is also the question of delay. Therefore, I think that the amendment which I have proposed would meet the requirements of the situation.

With regard to clauses (e), (f) and (g) where a period of five years has been prescribed as the minimum in the case of unsoundness of mind or venereal diseases or leprosy, before the petition for divorce can be presented, the period appears to be too long, and I would heartily support any amendment which reduces the period to three years. A period of five years, particularly when it is stated to be continuous, will so prolong the agony that at the end of it people may despair of getting any relief under this Act.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Mr. Deputy-Speaker, yesterday, speaking on this clause, Acharya Kripalani drew attention, I think, to the first part of this clause, namely, (a), and said that it would be unfortunate if by some occasional lapse all these results might follow. May I say that quite apart from the particular point that he raised, I entirely agree with his broad approach to this question? But the question here is not enumerating a number of things. The question that ultimately arises is the question that when two people find it impossible to get on together whatever the cause, what is to be done about it? I am prepared, if I may say so, to forgive not one lapse but many but I am not prepared to forgive the intolerable position of two persons who hate each other being tied up to each other. Therefore, I welcome this clause here. I welcome particularly the amendment that my colleague, Mr. Venkataraman, is moving to it in regard to divorce by mutual consent. That has been brought into the picture by the Rajya Sabha in another form. I think the form suggested in the amendment moved—I believe it is amendment No. 97 of

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Mr. Venkataraman and Mr. Raghu ramaiah—is a much better way for various reasons. I entirely agree that in this matter the ultimate reason for divorce and a break-up is that two persons cannot continue to live together in peace and amity. At the same time, we must now not allow them in a fit of temper to come to a decision which affects their lives. Therefore, one should allow time for consideration, for reconciliation and all that. I, therefore, welcome this amendment which gives a year's time.

Also in another part of this Bill there is a clause, and I believe that there are two amendments, one by Acharya Kripalani and one by Mr. Venkataraman about this conciliation and attempt at reconciliation. I attach a great deal of importance to such attempts being made. I think the best course is to allow the court to make these attempts. The court may take any move it likes. There is no reason why the court should not adopt the method suggested by Acharya Kripalani to do that. But to bind the court down by a rigid procedure in this matter where flexibility is important would not, I think bring about the results aimed at. The point is: we must have some kind of procedure and the court should be definitely directed to try to bring about that.

I suppose it is almost too late in the day for arguments to be advanced in regard to divorce and the desirability of allowing for divorce. Therefore, I shall not say much about it. We are dealing in these matters with something that is some kind of relationship which is extraordinarily delicate and difficult: often it may be very fine and often it may be the most horrible thing in existence. We talk about marriage and we talk about divorce. I feel that in all these talks perhaps the subject that we have in our mind is—well, the sex relationship which is naturally a part of marriage. But surely marriage is something much more than

sex relationship. Marriage is companionship; marriage is comradeship; marriage is helping each other, co-operation in the task and all kinds of things. I am by no means minimising the sex part of it but I say that it is something bigger than this business of talking in terms of sex and sex alone, as if that marriage meant a sort of wallowing in the bed all the time? I do not understand. Some hon. Members spoke. One should marry; a widow should not marry. I do not understand this business, this kind of thing. It simply means that he is thinking in terms of sex and nothing else and I object to this approach to this question.

Perhaps all problems, all human problems, can be listed in terms of human relationships—all problems, I will say: personal, domestic, national and international: the relationship of the individual with the individual, the relationship of the individual with the group and the relationship of the group with the group. All these things come under those various headings. So this matter of certain relationship, in spite of many thousands of years and practice, has grown no easier. It is full of difficulty and in fact hard enough. Perhaps the difficulties as well as, perhaps, the successes become all the greater when the individual or the group becomes more sensitive and more advanced because you do not want either party to be subordinated intellectually, mentally, physically or in any way to be made a kind of just the reflection of the other and have no individuality of his or her own. Now, when you have highly developed human beings it requires much more of the spirit of accommodation, of understanding of adjustment and of tolerance—tolerance even of errors and faults for them to succeed in life. Of course if you treat them as merely two persons who occasionally or frequently indulge in the sex process and nothing more, then difficulties may be limited perhaps. But if you take a larger view—as you must—then the

question becomes one not of enumeration in this law or any other, when a person has committed this or that offence you have to provide something for the law's sake but ultimately it is a question of your finding a way to encourage happy marriage.

Many people seem to imagine that by bringing in divorce you break up the system of marriage. I am absolutely convinced that by bringing in divorce you make for happier marriages normally. I cannot speak of individual cases. People may use or may abuse anything that may be laid down or without the law they can do as they did.

We are often told that there is something against our basic conventions and ideas and Hindu society. It seems to me that almost anything can be said in that way because Hindu society is so wide so broad based and so various that you can say anything about it either historically or actually today. While we talk about Hindu society are we talking about a few high caste people who are Hindu society or are we talking and thinking in terms of 250 or 300 million—whatever the figure may be of Hindus in this country. When we want to impress other people with numbers, we shout: we are 270 million Hindus in this country but when we come to brassstacks and when we talk about reforms, we think of a certain small group at the top. You cannot have it both ways: either this way or that way. Apart from that what is the conception? In order to get the conception, with all deference I say that you should not read some fixed rigid enactments, commandments of Manu or anybody else. Of course even there you find a wide variety.

But you should rather look into the social life, as far as we can see it as evolved in our country in the past ages. We can see that in a variety of ways: probably, almost a better way than any, is to have some glimpses of the social life as they are found in our older books. Take our oldest drama. Take one of our oldest plays,

the *Mrichchakatika*. Read it if you have not read it. See the tender humanities that are found in the play. There is no rigid puritanism and punishment of a woman or a man but a human approach to these difficult problems of life. *Mrichchakatika* was probably written in the fifth century A.D., that is about 1,400 years ago or more. You may call it as a play slightly—not artificial—anyhow, I need not describe the play. The point is that the man who wrote it, to some extent, inevitably reflected the life in his day. If you read that play, you see a society which is highly cultured, highly developed. The individual is highly developed. The development of the individual is not in saying big things or broad things or shouting them out. You judge of an individual from the way he treats another individual. The test of an individual, is how he treats his neighbour, his wife, his son or anybody. How he behaves to another, how an individual functions in social relationship, that is the test of the individual. If you apply this test our people in those days were amazingly advanced and tolerant and generous in outlook.

I was talking about tests. There is another test. In primitive societies we had totems and taboos. I wish to say nothing against totems or taboos. But, normally speaking, totems and taboos are instances of primitiveness. The more a society grows, the less the totems, less the taboos. Because, you replace totems and taboos by self-restraint. That is again a test of society's growth: self-restraint, not the application of the rod of the policeman. I use this word; you may apply it in any way you like. But the principle is the same. In the international affairs you try to avoid war or something approaching war for the solution of problems. In the national sphere, you try to settle problems peacefully. In the same way, in the domestic sphere, in the husband and wife sphere, cultured society avoids the rod of the policeman, of the law coming down and punishing you for everything. I do not think that we can do away with

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that in the international or national or other spheres. That is a different matter. But, the principle is the same. It is a sign of the culture of a society, of a nation, to do away with the approach of the use of violence. If that is so in other spheres, much more so is it necessary in this intimate, domestic sphere of the family. Whether it is husband and wife or father and child or parent and children, the rod is not supposed to be a good way of dealing with the situation. I use the word rod here. I include in it the law which oppresses which constrains, which restricts, which punishes one party as it does in the present conditions.

It is no doubt true that our laws, our customs,—for the moment I am speaking of the upper strata—do fall heavily on the womenfolk. That is why we are introducing other pieces of legislation. This has nothing to do with the Hindu law. This is a voluntary permissive piece of legislation which people may accept or not. If they marry in this way, they accept certain consequences. I do not see how anybody can object to this kind of thing. Even though one may object, one has no reason to restrain other people, who do not object, in having their way. I do not understand it. But, I venture to say that there is something more than that. If you restrain others, you bring in the primitive conceptions of totem and taboo. I am afraid all our people are not out of these primitive conceptions of totems and taboos. We still live a clan life and think in a clan way and many of our troubles are due to that fact. Therefore, I beg this House to consider this broader point of view.

First of all, this is a permissive piece of legislation, meant only for those who accept it, who want to abide by it and come under its fold. It is not right for anyone else, who does not approve of it, to prevent them from doing so. Secondly, on the merits, it is a right piece of legislation. I hope that the basis of this

legislation will not only be confined to those few, but will spread and bring about a certain uniformity in our nation.

Most of all, I would beg to submit to this House one point. I am speaking here in regard to divorce. Divorce must not be looked upon as something which makes the custom of marriage fragile. I do not accept that. If that is so, I say that marriage itself has become a cloak. It is not a real marriage of the minds or bodies or anything. It is just an enforced thing which has no value left in ethics, morality, if you compel and force people in this way. Certainly stop them from acting rashly. Give them time. Make attempts to bring about conciliation. If all that is no good, don't permit a state of affairs which is, I think, the essence of evil, which breeds evil, which is bad for them, which is bad for the children, bad for everybody. I would particularly beg the House to consider that this clause about divorce by mutual consent, subject to time, subject to reconciliation, subject to all such approaches, so that nothing may be done in a hurry, is a right clause, is a proper clause and that it will produce a happier adjustment, a better relationship between the parties than will be produced if one party thinks that he can misbehave as much as he likes and nothing will happen.

Again, it is another question. The House knows that customs have grown up under which different standards of morality are applied to men and women. I think, on the whole,—I cannot speak for everybody—you will find women standing up for this right though some men may challenge it because men happen to be in a dominant position. Let us be clear about it. I hope they will not continue in that dominant position for all time. That is a different matter. You cannot maintain these different standards of morality. Therefore, the approach in this Bill is not to maintain these different standards, but to bring about a certain measure of equality in them.

It is true that you cannot do this by law only. It is custom, it is education, it is basically the economic position of the individual. If the economic position is bad, it is bad and somebody else may exploit. That is a different matter.

Another approach has to be made about it. It cannot be allowed as an excuse if some people say that if you have divorce by mutual consent, the husband will exploit the wife, will kick her out and force her to give consent. It is not an impossibility. It is a possibility that may happen as many worse things often happen. I do not think it will happen if you give time. If the husband wants to behave in that way, the sooner the wife is rid of him, the better. I beg to support this clause and the amendment moved by Shri Venkataraman and Shri Raghuramaiah.

Shri A. M. Thomas: (Ernakulam): My reaction to the clause as adopted by the Rajya Sabha is not quite favourable. This point was brought to the notice of the Members of the Select Committee and they were not in favour of the adoption of a clause which allows divorce by mutual consent. Even the Members of the Select Committee who were in favour of the adoption of a clause which allows divorce by mutual consent wanted to have several safeguards to that clause. I will draw the attention of the House to page xi of the Report of the Joint Select Committee. Hon. Members Sucheta Kripalani, K. A. Damodara Menon and Rajendra Pratap Sinha write:

"The unpleasantness involved in a divorce suit has in no way been reduced under the new provisions of the present Bill. We, therefore, feel the provision of mutual consent as one of the grounds for divorce would have helped to eliminate the above mentioned difficulty. As a safeguard against hasty divorce action it may be provided that in such cases divorce proceedings

shall be kept pending for one year thus giving an opportunity to the contending parties to reconsider their decision and withdraw the petition if they so desire."

So that, even the minority of the Select Committee which was for adoption of a clause providing for mutual consent, was not for unconditional acceptance of such a provision, and so there is much weight in the amendment that is moved by my friend Shri Venkataraman that divorce by mutual consent cannot in any way be adopted unconditionally.

Shri Venkataraman as well as some other Members who spoke on this clause stated that divorce by mutual consent obtains in some parts of our country. Shri Venkataraman pointedly referred to the statute law in Malabar. I wish to state that I also come from a State wherein there are provisions embodied in certain statutes mainly relating to people who follow the *Marumakkattayam* system of law, providing for divorce by mutual consent as per a registered document of dissolution. There are also provisions in these Acts allowing one of the parties to present a petition before the district or principal court of civil jurisdiction, praying that the marriage may be dissolved. Notice will be issued to the other party, and if the other party appears and within a period of six months the petition is not withdrawn, the court will pass a decree nisi to the effect that the marriage will be dissolved. But we have to understand when we adopt these provisions as they are, that conditions in that State are a little different from the conditions in other States.

Shri Velayudhan Quilon *cum* *Ma-*
velikkara—Reserved—Sch. Castes):
More progressive.

Shri A. M. Thomas: I believe that the adoption of an unconditional clause providing that marriage may be dissolved by mutual consent may adversely affect the interests of women, because women are likely to be

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prevailed upon by men and it may not be difficult to obtain the consent of the woman. But, in that State, the status of women is quite different. Several complications with regard to inheritance and succession will also arise if you allow marriages to be dissolved by mutual consent. But, in Travancore-Cochin, wherein this provision for divorce by mutual consent exists, the inheritance is through the female, so that my humble submission is that there the woman is in a dominant position.

Kumari Annie Mascarene (Trivandrum): Exactly!

Shri A. M. Thomas: So much so, she will not be adversely affected on the pecuniary side if there is this sort of provision in the statutes existing there. Not only that. The provisions in those statutes were incorporated because there were customs and usages obtaining in those communities allowing for divorce by mutual consent. It was only a recognition of the existing law. I must state here...

Kumari Annie Mascarene: Is the *Marumakkattayam* law still existing? Not in Travancore, in Cochin alone.

Shri A. M. Thomas: I may state that even in that State wherein these so-called progressive provisions exist; the elite of the community is not reacting favourably to this provision. I must state, having had intimate knowledge of the conditions there, that those people who follow the system of *Marumakkattayam* inheritance are not, even now, very happy over this provision existing in those statutes. I may say the advanced section rebels against incorporation of such a provision.

Mr. Deputy-Speaker: Order, order.

Shri A. M. Thomas: It is stated by Members like Shri Chatterjee that the marriage is a sacrament.

Mr. Deputy-Speaker: Order, order. Let there be no talk across the

table or across the benches. There is no harm if the hon. Member waits if he is to be heard by the other Members. If they are not interested in hearing, if they are interested in talking, sitting here and carrying on conversation, I will *chup chop*, other hon. Members will also keep quite for some time.

Shri A. M. Thomas: This is a Bill providing for a special form of marriage. It may be stated to be a contract by mutual consent. The parties come together even then. The wording of the proviso to clause reads:

"Provided that it shall not be complete and binding on the parties, unless each party says to the other in the presence of the Marriage Officer and the three witnesses and in any language understood by the parties,—“I, (A), take the (B), to be my lawful wife (or husband).”

So that I would submit there is something more than the element of contract existing even in the form of marriage that we allow under this Special Marriage Bill.

Sir, When you spoke on the Bill, you were pleased to recite certain stanzas which are recited at the time of solemnization of a Hindu marriage. I may, with your permission, just state one or two sentences from the scripture which are recited at the time of the Christian marriage. This is what will be recited:

"For this cause shall a man leave father and mother and shall cleave to his wife and they twine shall be one flesh, wherefore they are no more twine but one flesh. What, therefore, God hath joined together let not man put asunder."

From this, it will be seen that the community to which I belong also entertains the system of marriage as an institution and as a sacrament, and I was very sorry to

hear Mr. Chatterjee use the words that registration of a marriage under this Bill is Christianisation of marriage, or something like that. I was very sorry to hear that, because I do not think the Christian religion contemplates or takes marriage in such a light vein.

Kumari Annie Mascarene: Pure ignorance.

Shri A. M. Thomas: And I would submit that even with all the progress that we have made, I would strongly plead that on the sanctity of the marriage tie the spiritual health of a nation depends. So that, I would, in all humility, suggest that we should not adopt the clause as it is, as has been suggested by the Rajya Sabha. Even those Members who are enthusiastic to have such a clause by mutual consent may have their clause only with sufficient safeguards—leaving the parties sufficient time to think over the matter and with full knowledge of the consequences of the step which they are going to adopt.

I oppose the clause as it is, and even if any provision with regard to divorce by mutual consent is adopted, it can only be on the lines suggested by my friend Shri Venkataraman.

Shri Frank Anthony (Nominated—Anglo-Indians): Mr. Deputy-Speaker, I rise to support the principle of divorce by mutual consent, subject, of course, to certain necessary safeguards and qualifications.

My first difficulty, however, about supporting this sub-clause (k) is one which arises from my feeling that the clause itself is not legally or even grammatically clear. We are aware of the fact that not only lawyers, but our courts are often caught up in legal niceties consequent on certain grammatical ambiguities. Now, my own feeling is this. I do not know who is in charge of piloting this particular clause.

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An Hon. Member: There is nobody here.

Shri Raghuramaiah (Tenali): The whole House.

Shri Frank Anthony: I am making a point which I believe...

Shri Venkataraman: A Minister is coming, another Minister.

An Hon. Member: Where is he?

Shri Venkataraman: The Commerce Minister is coming.

The Minister of Law and Minority Affairs (Shri Biswas): Could I not have a glass of water even?

Shri Frank Anthony: I do not wish to deny the law Minister any kind of drink.

Shri Biswas: I have cut my lunch for the day.

Shri Frank Anthony: What I was trying to draw the Law Minister's attention to was this, that on a plain grammatical reading, the clause is not clear. I have had not a little experience of appearing in divorce cases, and he may be aware of the fact that there was a tremendous conflict of judicial interpretation as to whether the word "last" qualified "resided", or "resided together". Some judges interpreted 'together' as qualifying 'resided', and other said it only qualified 'resided together', with the result that in many cases, even though for many years, the parties resided they could not file a petition for dissolution of marriage. So, when we have this conflict of judicial interpretation, why not say what we mean to say?

1 P.M.

Shri Biswas: What clause are you referring to?

Shri Frank Anthony: I am referring to sub-clause (k) of clause 27. My own feeling is that it can very well be argued that this clause...

Shri Biswas: Better scrap sub-clause (k), and all these difficulties will disappear.

Shri S. S. More (Sholapur): No. no.

Shri Frank Anthony: I will not be facetious. I would ask the hon. Minister to pay serious attention to what I am saying.

I feel that the first clause may well be interpreted as being disjunctive in respect of the remaining two clauses. If you see the sub-clause as it stands, it reads:

"...that the respondent has lived apart from the petitioner for one year or more..."

It may well be argued in terms of this particular clause that that gives, merely because they have lived apart for one year, the right to petition for divorce. I will presently give my reasons for that. After this phrase, what do we see? We see:

"or the parties refuse to live together and have mutually consented to dissolve the marriage;"

Probably you mean that 'have' and 'mutually consented together to dissolve the marriage' should qualify both the previous parts. But it does not mean that. Even grammatically, it is a solecism.

Shri Biswas: May I point out to the hon. Member that this sub-clause was introduced in the other House by an hon. Member who himself admitted, after it had been passed, that there was a mistake in it? That is why you will find the word 'or' in the sub-clause. What he meant was 'and'. He put it as 'or'. I am not responsible for all this. So, do not blame the Law Minister for these imperfections.

Shri Frank Anthony: I am not blaming. I am only pointing out the obvious difficulty that will arise

Shri A. M. Thomas: He has an amendment for the purpose.

Shri Frank Anthony: I am sorry I did not see that amendment. I am

glad of it, for that clears my difficulty.

With regard to the merits, I agree with my hon. friend who has preceded me that we must give the greatest possible hostages to the sanctity of the marriage style. After we have said that, we must also provide for the fact that marriages do fail, that they have failed, and that they cease not only to have any sanctity but they become in fact absolute mockeries of what they were intended to be, and it is for this kind of cases that we must have these realistic provisions.

I am aware as a practising lawyer that this provision with regard to divorce by mutual consent represents a great advance. It is even an advance on the British law. We do not have a comparable provision in the British law. But that is no reason why we should reject it or shy at it. **Shri N. C. Chatterjee,** I believe, —I was not in the House when he spoke— inveighed against this provision, because he said one of the underlying principles in respect of divorce is the strict injunction to the courts to scrutinise evidence and to search for the remotest semblance of collusion. That is true. In divorce, there is this duty enjoined on the courts to outlaw collusion in the most rigorous possible manner. I do not know what your experience of the divorce courts is. But my experience is this, and I say it with all respect, that in nine out of ten cases, fraud is perpetrated on the court. That happens in spite of the fact that there is this injunction that the court shall outlaw and prescribe collusion. In nine cases out of ten, the decrees for dissolution are secured because of collusion between the parties.

There are two reasons for it. The first is this. We know that a man or a woman happens to be living openly in an adulterous manner. But how can we secure evidence in this country? I am talking of evidence of respectable persons. You may

look through report after report of your divorce cases, and what do you find? The kind of evidence that is usually adduced is the evidence of a servant. It may be true. Usually, it is procured evidence. We do not agree to appear as witnesses in matters which concern a husband or a wife, and that is why it is almost impossible in India, at any rate, for people to secure evidence of what is actually happening, through the mouths of respectable witnesses. If your neighbour's wife, to your knowledge, is living in an adulterous manner, I am quite certain that you would refuse, if your neighbour asked you to come into the witness-box to depose to the adultery. If I were asked, I would refuse to do it. Because of this, it is virtually impossible to get correct or *bona fide* evidence. The second reason is this. Most people, even though their relations have become estranged, are reluctant, are loathe to wash dirty linen in public. Even though his wife may have left him, even though she may have an adulterous liaison, still the man is loathe to wash that dirty linen in public. And what happens in nine out of ten cases? Evidence is supplied, false evidence is supplied either by the one party or the other. That goes before the courts, and that is how the decrees for dissolution are secured today.

I say that this principle of consent is a good principle. It is a progressive principle, provided we invest it with the necessary safeguards.

In one way, I approve of the first part of Shri Venkataraman's amendment, new clause 27-A, and the amendment to his amendment. I do not agree with the second part of new clause 27-A, where he has said that after the petition has been filed, the matter will have to remain in a state of suspense for a period of one year. I feel that that is contrary to normal judicial practice and principle. I would not mind if you made the period of separation longer, and said

that they should have refused to live together or have lived apart for a period of two years. But once a petition for dissolution of marriage is filed, I feel that it is something which is unknown to our courts to keep a case in a state of suspense, in a sort of suspension. Shri Venkataraman's amendment provides for the maximum of effort at reconciliation, and even the good offices of the courts have been imported in order to bring about a reconciliation. That is why if any amendments are to be accepted, I would suggest that the new clause 27-A—I mean the first part of it—and the amendment to it with regard to the court's offices being used to effect reconciliation may be accepted. But I am definitely opposed to the interposition of this sort of period of anaesthesia, so to speak, for one year, after the petition has been filed.

With these remarks, I support the clause.

Acharya Kripalani: I would like the House to clearly understand the reasons for which this Bill was brought. Just now, the hon. Prime Minister told us that custom weighs heavily upon the women in India. This law is designed to bring so far as marriage relations are concerned, equality, between men and women. But it is forgotten that equality cannot be brought in one sector of life, while in other sectors, inequality prevails. If that prevails, whatever may appear to be as equality in the matter of marriage may produce unthought of and undreamt of inequalities.

Where men and women are not socially, economically and physically equal, equality introduced only in marital relations may not bring about real equality. We must, therefore, understand clearly the society in which we are living, and that society is not going to change so easily as you can change the marriage law. You are not changing economic set up, nor the social set up nor the habits of people; you are only changing the law concerning

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marriage. That is all. I fear that there is great danger of inequality being perpetuated when this clause relating to mutual consent is passed. In India, if you kick a wife hard enough and frequently enough, consent will be forthcoming.

Shri Dhulekar: No, no.

Shri Raghuramaiah: It depends.

Acharya Kripalani: It depends. I know that many so-called cultured, and educated people who have married from ideas of romantic love soon find that that romantic love wears thin, and then the time of kicking comes. If it were not so, you would not find so many dissolutions of marriage in America where every marriage starts with romantic love. You cannot build anything permanent on romantic love. When it disappears, the parties become enemies to each other. In that enmity, the dominant party gains and the dominant party in India socially, economically and physically happens to be the man. Therefore, if a man is tempted to have another wife, because his first love has faded away, because it was based upon flimsy and temporary grounds, it is very easy for him, as I said, to kick his wife hard enough and long enough to get her consent for dissolution of marriage.

Dr. Jaisoorya (Medak): You try it yourself.

Acharya Kripalani: The wife will suffer because there is no economic equality. We were told very wisely by Mr. Venkataraman that in certain castes, there is so much divorce that you can break a pot and the marriage is dissolved, I suppose the modern man or woman will have no pot to break. He can break a few glasses and the marriage will be dissolved. That is all very well, but the society in which such a thing exists is a society where physically and economically man and woman are equal. Woman sometimes can bring more money than the man. In Travancore-

Cochin, woman has a dominant position so far as economic independence is concerned. Therefore, there can be no harm there if divorce by mutual consent is the custom there. But where this economic equality does not exist, I am sure instead of giving equality to woman, you will give man a weapon to terrorise his wife. The Prime Minister said, that if the wife is kicked, why should she continue in marriage. That is all very easy to say, but she has to think of her economic position and in the meantime, children may have been born. She has to think of these children; she has to think of many other relationships that have grown up. Therefore, I say instead of giving more rights to the women, instead of bringing equality between men and women, you are putting in the hands of the men a very dangerous weapon. Mr. Venkataraman says—allow that dangerous weapon to be in the hands of the man for one year more. It only means that the man can kick his wife not for a few days, but he might go on kicking her for one year more. This is a very strange way of arguing: one year more of kicking so that the court may know that there has been mutual consent.

I know when the Prime Minister has spoken, anybody else's voice will be in the wilderness and the vote will go against him. But it will not be a reasonable vote, it will not be a vote which is based upon the social circumstances that exist at present in our country; it will be a vote which will go against the equality of women, it will not make for equality of women with men.

Then there is clause 33, to which I have moved an amendment. It is a very reasonable and just amendment. But then, because the Prime Minister has spoken, therefore, that amendment will also not be carried in this House. The final word is always with him. What I propose however is so reasonable that I do not see how

where can be any objection to it. My amendment says:

"In any proceeding under Chapter V or Chapter VI, the court shall first refer the matter to a Board of Conciliation consisting of three married persons of not less than 45 years of age, one of whom shall be a person of legal or judicial experience and the Board will try to bring about conciliation between the parties within such time specified by the court and shall submit a report to the court recommending the action proposed to be taken in the matter. The court shall, after taking into consideration such report pass such order or decree as it thinks fit."

The Government have provided for Conciliation Boards between labour and capital. It appears to me that marriage is even more flimsy nexus than the economic nexus between employers and employees. We have found that these Conciliation Boards, except when the Government deliberately have repudiated their awards, have brought about more peace than existed before between labour and capital. In such a sacred thing, in such a thing which has a bearing upon society, upon future generations, you allow the court to decide, a court that is bound to work under rigid legal laws. The court cannot go outside the legal procedure, but the Conciliation Board has no rigid procedure. It does not proceed according to the technicalities of the law. Moreover, I have suggested that this Board should consist of elderly men and they must be men of standing in society. They can bring the young couple together; they can reason with them, they can bring other influences over them and try to reconcile them. And when that reconciliation is not possible, they can recommend to the court as to what is to be done. They will only recommend. There need not be delay

in this and there will be no multiplicity of hearing of evidence and all the rest of it.

I suggest that in our society—at least in certain sections of our society—where, for the first time, divorce is being introduced this will be very healthy and very helpful. I also submit that many times, even in the West where people are more free in these matters than we are, people do not go to a law court because of possible scandal. If there is a small scandal in the family and you put yourself in the hands of lawyers, the scandal will be magnified and if, beyond that, the proceedings of the court are published in the papers, a small thing is magnified into a big thing. People even in the West hesitate to go to divorce courts because they are afraid that their reputation will suffer and there will be scandal.

Therefore, I say, in spite of what the Prime Minister has said, that my amendment is more suitable to the state of our society than the amendment given by Mr. Venkataraman, which has the support of the Prime Minister. I really see no difficulty in Mr. Venkataraman accepting my suggestion or the Law Minister incorporating this suggestion in the Bill. It is a suggestion that is eminently suitable not only for our society, but, for European society also, where, as you might have read in books and dramas, how difficult it is for a married couple—especially with children—to make up their minds to go to a law court. But, those who cannot go to a law court would very willingly go to a committee of elders, one of whom has legal knowledge.

I have another suggestion to make, another amendment which will come hereafter to clause 32, in which I have said that all the divorce proceedings must be in camera. When I say in camera, I also mean that no newspapers shall be able to report any proceedings in a divorce case. But, I know I am speaking to a House

[Acharya Kripalani]

that has already closed its ears to reason.

Dr. N. B. Khare (Gwalior) rose—

Shrimati Renu Chakravartty: Sir, we have now come to the most important clause of this Bill. It is one which has raised the greatest amount of heat on the one hand. On the other hand, it is the clause to which we have to give the greatest amount of serious thought, because it is these divorce clauses that have to be laid down in such a manner that we are able to regulate the tender human relationships which are inherent in marriage.

I can understand those people who advocate the indissolubility of marriage. How far, modern times want that, we do not know. We do not know whether many of us believe in the seriousness of the marriage. We do believe that every effort should be made to make the marriage a success. We also believe that these human relationships are so tender, so delicate, with so many inuendoes of feelings and problems and that there are circumstances when the two parties cannot pull on together. Then, they must have a right of relief and they must be given the right to withdraw from each other's society and, if they so desire, the right of divorce. It does not mean that by advocating divorce, we want that every marriage should be broken up.

As I said in my earlier speech in the first reading, the basis of marriage is the basis of freedom and equality and it is on that basis that we have fought for the emancipation of women. It is quite true that just by passing the divorce bill we are not going to bring about the equality of women. One of the fundamental things that have come out during the course of the debate is the necessity for economic equality. It is true that we want to enter a caveat against the Government. On the one

hand, the Prime Minister comes forward and pleads for the equality of women; on the other hand, certain rules are framed for the Indian Administrative Service in which they say that married women will not be eligible even to appear for these examinations. It is this economic equality, this participation of women in social production which is really going to be the basis on which equality is going to be built up. That does not mean that because of the prejudices and the great amount of heat that has been raised on this question, we should not take whatever we are getting. I agree that we should have brought other Bills other than these marriage Bills for the emancipation of women. But, if we cannot do that, when these marriage Bills come up, we must see whether these divorce provisions will actually help to further the happiness, to further morality, help to strengthen the mutual relationship between husband and wife. Is that going to happen or are we going to continue to perpetuate a system whereby one party talks about the indissolubility of marriage, thereby implying that all the obligations of the marriage are being carried out by that person, whilst, in fact, we know in how many cases they have been untrue to the pledges which they have given and that marriage is a mockery. Is that the happiness that we are advocating or do we advocate a new era where both sides respect each other honour each other and try together to move forward towards an understanding of mutual respect and love?

I seriously advocate that it is when both sides have equal chances of continuing that married life in an honest endeavour to make the marriage a success, when there is actual freedom and equality in that marriage, only then can the marriage be successful. That is why I believe that the divorce clause makes for happy marriages. I want to bring this point forward. This Special

Marriage legislation has been here for a number of years. Many of us have been married. How many have used this clause for divorce. How many cases are there in which they have rushed to the divorce courts. There is society, there is love for the family and there are children....

Sir, I will plead with you that this is a very important clause and I do speak on behalf of a very large section of women and therefore I must have some more time.

Mr. Deputy-Speaker: I think the hon. Member by her side had just half an hour on this matter. The time fixed is two o'clock.

Shrimati Renu Chakravartty: Already previous speakers have taken more than 20 minutes.

Mr. Deputy-Speaker: Only the Prime Minister. The Law Minister wanted three quarters of an hour and I said half an hour will do...

Shri S. S. More: He is already converted; he need not speak.

Mr. Deputy-Speaker: This has been decided by the House and this must close at four o'clock unless the Leader of the House moves and the whole House accepts that the time be extended. In that case I can sit the whole of the day and devote it for this clause.

Shrimati Renu Chakravartty: But, this clause will not end before 2-15.

Mr. Deputy-Speaker: It must end at two.

Shrimati Renu Chakravartty: One hour and fifty eight minutes; we started at 12-15.

Shri Joachim Alva (Kanara): What about the people who have never opened their mouths at any stage of the Bill.

Mr. Deputy-Speaker: All this must have been advanced when it was made an Order of the House.

Shrimati Renu Chakravartty: I have been making out that there are already marriage laws and divorce laws. The law in Malabar has already been quoted by my friend Mr. Thomas. He is pleading that certain restrictions should be imposed on women. I can quite understand that when women have higher economic rights. I know that Mr. Thomas is naturally speaking on behalf of men. He wants that certain social liberties should be withdrawn. There are the existing customs among many castes. There are the Hindu Marriage and Divorce Acts in Madras, Bombay, Baroda, Mysore and Saurashtra. All these areas have accepted.

Now, I do want to say that although it is true that when it comes to an all-India Act there is a great deal of misconception about this clause of 'mutual consent'. But I would say that, actually, this clause does not exist in the United Kingdom or in the United States of America. Because this does not exist we have seen what has happened in those countries as well as in our own country. We have seen that divorce has really reduced itself—as Mr. Anthony put it—to fraud and collusion. We know that adultery is proved even where there has been no adultery by forced evidence. I would say, that if we accept divorce we must try to make it as clean as possible so that when the parting comes we can part as friends; the children can look upon their father or mother without any sense of disgust and the family is not left with a stigma which makes younger members of family hang down their heads in shame. These are things we have to consider. We cannot just say: no; we are leaving out this clause, because by leaving out this clause you are allowing other clauses to remain. You are driving people to adultery.

The second point is that you are allowing 'desertion'. There is some force in what the other lady Members of this House have said that women are being forced and there is coercion. There may be force or

[Shrimati Renu Chakravartty]

coercion because women are not economically independent. But, that situation will exist even when it refers to other clauses. A man may desert; a man may go away and then the question of adultery comes and she may be forced to say that she has committed adultery. We can put certain clauses whereby we can guard against two factors—force and coercion. I support the amendment that has been brought forward by Mr. Venkataraman in this respect because the National Federation of Women in June, when they met, actually suggested these two amendments. One is that the court should be given the right of full enquiry that the woman has not been coerced into giving her consent; and the second is that a period of six months as time limit should be given within which time reconciliation efforts should be entered into. It is on that basis that we have carried out a campaign and we have found that the misconceptions which originally arose disappeared when women realised that they are being given this chance without having to go through all the dirtiness which this clause on adultery actually entails and which we have seen in the divorce courts all these times.

Sir, I do not want to take any more time of the House. I would just recommend to this House certain other amendments. Firstly I recommend my amendment No. 157, which is practically the same as Shri Venkataraman's except that I have asked for a period of six months for reconciliation, whereas he has suggested one year. The other amendments are regarding 'unsound mind' and other clauses where I have suggested that the period of five years should be reduced to three years. These are the two basic amendments that I have brought forward and I would recommend them to the House.

Dr. N. B. Khare: Sir, I am not speaking on this Bill as a high caste Hindu. I am speaking as a secular

citizen of India. I recognise that in certain bad cases divorce is a necessary evil. It has to be recognised and guarded for; but we must remember that hard cases make bad law and some such a thing has also arisen in this case.

I am fundamentally against this divorce by consent. That is an evil which should not be allowed. Much is said to show that the two sexes are equal and alike. It is not true. Economically, physically, psychologically, woman is a weaker sex. It must be freely admitted and man, therefore, has got a dominant position where he rules over the woman and he is bound to do so continuously for a long time to come.

Kumari Annie Mascarene: Not in the least.

Dr. N. B. Khare: In that condition, if divorce by mutual consent is allowed, it will always harm the woman for whom you are showing so much consideration for her protection. It will adversely affect her. No woman once divorced will ever be able to find a husband or any occupation. She would be shunned by society. It is a fact.

An Hon. Member: No, no.

Dr. N. B. Khare: You may say 'no'. I do not care for it. The husband always tries to exploit the weakness of the woman and therefore, it will act as a very bad weapon in the hands of the husband against woman for whom the House is showing so much solicitude. I say, by nature man is a polygamous creature and woman is a 'monoandrous' person. Man will, therefore, take advantage of this to satisfy his natural passions. An Urdu poet has said:

"इलाही कौसी कौसी सुरतें तुने बनाई हैं
कि हर सुरत कलजे से लगा लेने के काबिल हैं"।

An Hon. Member: Let us have the translation of it.

Dr. N. B. Khare: You want the translation? It is like this:—

"O' God what kind of strange and beautiful faces you have created on this earth; every face is worth to be embraced."

Therefore, this libertine man will seek to take advantage of this clause 'divorce by mutual consent'. Infatuation is in him. 'Love at first sight' out of which marriage will happen is nothing but temporary infatuation. Today he will feel for a 'lippy' woman; tomorrow he will feel for a 'hippy' woman and day after tomorrow he will feel for a 'witty' woman. What will happen then? Woman will suffer and man will enjoy. I do not want that to happen.

Sir, the Prime Minister admitted the dominant position of man, no doubt, and he quoted in support of this Bill or this clause—whatever it may be—the old ancient drama *Mirchchakatika* by Shudrak, perhaps in the first five hundred years of this century. I think he has misused this drama in support of this Bill. What is the position there? There the hero Charudatta has got a lawfully wedded wife, married according to Hindu *Shashtra Bramha Vivaha*. She is Dhoota by name. In spite of this marriage he keeps the company of a dancing girl—a concubine—by name Vasantasena, but people did not blame him at all. He was highly respected. But there is a change in society today. We have monogamy now and we do not want polygamy. At that time it was not so. It was wrong to quote this drama in support of this clause for divorce, because Dhootabai in spite of the fact that she knew that her husband kept a concubine continued to live with him with the same amount of love as before. She did not divorce. Will the modern women do that? If they do so I will welcome them.

The position is, nobody has wanted this law. Nobody has asked for it.

The general society of all religions—Hindu, Muslim, Christian, Parsi—does not want this. This was wanted by the libertine males, as I said before...

An Hon. Member: No, no.

Dr. N. B. Khare: You may say 'No', then enjoy yourself.

Mr. Deputy-Speaker: Order, order. Hon. Members—there are a number of males here and a number of ladies also—who have taken part and have supported this particular clause will all come under this qualification or disqualification. The hon. Member ought not have used that expression which I hope he will withdraw: I mean the expression 'libertine'.

Dr. N. B. Khare: I have no objection; if you want I will withdraw.

Mr. Deputy-Speaker: It is not a question of my wanting him to withdraw. A number of hon. Members have supported this particular clause; they cannot be called 'libertine'. Therefore, I hope he will withdraw it. I am asking him to withdraw.

Dr. N. B. Khare: I withdraw, if you so desire.

Mr. Deputy-Speaker: Still the hon. Member has not said he is withdrawing.

Dr. N. B. Khare: I am withdrawing as per your request.

Then, Sir, there is a certain category of females also. This law is inspired by Hollywood. We see cinemas, read stories in American magazines; stories of husbands upon husbands built one after the other like the sky-scraper buildings in New York and Washington. Females may take advantage of all these stories. What is the result? We will have delightful stories of husbands built on flimsy and sickle foundations.

[Dr. N. B. Khare]

There is no doubt that some reference was made to *atmic Vivah* yesterday. I do not understand what the marriage for companionship means or *atmic Vivah* means. Sir, as regards *atmic Vivah* or 'soul marriage', if it is only a 'soul marriage', then why not males marry males and females marry females? Both have souls! This *atmic Vivah* is nonsense.

If this Bill is passed into law—as it will be and if it will be taken advantage of by majority of people of this country,—I must say definitely that the spiritual health of this country will be spoiled. The ancient family life, the household life, of which we are still proud, even under adverse circumstances, even under misery and poverty, will be lost. And what will happen? The future Indian citizen will be born in a maternity home maintained by Government, maintained in orphanages run by Government, educated in schools of Government, work in factories and offices, live in hostels, fall sick in hospitals and die in hospitals. If this law becomes the general law, this will be the fate. I warn the country against this; therefore I am crying hoarse against this Bill.

Shri Gadgil (Poona Central): Mr. Chairman, I think this is a matter in which one should go with a measure of caution and circumspection. I have been entirely for divorce throughout the twenty years that I have spent in this House. At the same time I do not feel that public opinion is ripe enough to accept what is contained in clause (k).

Divorce by mutual consent is something not only unknown to our society, but also it is not to be found in most of the countries which claim to be modern. There is no doubt that we cannot escape world forces. They have affected us in every sphere of our life. But those who are leaders of social thought must consider every step of advance and I do beseech that this

clause as it is, or even in substitution, as suggested in amendment No. 97, should not be accepted.

I want to ask one straight question. Is marriage entirely an affair between two individuals, or has it any social significance? If it has some social significance, then surely divorce must have some social significance. If you allow divorce on the ground of incompatibility of temper, it may be perfectly logical with this Bill, because freedom of marriage is assured, but although it is logical, it is not in the best interest of the country. What will happen? There will be promiscuity. With the literature of the sort we are coming across, with the films which are being exhibited in this country, you have to consider to what extent a provision of this character will affect domestic peace and, I should say, social peace as well. I am, therefore, of the view, that the Bill has gone considerably towards liberalisation.

Many grounds for securing a divorce have been provided. Even without this there are enough grounds, and with the help of clever lawyers enough grounds can also be raised for sustaining a petition for divorce. As it is, it only means that you can marry or solemnize your marriage in the evening and the next morning by mutual consent you can go to a court and get divorce.

Shri S. S. More: It will not be next morning.

Shri Gadgil: If it is a longer period, even then, I say that in an average married life of thirty years, a man can have as many as fifteen wives! Just consider what it means from the social health point of view. Already the figures that are available about certain diseases in this connection are a grave warning to us. Our society, right from ancient times has been known to be progressive in the sense that it progresses as much as the needs of the time really require. Let us not be in great haste to make

out a brilliant example for other countries. Even in the most advanced countries in the matter of sex relation, such as the U.S.S.R. recent trends go to show that what should be considered as a stable situation is that divorce should be a matter of exception. Even where a petition for divorce is made, the instructions I am told are that the judges should try their best to bring about reconciliation and see that divorce is not cheap and the provision made by the law is not abused.

The grounds given are good enough. If you want divorce to be based on the mere ground of mutual consent, just consider what a wide door you are opening for promiscuity. You are in fact ratifying in a legal way past adultery. I have no doubt that the saner section of this House as well as the saner section outside this House, though some of them may not agree completely, will on the whole feel that there has been considerable liberalisation of the law of marriage as well as of divorce. If after three or four years we find that domestic happiness is not secured in the way in which we are attempting, or that social stresses and strains are on the increase, surely Parliament is there meeting twice every year, and on demand on more occasions, and we can certainly come up before the House with necessary amendments. But meanwhile let us not do something.....

Acharya Kripalani: Meanwhile do the wrong thing.

Shri Gadgil: It is possible to equate caution with reaction, I may as well equate recklessness for progress.

I do not wish to say anything further. My own considered view, as a man who has been asking for a provision for divorce in the marriage law of this country for the past twenty years, during which I have been a humble member of this House, is: go with a little caution. The amendment suggested by my hon. friend Shri

Venkataraman is not at all good and it is more likely to be abused than properly used. Sir, I have nothing more to say. I have not spoken for more than five minutes which you were very good enough to give me.

Pandit Thakur Das Bhargava: I must thank you for the opportunity you have afforded me to express my views and to give a vocal vote on this clause. So far as the mutual consent affair is concerned, I am rather surprised that there is some support for it in the House. Shri Venkataraman who is now sponsoring this amendment, is the very member who had sent in an amendment for deleting this clause. There were ten others who had a similar amendment including myself.

An Hon. Member: His amendment is for substitution.

Pandit Thakur Das Bhargava: Substitution is an after-thought. Then, again, as I have been told by the Law Minister it was by a snap vote that this clause got into the Bill in Rajya Sabha and as the author of that clause himself subsequently admitted there was some grammatical mistake in it. This clause had no place in the Bill as it emerged from the Joint Select Committee. I am really unable to understand how the Rajya Sabha decided to incorporate this clause in the Bill.

When we speak of the economic condition of our women, the most important thing that strikes me is our succession law. The Christian law of succession in this respect is worse than our law, which the hon. Minister is sponsoring, so far as ladies are concerned. I cannot understand how people speak on economic questions and yet do not look at the Bill as it is. You, Sir, were the first person to tell us that if the House adopted one provision that by the very fact of marriage the husband and wife's property would be made joint, the problem would be solved. I made a suggestion like that in the House and the hon. the Law Minister expressed himself in

[Pandit Thakur Das Bhargava]

agreement with me; but he has not considered the question and only promised to consider it at any other time. When will he consider it? This is the most important question. We all want that ladies in our country must be economically independent. Unless they are independent, what is the use of passing this clause. This clause will make the position worse. Who wants divorce? It is the men that want it and not the ladies. I think that the whole House is practically opposed to this clause (k) and I have no doubt in my mind that clause (k) will be deleted, but what I fear is that instead of (k), there will come in (k-1) of Mr. Raghuramaiah or of Mr. Venkataraman. I oppose it tooth and nail. So far as the Hindu conception of marriage is concerned, so far as the Christian conception of marriage is concerned, indissolubility and union for life are the very essence of marriage and we have seen that in all the clauses every Member of the House has made an attempt to say, so far as marriage is concerned, that it is not only a contract, but it is a sacred contract to say the least. Why have you put in section 28? For three years nobody will take advantage of it. Why have you put all these obstacles? It is because that marriage should be supported and it should be sacrosanct. All the clauses of the Bill only take us to this view, but at the same time what I am afraid is this. Today you are, by passing this clause, weakening the conception of Hindu society and what has become of indissolubility the integral part of our psychology. Tomorrow you will have nothing but *muta* in this country. We know that *muta* is. Under it a marriage can be for one night or one hour or one year or six months. This is the forerunner of companionate marriages. If in the public mind you weaken the conception of marriage, what is the result? In the other Bill, so far such a clause as this has not been put in, but I am quite sure if you pass this clause here, every attempt will be made to introduce it in the other Bill

also. After all, it is not wise to go far ahead of the times, ahead of the social conscience of the people. It is quite right that we all want this law of divorce because it is necessary, but at the same time what will be the result? You kindly look at the amendment. The amendment says that if the man and the woman live separately for one year and after one year they again come up to the court and say that they have not been able to live together and have mutually agreed to separate, then the court shall say "You are separated". The whole point is that if you say that you mutually agree, the other two things are only euphemism for the first and there is no difference there. There are only two parties, the husband and the wife, and there is no third party at all in the picture so far as application for divorce is concerned.

An Hon. Member: Should not be.

Pandit Thakur Das Bhargava: He forgets that marriage is not an affair between two persons only. It is not a men contract. It is wrong to think so. The children will be there; the society is there; the parents are there and all the family members are also there. Therefore, that marriage is only a contract is absolutely wrong. If it is an ordinary contract, it can be broken by any of the parties unilaterally. Damages can be claimed for breaking the contract, but nobody says here that unilaterally you should cancel the marriage.

Acharya Kripalani: This is the first step. Tomorrow they might say that.

Pandit Thakur Das Bhargava: In a divorce case, the husband the wife will be the only parties. What is the issue between them? Have they agreed to separate? I know what the woman will say. The woman will be coerced, undue influence will be used, and even monetary considerations will come into play. He might say "Take this Rs. 50,000 and you agree to separate." She will readily agree. What would happen then? The issue will be if they have mutually agreed. They

say they have mutually agreed to separate and that they have lived separately for a year although they might have been living together. Who is there to contradict or verify this?

Shri Gadgil. But they are coming together for the purpose of signing the application.

Pandit Thakur Das Bhargava: When a person admits anything against himself, that is bound to be taken as true. In the case of a fraud, the onus to prove it is on the party alleging fraud. Will the wife be able to discharge that? If the court will say "You are bound by your application; can you prove that fraud has been played on you?" She will not be able to do anything. Who are the witnesses in a bed chamber? My humble submission in a matter like this is that if once the woman has accepted, it will only mean that in every case, without any enquiry whatsoever, divorce will be granted, which means that you need not have all the eight conditions and it is enough if you have only the mutual consent clause there.

My hon. friend spoke of Malabar and other places where this has been in existence. As Mr. Thomas pointed out, conditions there are different. I went through the whole country as a member of the Age of consent Committee for ten months and learnt some of the customs in Malabar and other places, which are simply revolting. Evidence was produced before us that according to prevalent custom in certain communities people were married at the age of five or seven to girls of fifteen or seventeen, so that the wife was not meant for the son, but for the father. The custom of divorce by mutual consent which is another name for license in marriage may be there but I am not going to accept this custom. If it was enacted there, why should the whole of the country be bound by such an enacted condition of marriage? This is not the law anywhere else in the world and this is not the law in any other part of India. We know what

is happening in America. In America 45 per cent are having divorces and if you allow this clause of mutual consent, it will become 75 per cent. Taking all the circumstances into consideration, so far as India is concerned, such a clause is against the very conception of marriage and it is also tantamount to wounding the Society in a very vital manner and the whole society will revolt against it.

I know the argument that it is only an enabling measure, but I do not know how that argument can be pleaded in this House. If it is an enabling measure, have you said that it will be only confined to such and such people? I know it will be taken advantage of by everybody. Mr. Venkataraman says that it is the basis of Civil Code of India. If this is the basis of Civil Code of India, then I do not want such a Civil Code. It goes against the very conception of marriage so far as the Hindus, the Christians and other religions are concerned. This is really going far ahead of the times and it is, therefore, better if Mr. Venkataraman withdraws the amendment so as to give peace to the people of this land. Otherwise, many people will feel that this is a thing in which our Parliament is not rightly representing public opinion.

Shri Biswas: When I spoke the other day, I spoke of certain innovations which have been introduced in the Bill. They were two—one was regarding inter-religion marriages and the other was about registration of marriages.

An Hon. Member: What about divorce by mutual consent?

Shri Biswas: Now comes a third innovation—that was not introduced by me—divorce by mutual consent. It was, as I have already pointed out, brought forward in the other House and it was passed by a majority of twelve—I believe the voting was 57 against 45.

Shri Pataskar (Jalgaon): Probably it was a snap vote.

Shri Biswas: It came as a dark horse but at full gallop. (*Interruption*) and it was greeted with thundering cheers by a certain section of the House. If I have correctly judged the sense of this House, I believe the majority of hon. Members are against (*Some Hon. Members:* No, no.).

Shri Venkataraman: Speeches might be against the proposal of divorce by mutual consent.

Dr. Jaisooriya: We deny that.

Shri Biswas: I have not said "the whole House", but judging from the speeches made.....

Pandit Thakur Das Bhargava: This is his own view. What is wrong in it?

Mr. Deputy-Speaker: Is it not open to any hon. Member to say that the entire House is in his favour? It may be that ultimately the result of the division will show on which side the voting is there. Why should hon. Members be anxious now?

Shri S. S. More: The Law Minister should not be so unfair to us.

2 P.M.

Mr. Deputy-Speaker: This is a measure where every hon. Member will have his own say. Such hon. Members as have spoken and such of those as could not speak within the time allotted—all of them have got the vote. It is open to the hon. Member when he wants to convince the House to say that according to him he finds so much support. It is open to the others to say at the time of division that there is no support at all. Am I to take an intermediate voting now? Therefore, let him proceed; allow him to go on.

Shri Raghavalah (Ongole): The hon. Law Minister might have been right or wrong if he had referred to the majority of the speakers. I would respectfully submit that he went out of his way when he said that the majority of the people in the House

are against; it is a very difficult proposition.. (*Interruptions*).

Mr. Deputy-Speaker: Order. order. Every hon. Member is entitled to judge from the speeches that have been made and other things whether the majority is in his favour or not. After all, the result of the division will show it.

Shri Biswas: I was just stating what was my reading of the situation. I may be entirely falsified by the vote; that is another matter but I am entitled to say what I could gather from the spoken words but not from the unspoken sentiments lying within the bosom of my hon. friends.

An. Hon. Member: They do not get a chance.

Shri Biswas: There is an attempt, so far as I could see, to keep the wild animal, to curb it and keep it within bounds. Whether it will succeed or not remains to be seen. But I am stating the position as it is.

As I stated, this proposal did not form part of the Bill. The Bill was circulated for opinion. This is a matter, therefore, on which public opinion could not express itself because it was not in the original Bill. Opinions had been received regarding the other innovations but not upon this. That is a fact. If consent is put as the cure to all matrimonial difficulties or troubles real or fancied, then what is to be the position? There can be no doubt that the proposal is regarded by many—I am not using the expression 'majority'—as wholly repugnant to the concept of marriage which has rightly or wrongly held sway among the people of India. It would be a mistake to think that this concept of marriage is based merely on superstitious veneration for our scriptures. It is more durable, more permanent and its foundation are in certain basic considerations which have found favour and acceptance in countries and among people who may be supposed to be above any such weaknesses. I was reading Jeremy Bentham last night. He was not a

man whom you can describe as one obsessed with superstitions or excessive regard for superstition or scriptural authority. What do you find there? I will just place some extracts from his observations. What we find is that this new idea of divorce by consent as the universal salvation of all matrimonial difficulties is the specific contribution of two of the biggest countries of the world. Russia and China...

An Hon. Member: Burma and Scandinavian countries.

Shri Biswas: I say these are the two biggest countries of the world today which have made this specific contribution. I do not know how many other countries might have copied their example but do not please forget that even in these two countries they are in the nature of experiments. In Russia you find that they change the law which had been introduced a few years before. What does that show? They are not satisfied; they are feeling their way and they are trying to cover...

Shrimati Renu Chakravartty: Mutual consent still remains...

Shri Biswas: They had to change the law. I have no time; otherwise I have got it all here, in this book.....
(Interruptions.)

Mr. Deputy-Speaker: He is only saying that they found with respect to one portion of the law there was need to change; he feels that this also will be changed soon.

Shri Biswas: In this respect I have already pointed out even one of the parties could go and say that he or she has separated from the other spouse and that fact will be registered. This registration was enough. But they were themselves shocked at the result which followed. What happened is that they changed the law in 1944 and then it was provided that divorce should be granted only by the courts and only for reasons which the court deems justified. I was only drawing attention to the

fact that even in these countries where these rules prevail, they are making changes because they knew that it was nothing more than an experiment....

Shrimati Renu Chakravartty: But, this particular clause.....

Mr. Deputy-Speaker: I am not going to allow these interruptions.

Shri Biswas: If you want to introduce divorce by mutual consent, many of us might think it is just as well to wait and see how the experiments have worked in other countries and then introduce it if it is so satisfactory as some of my friends are representing it to be. There is nothing to prevent us from bringing forward an amendment as Pandit Thakur Das Bhargava has pointed out so as to bring the law into conformity with the law in those other advanced countries.

Whatever view we may take, whether we regard marriage as a sacrament or a contract, we must not forget that it is the most ancient and the most important and—perhaps we may say—the most interesting of domestic relations. Mrs. Chakravartty said that we ought not to disturb the happiness of the family. I entirely agree; everyone will agree. The object of marriage is to produce a happy family; the object of divorce will also and should also be to avoid disturbing the happiness of the family. But how are these objects to be secured?

Marriage is an institution. Marriage and divorce may be looked at from two different points of view. The status of marriage is recognised universally, throughout the world; not so divorce: divorce meets with only a partial recognition. There are more than two parties to a marriage and that is why you cannot treat the marriage as a contract. It is not enough to say that it is like an ordinary contract which may be dissolved by the consent of the contracting parties. That is not the

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position. As a matter of fact there is the social aspect. You have got to judge matters with reference to the welfare of the society. We must not forget that and that is why in every country you have legislation coming in for the purpose of regulating marital relations. Otherwise, it may have been allowed to be dealt with on the basis of an ordinary contract. A and B enter into a contract; A and B decide tomorrow to break the contract or dissolve the contract. Well and good. Nobody else is concerned. Whatever they do is all right. That is not the case with the marriage contract. Even if the marriage is a contract and not a sacrament,—I will accept it is a contract—it is not a contract which can be dissolved at the sweet will of the party. That is the point that I should like to make. That is why the authorities who are competent to speak on the subject have made that position perfectly clear. Nobody disputes the necessity of divorce. The best form of marriage is a permanent union, a life-long union. Even so, there are exceptional cases, in which divorce should be allowed. These are only by way of exceptions. That is not a normal condition. That has been pointed out. Marriage is not just an instrument for the gratification of a transient passion. Nothing of the kind. So far as the man is concerned, he may have no objection. What about the woman? I will read one passage.

"The woman has yet an additional interest in the indefinite duration of the marriage. Time, pregnancy, nursing, cohabitation itself, all conspire to diminish the effect of her charms. She must expect that her beauty will decline at an age when the energy of the man is still increasing. She knows that having worn out her youth with one husband, she would hardly find another, while the man will experience no such difficulty.

Accordingly, foresight will dictate to her a new clause in the agreement. If I give myself up to you, you shall not be free to leave me without my consent. The man, in his turn, demands the same promise and thus on both sides is completed a lawful contract founded upon the happiness of the parties".

As he points out later,—

"Love on the part of the man, love and foresight on the part of the woman, the enlightened prudence and affection of the parents, all conspire to imprint a character of permanency on this alliance."

Dr. Jaisoorya: What was the year when it was written?

Shri Biswas: Bentham; you know. If you do not accept Bentham—I do not want you to accept—I am not wiser than Bentham. I am not disputing that for a moment. (*Interruption*).

Mr. Deputy-Speaker: Order, order.

Shri Biswas: It is also pointed out there that though marriage for life may be a very welcome union in general exceptional cases may arise in which the continuance of the union would be a source of lasting misery to either or both of the parties. Therefore, you must allow divorce. This divorce is to be limited by conditions. It should not be allowed at the mere will, sweet will and pleasure of the contracting parties. That is the point I am trying to make out. If the authority of persons like Bentham and Shri Banerjee or other competent like them to speak on this subject, cannot convince them, nothing that I can say will convince them.

Dr. Jaisoorya: He is antiquated. (*Interruption*.)

Mr. Deputy-Speaker: Order, order. The hon. Minister will kindly look at the Chair.

Shri Biswas: Sometimes, so much noise comes from that side that I am forced to turn to that side.

Mr. Deputy-Speaker: If he looks at me, much of this difficulty would be avoided. Hon. Members ought not to be impatient.

Shri Patakar: There are some who are always impatient.

Shri Biswas: If there is disagreement of a lasting nature between the parties, I can understand there can be separation, divorce and all that. If it is disagreement of a temporary character, every attempt should be made to bring them together again and reconcile them.

What is the consequence of allowing divorce by mutual consent? Possibly, if the people find that they are free to separate whenever they like by mutual consent, marriages will not be contracted with that sense of solemnity and with that care as would otherwise be the case. I should also like to quote another authority. I do not know if it will have any effect on some of my friends.

"Generally speaking, the real reason why this ground of divorce which is apparently so unobjectionable—if the parties do not choose to live together, why should they not be allowed to divorce—is rejected in most systems is because it is thought that the consequences of separation which we may bring about by our own choice may well be prevented by some care and self-sacrifice on our part if we knew that there is no choice in the matter. Another reason is that it is apprehended that marriages will be thoughtlessly contracted if it can be dissolved by mutual consent."

That is the point.

Shri Nand Lal Sharma (Sikar): On a point of order, Sir, what are the papers that are being distributed in the House?

An Hon. Member: It is not his concern.

An Hon. Member: Whips.

Mr. Deputy-Speaker: What is the point of order?

Shri Nand Lal Sharma: Can whips be issued in the House in this manner?

An Hon. Member: What is the harm?

Mr. Deputy-Speaker: Order, order. Cannot any hon. Member who passes those papers do it more unnoticed?

Shri Syed Ahmed (Hoshangabad): It is not a Whip; it is only an advice.

Shri Biswas: I was pointing out that on general grounds it is difficult, according to my notion, to support divorce by mutual consent. At any rate, we have not yet arrived at a stage when we can confidently recommend such a proposal. I am quite willing to concede that there may be individual cases where possibly this will be of advantage to the parties. I know of some of these cases myself. As a matter of fact, it avoids undue publicity of many unsavoury details before the public and so on. Sometimes this happens. I know of a particular case where the parties had already agreed that they should have a divorce. The wife had the papers ready for filing her petition for divorce. She actually wrote to her husband that she was going to file a petition in a few days. The husband agreed that he will not oppose the petition. But, somehow the letter which he wrote got into other hands. This was a sort of a lever with the person into whose hands the letter went and he threatened to use it against the wife. The wife was prevented from proceeding with her petition. It is a very sad case. The girl had married not knowing much about the husband. Within a month or two, she was affected by a very bad type of venereal disease which ruined her health. When she proposed to the husband that she may be released, from the marital

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bond, the husband was quite willing and he said, yes, most certainly, because he had a number of women at his command, and therefore he did not care whether his wife stuck to him or not. And so, he gave his consent at once. Unfortunately, she was prevented from getting a divorce because that letter, which would prove collusion was in other hands. In such a case, divorce by mutual consent would certainly be very welcome. There is no doubt about it. It is a very hard case, and if there was mutual consent, as they had already consented, she would have got the divorce or got settled in life by marrying again and so on. So, there will be hard cases, but the point is this: whether, for the purpose of individual hard cases, we should sacrifice the interests of society. That is the main question we have got to consider. I am not suggesting that you should accept my view. Nothing of the kind. You will exercise your own judgment. You know very well how matters stand. You have known many cases. You are not bound by the opinion of this authority or that authority. You are free to vote for yourself. I am not issuing a whip at all. Let me make it quite clear that there is no whip. But I say this, that the amendment in the form in which it has come here from the other House cannot possibly be accepted. Apart from the fact that it is wrongly worded, sub-clause (k) itself ought to be rejected.

As I pointed out in the other House—that is one of the objections which I had raised—you have this marriage by consent. This clause is expressed in such terms. What about the children? What about the other matters for which provision has got to be made? What about an attempt to bring them together? Do not make it so easy? You might make marriage easy, but having made marriage easy, do not make divorce also equally easy. That

would not be right. You do not certainly suggest that it should be made convenient or possible for a man to have as many wives by turns as he likes, only if he can get the present spouse somehow to give her consent. That would not be right. Therefore, the safeguards which Mr. Venkataraman has suggested in the amendment are very essential safeguards. Acharya Kripalani has also stated that his amendment is not in conflict with that suggested by Mr. Venkataraman. He is only suggesting a board of conciliation. (*Interruptions*). The court has to attempt conciliation, but there is nothing to prevent the court from referring the matter to a board of conciliation. So, there need not be any objection to the proposal, but that recognises the fundamental fact that an attempt should be made to keep the parties together.

Mrs. Chakravartty stated that no woman wants to desert the family or to desert the husband. I hope that was true.

Shrimati Renu Chakravartty: Yes, it is true.

Shri Biswas: Yes, and if one could make sure that women would not be anxious for a divorce at all merely on the ground of mutual consent, nothing would make me happier than that, but the trouble is, once you have a law without any safeguards, then what will be the consequential result? That is what we have got to consider.

Shrimati Renu Chakravartty: So you advocate inclusion of adultery for divorce?

Shri Biswas: Because adultery is a ground of divorce, therefore it follows I am advocating adultery in order that the parties may get a divorce! I do not know what line of argument this is. It comes from a lady. I have got, therefore, to accept it in all humility, but, unfortunately, being a man, my judgment does not take me that way.

Shri S. S. More: May I ask the Law Minister what safeguards he visualises for divorce with consent, because he says there might be divorce with consent with necessary safeguards? What safeguards does he visualise?

Shri Biswas: I say if you have to have safeguards, the amendment of Mr. Venkataraman has suggested some safeguards which are the minimum.

Shri S. S. More: Do you accept them?

Shri Biswas: It will be for the House to decide whether the House accepts the principle of divorce by mutual consent. If it does, I would certainly strongly recommend to the House that it accept the amendment moved by Mr. Venkataraman. That is what I am pointing out. (*Interruptions.*)

I believe I have made my position perfectly clear in this matter, and sub-clause (k) must go; that is accepted. All the amendments which have been tabled regarding sub-clause (k) want the deletion of that clause, but all that I suggest is...

Shri Raghavachari: May I point out to the Law Minister that the only safeguard that I can read in the amendment is waiting for one year?

Shri Nand Lal Sharma: That is not a safeguard.

Shri Biswas: I consider them to be safeguards and my suggestion is that if you accept the principle of divorce by mutual consent, then the least you can do is to accept the safeguards embodied in Mr. Venkataraman's amendment. That is my suggestion. (*Interruptions.*)

Just one word regarding sub-clause (k). There are many amendments to sub-clause (k). If Mr. Venkataraman's amendment for deletion of sub-clause (k) is swept away, let it

not sweep away along with it his other amendment No. 97. That is all that I am suggesting. Let that stand by itself.

अलगू राय शास्त्री : (जिला आजम-गढ़—पूर्व व जिला बलिया-पश्चिम) यह क्या है ? यह तो एक तलवार को धिर पर लटकते रखना है ।

Shri Biswas: As regards the other amendments also, I am prepared to accept (*interruptions*).....

Mr. Deputy-Speaker: Order, order.

Shri Biswas: There were some amendments for reducing the period mentioned in some of these sub-clauses—(e), (f) and (g). Five years has been mentioned in each of these. I am prepared to accept the amendment which suggests three years in place of five years.

Shri N. P. Nathwani (Sorath)
rose—

Shri Biswas: I am calling attention to the amendment to clause 33. I had referred to it. It provides that:

"Before proceeding to grant any relief under this Act it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties."

That is amendment No. 521. And along with that is amendment No. 520:

"when divorce is sought on the ground of mutual consent, such consent has not been obtained by force or fraud; and"

That is one of the matters which the court should enquire into.

Shri N. P. Nathwani: On a matter of information, may I know from the hon. Minister what is the attitude

[Shri N. P. Nathwani]

of the All-India Women's Council on this question of divorce by mutual consent?

Shri Biswas: They are agreed.

Mr. Deputy-Speaker: We have had enough discussion over this matter. I will put the amendments. First of all, let me take up the most contentious portion in relation to sub-clause (k). There is an amendment tabled by Shri Raghuramaiah and Shri Venkataraman. Amendment No. 327. If that is carried, the other amendments to sub-clause (k) will disappear, will be out of order.

Shrimati Renu Chakravartty
rose—

Mr. Deputy-Speaker: But if that is not carried, I will put the other amendments, Nos. 97, 520 and 521. Amendment No. 97 relates to clause 27-A, but this amendment is to clause 27. Therefore, I shall put this amendment No. 327.

Shri Venkataraman: Mr. Deputy-Speaker, there has been a ruling in respect of clause 4 in which the Speaker said that if a matter has been discussed already and a decision has been taken, then he would not allow any other amendment to be placed before the House. At present, objection may be taken that if amendment No. 327 is accepted and sub-clause (k) is deleted, in pursuance thereof my amendment No. 97 is barred on account of the decision. I want to make it clear that this amendment No. 97 is in substitution of sub-clause (k), but because it deals with a separate and a different matter, it has been put in as a separate clause 27-A. Therefore, I would submit that you may put amendment No. 97 to the vote of the House and if it is not accepted, then the other thing may be put to the vote of the House. But, if amendment No. 97 is accepted, then automatically this decision will be binding so far as sub-clause (k) is concerned. I therefore appeal to you to

put amendment No. 97 to the vote of the House.

Shri S. S. More: We support that.

Mr. Deputy-Speaker: What does the hon. Law Minister say on this point?

Pandit Thakur Das Bhargava: Sub-clause (k) ought to be put first.

Mr. Deputy-Speaker: Amendment No. 327 relates to clause 27 (k). What Shri Venkataraman says is that a vote on this may appear to be a vote on the question of retention of sub-clause (k). In that case, the other amendment, i.e., new clause 27-A may be barred implicitly. I would like to hear the hon. Law Minister on this point.

Shri Dhulekar: On a point of order. So far the House has discussed, for a number of hours, the question whether divorce by mutual consent should be permitted or not. Will it not be proper to put this question first, as to whether divorce by mutual consent is accepted by the House or not? Then, the other amendments may be put to the vote of the House, because that will be very clear.

Mr. Deputy-Speaker: I only wanted to hear the hon. Law Minister, as to whether there is any technical or legal objection.

Shri Biswas: Sub-clause (k) introduces divorce by mutual consent. Shri Venkataraman's amendment hedges divorce by mutual consent. If divorce by mutual consent is accepted, then, of course, the new clause 27-A will have application, and this new clause deals with how a petition for divorce is to be presented to the court, how the court is to deal with the matter and at what stage, whether there should be one year's waiting, and so on. These are all the matters provided for in the new clause 27-A. But this depends upon the principle of divorce by mutual consent being accepted.

Shri Dhulekar: That should be voted upon first.

Shri Venkataraman: Amendment No. 97 may be put first.

Shri Biswas: Shri Venkataraman's suggestion is that if amendment No. 97 is put before the House, that involves the acceptance of the principle of divorce by mutual consent, and therefore, it will not be necessary to put the other amendments suggesting the abolition of sub-clause (k) to the vote of the House. That is his point. There is a good deal in it, in view of the ruling which had been given earlier. You can have it either way, but there is a good deal in support of this view. If you put amendment No. 97 to the vote of the House, then it does away with the necessity of putting any number of amendments on sub-clause (k) separately to the vote of the House.

Pandit K. C. Sharma (Meerut Distt.—South): It is for the Chair to put it.

Mr. Deputy-Speaker: It is exactly because clauses 27, 27-A and 33 are inter-related that they ought not for the purposes of voting to be treated as different and distinct portions. Even if we vote on one amendment, I will not treat it as debarring the placing of the other amendment before the House for its vote. I will treat them altogether though for the purpose of convenience, they have been put in separate compartments.

Therefore, first of all, I shall ascertain the view of the House by putting the question as to whether sub-clause (k) should remain or not. Then, I shall put amendments Nos. 327, 520 and 521.

Dr. Rama Rao: If sub-clause (k) is deleted, I hope it will not bar amendment No. 97?

Mr. Deputy-Speaker: I have given a ruling that it would not be barred. I shall take all these three clauses

together, and I shall allow the other amendments also. Amendment No. 327 reads:

In page 9,—

- (i) line 38, omit 'or'.
- (ii) omit lines 39 to 41.

The lines 39 to 41 referred to above refer to sub-clause (k) of clause 27. By this amendment, they want sub-clause (k) to be omitted. And they have tabled another amendment, viz. new clause 27-A, where they provide for it. Though it is an amendment seeking to introduce a new clause 27-A, I shall treat it as an amendment to the same clause, viz., clause 27, for in amendment No. 97, it is said:

"In page 9, after line 44, insert:

'27A. Divorce by mutual consent:—(1) Subject to.....'

So, this is practically in substitution of sub-clause (k) of clause 27.

I shall first ascertain the vote of the House regarding the general principle as to whether divorce by mutual consent ought to be allowed or not. Thereafter, I shall put this amendment No. 97 to the vote of the House, which deals with the circumstances under which it should be allowed and so on. The vote on amendment No. 327 will not bar amendment No. 97.

Now, I shall put the question to the House. Sub-clause (k) of clause 27 reads:

"(k) has lived apart from the petitioner for one year or more or the parties refuse to live together and have mutually consented to dissolve the marriage;"

If this sub-clause (k) goes, notwithstanding the going of that, I shall treat amendment No. 97 by Shri Venkataraman, which provides for divorce by mutual consent subject to certain restrictions and conditions, as not barred. The question is:

In page 9,

- (i) line 38, omit 'or';
- (ii) omit lines 39 to 41.

The motion was adopted.

Mr. Deputy-Speaker: Now, I shall put amendment No. 97 to the vote of the House.

Shri Dabhi: I have got an amendment to this amendment. It is amendment No. 471, which reads:

That in the amendment proposed by Shri R. Venkataraman and Shri Kotha Raghuramaiah printed as No. 97 in List No. 3 of amendments, in sub-section (2), for "and that the averments in the petition are true" substitute "That the averments in the petition are true and that the consent of either party to the petition was not obtained by force, fraud or misrepresentation."

I have added the words 'undue influence' after this.

Mr. Deputy-Speaker: But these are covered by amendments Nos. 520 and 521 to clause 33.

Shri Dabhi: It must find a place here.

Mr. Deputy-Speaker: It does not matter as to where it is provided for. It is provided for somewhere.

Shri Dabhi: I have added the words 'undue influence' also.

Mr. Deputy-Speaker: All right. You want 'undue influence, force or fraud'. Is Shri Venkataraman willing to accept it?

Pandit K. C. Sharma: On a point of order. Once the sub-clause (k), which provided for divorce by mutual consent, has been dropped, how can amendment No. 97 come? It is an amendment to sub-clause (k), which has been omitted already.

Mr. Deputy-Speaker: I do not know whether the hon. Member was or was not present when I gave my ruling on this. I have already ruled that I shall allow amendment No. 97, notwithstanding the fact that amendment No. 327 has been carried. If sub-clause (k) is omitted, amendment

No. 97 is for its substitution in a modified form. I wanted to take really the sense of the House,—and not sidetrack the issue,—so that hon. Members may come to a definite conclusion as to whether they do want this or not, and if perchance they do want it, with what qualifications and amendments. So far as the inclusion of the words 'undue influence' is concerned, is Shri Venkataraman willing to accept that?

Shri Venkataraman: So far as amendment No. 520 is concerned, I am willing to accept the inclusion of the words 'undue influence' along with the words 'force or fraud'.

Mr. Deputy-Speaker: Then, Shri Dabhi's amendment is not necessary.

Shri Dabhi: But my point is why my amendment should not be included in that amendment of Shri Venkataraman.

Mr. Deputy-Speaker: There need not be any quarrel, because both of them are accepted in substance.

Shri V. P. Nayar (Chirayinkil): Why do you exercise undue influence yourself?

Mr. Deputy-Speaker: Is it the desire of the hon. Member that I should put it to the vote of the House? Did the hon. Member indicate that he will move this amendment?

Shri Dabhi: Yes.

Shri C. C. Shah (Gohilwad-Sorath): I think it will be all right to put it in clause 33.

Mr. Deputy-Speaker: Shall I put it to the House? What is the desire of the hon. Member?

Shri Dabhi: I am not pressing it, but the words 'undue influence' should be there.

Mr. Deputy-Speaker: I am following every word that is being said. Therefore, the hon. Member need not repeat it.

Now the amendment, No. 97, moved by Shri Venkataraman and Shri Raghuramaiah says:

"27A. Divorce by mutual consent.—(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved."

(2) On the motion of the parties made not earlier than one year after the date of the presentation of the petition....

Here I wish to make a small suggestion. In the earlier portion, the petition has to be presented by both the parties. So, I would like to know whether it is not necessary to say here 'On the motion of both the parties'.

Shri Venkataraman: I have no objection. The word 'both' may be added and we may say 'on the motion of both the parties'.

Pandit Thakur Das Bhargava: 'Parties' is plural.

Mr. Deputy-Speaker: "On, the motion of both the parties made, not earlier than one year after the date of the presentation of the petition referred to in sub-section (1) and not later than two years after the said date, if the petition is not withdrawn in the meantime.....

Here should it not be 'withdrawn by both parties'?

Shri Venkataraman: I think it is not necessary because the withdrawal can be made by any person. Through-

out the section, we have made reference to application by both parties and then renewal by both parties. Therefore, by implication the point will be covered.

Mr. Deputy-Speaker: Very well. Then I will put it to the vote of the House. The question is:

In page 9, after line 44, insert:

"27. Divorce by mutual consent.—(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved."

(2) On the motion of both the parties made not earlier than one year after the date of the presentation of the petition referred to in sub-section (1) and not later than two years after the said date, if the petition is not withdrawn in the meantime, the district court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of the decree".

The motion was adopted.

Mr. Deputy-Speaker: What about the other amendments to clause 27? Does any hon. Member wish to press his or her amendment?

Dr. Jaisoorya: I have an amendment, No. 200. It is an addition.

Pandit Thakur Das Bhargava: Other amendments have been moved. They have to be voted upon by the House.

Mr. Deputy-Speaker: Whoever wants his amendment to be put to vote, I shall put to vote.

Shri Bogawat: I press my amendment No. 146.

Shri Biswas: I have already stated that I accept amendments Nos. 15, 89, 146 and 412. All these amendments seek to reduce the period from five years to three years in clause 27(e). I accept these amendments.

Mr. Deputy-Speaker: The amendments are Nos. 15, 89, 146 and 412.

Shri Venkataraman: Yes. They deal with the same matter—reducing the period in clause 27(e).

Shrimati Renu Chakravartty: We have got amendments to the same effect. Why should amendments moved by Shri Venkataraman and others only be put?

Mr. Deputy-Speaker: Merely because a number of other hon. Members have tabled the same amendment, I need not put them.

Shrimati Renu Chakravartty: But we have pressed it.

Mr. Deputy-Speaker: All right. I will give my ruling on it later. Let me first put the amendments. If they are carried or rejected, I will then say whether the others are barred or not.

Shrimati Renu Chakravartty: How can you say that our amendments will not be put to the vote of the House?

Mr. Deputy-Speaker: If there are two similar amendments relating to the same matter, it is open to the Chair to take up any one amendment. I am not bound to take up the other amendment. If these amendments are carried or rejected, I will then consider whether the other amendments are barred or not. That is the position. Now, I will take up one after the other. The question is:

In page 9, line 20, for "five years" substitute "three years".

The motion was adopted.

Shri Venkataraman: Now, all the other amendments get barred because they are the same as the one we passed, that is to say, amendments Nos. 89, 146, and 412 are barred.

Mr. Deputy-Speaker: Very well.

Shrimati Renu Chakravartty: Because they have put those amendments, you have taken up only those. You should have put all the amendments together.

Mr. Deputy-Speaker: Are they different from this?

Shri Algu Rai Shastri: They are the same.

Mr. Deputy-Speaker: If they are the same—reducing the period from five to three years—then they are barred. Now, the question is...

Shri Dabhi: My amendments are there.

Dr. Jaisoorya: I have an amendment to clause 27. It is No. 200. It has nothing to do with (k). It is a completely different proposal which I would like to place before the hon. Minister. If he accepts it, all right. Otherwise, I will not press it.

Mr. Deputy-Speaker: It is an additional ground for divorce. Does the hon. Minister accept it?

Shri Biswas: No, I have told the hon. Member that I cannot accept it.

Mr. Deputy-Speaker: Then I need not put it to the House.

Pandit Thakur Das Bhargava: I have got amendments Nos. 386, 387 and 278 to clause 27.

Shri M. S. Gurupadaswamy: There is also my amendment No. 411.

Mr. Deputy-Speaker: Let me take up one after the other.

Pandit Thakur Das Bhargava's amendment No 386 says:

"In page 9, lines 5 and 6, for "committed adultery" substitute "had

sexual intercourse with any person other than the spouse".

Does it not mean that?

Pandit Thakur Das Bhargava: No. According to section 497 of the IPC, it means a married woman. I want to make it clear in this way sexual intercourse with any woman whatsoever.

Mr. Deputy-Speaker: Does the hon. Minister accept it?

Shri Biswas: No.

Mr. Deputy-Speaker: The question is:

In page 9, lines 5 and 6, for "committed adultery" substitute "had sexual intercourse with any person other than the spouse".

The motion was negatived.

Mr. Deputy-Speaker: Then there is amendment No. 387.

Pandit Thakur Das Bhargava: You may not put it.

Mr. Deputy-Speaker: It* falls through. Then I take amendment No. 278. It says: "such cruelty as would render it unsafe for the petitioner to live together with the respondent". That means the degree of cruelty.

Shri Dabhi: Amendments Nos. 50 and 51 may be taken up.

Mr. Deputy-Speaker: I shall put one amendment after another.

When I am placing some amendment, why should he interrupt? I shall put his amendments also if he wants, afterwards. The question is:

In page 9, line 18, for "cruelty" substitute:

"such cruelty as would render it unsafe for the petitioner to live together with the respondent".

The motion was negatived.

Shri Dabhi: I want my amendments, Nos. 50, 51 and 54 to be put to the vote.

Mr. Deputy-Speaker: Are they covered already? Amendment No. 51 is similar to that of Pandit Thakur Das Bhargava. So, it is barred. I will put 50 to the vote. The question is:

In page 9, omit lines 10 to 16.

The motion was negatived.

Shri Biswas: Sir, the amendments which I have announced that I would accept are amendments No. 16 to clause 27(f) and No. 17 to clause 27(g).

Shri Dabhi: Sir, amendment No. 54 has not been put to the vote.

Mr. Deputy-Speaker: All right. I will put it.

The question is:

In page 9, after line 44, insert:

"27A. Notwithstanding anything contained in section 27, no court shall entertain any petition for divorce, if the husband and wife have lived a married life for a period of twenty years or more."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 9, line 22, for "five year" substitute "three years".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 9, line 26, for "five years" substitute "three years".

The motion was adopted.

Shri M. S. Gurupadaswamy: Sir, my amendment No. 411 is to sub-clause (e).

*Was deemed to have been negatived.

Mr. Deputy-Speaker: The hon. Member wants to substitute for sub-clause (e) by his amendment.

Several Hon. Members: Sir, this cannot be put because we have accepted three years and he wants five years.

Mr. Deputy-Speaker: The House having accepted three years this will be amended accordingly as three years. Does he want to press the amendment?

Shri M. S. Gurupadaswamy: Yes Sir.

Shri Biswas: Sir, his amendment is really to ensure that the person must be under care and treatment. That I do not accept.

Mr. Deputy-Speaker: The question is:

In page 9, for lines 19 to 21 substitute:

"(e) is incurably of unsound mind and has been continuously under care and treatment for a period of at least four years immediately preceding the presentation of the petition; or"

The motion was negatived.

Shri B. P. Sinha: Sir, I press my amendment No. 53.

Mr. Deputy-Speaker: The question is:

In page 9, after line 41, insert:

"(1) has not, if female, attained the age exceeding forty-five, and, if male, exceeding fifty-five."

The motion was negatived.

Mr. Deputy-Speaker: Now, I will put clause 27, as amended, to the vote.

Shri Raghavachari: Mr. Deputy-Speaker, may I have some clarification? Some amendments are moved. You have put some amendments to the House and did not think of the

rest. As I understand the Member who has moved an amendment must seek the permission of the House for the withdrawal of that amendment; otherwise, the House has to vote upon it, excepting, of course, those that are excluded by the amendments that are already carried. May I know the correct procedure?

Mr. Deputy-Speaker: I am following the rules strictly. The hon. Member is himself a lawyer. Although a number of amendments have been tabled, I have already read out a statement stating the numbers of the amendments, out of those that have been tabled, that have been treated as moved. Then I have asked the Members to state which of these again have to be put to the House. Those that wanted have given out the numbers; others have not. They are, therefore, impliedly, withdrawn. If I had not adopted this procedure, I would have called out the other amendments and asked whether they are withdrawn or not withdrawn. In view of the procedure we have adopted, those amendments which have not been put to the House are treated as having been withdrawn.

The amendments were, by leave withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Shri Biswas: Sir, I accept amendments Nos. 520 and 521.

Mr. Deputy-Speaker: I will put amendment No. 520 to clause 33 to the House.

Shri Venkataraman: Mr. Deputy-Speaker, you will please add the words, 'or undue influence' after 'fraud'.

Mr. Deputy-Speaker: I will put in the amended form. The question is: In page 11, after line 16, insert:

"(bb) when divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence; and".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 11,—

(i) in line 8, after "decrees" insert "(1)"; and

(ii) after line 24, add:

"(2) Before proceeding to grant any relief under this Act it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties."

The motion was adopted.

3 P.M.

Shri B. C. Das (Ganjam South): Sir, I am pressing amendment No. 168.

Mr. Deputy-Speaker: I will place it before the House. His amendment is:

In page 11, omit lines 17 and 18.

These lines are: "the petition is not presented or prosecuted in collusion with the respondent." In clause 33 it is stated that the court is bound to look into this question as to whether the petition is presented or prosecuted in collusion with the respondent. I am just explaining to the House what the amendment is so that they may vote on the matter after full consideration. Now, if this amendment is accepted it means that even if collusion is there, the court is bound to give a decree and collusion shall not be one of the grounds for rejecting a petition for divorce.

Shri S. S. More: When we have once stated that the consent shall be there, I cannot understand how this collusion can be a ground for rejecting a petition.

Mr. Deputy-Speaker: Consent might be by collusion or the consent might be obtained by other means that the legitimate means—by paying money and so on.

Shri S. S. More: For that, 'fraud' is there.

Mr. Deputy-Speaker: 'Fraud' is not money, 'force' is not money, 'undue influence' is not money; there may be other forms as paying one lakh of rupees so that he may take another wife.

Pandit Thakur Das Bhargava: From sub-clause (a) to (j) collusion can take place and collusion can be a ground for a petition being rejected.

Mr. Deputy-Speaker: The hon. Member who has tabled the amendment wants that collusion should not be a ground for refusal of granting a divorce.

Shrimati Renu Chakravartty: I think then, clause 27 should be exempted. How can you, after having once accepted 'mutual consent' as a ground for divorce, say that collusion can be a ground for rejecting a divorce being granted?

Mr. Deputy-Speaker: This sub-clause is not barred by the acceptance of 'mutual consent'. This is altogether independent. The court can refuse a decree for divorce if it finds collusion in respect of other grounds. The question is:

In page 11, omit lines 17 and 18.

The motion was negatived.

Shri Raghavachari: Sir, there is amendment No. 214.

Shri Venkataraman: Sir, amendment No. 214 moved by Acharya Kripalani is barred by the acceptance of amendment No. 521.

Mr. Deputy-Speaker: It may be cumulative.

Shri Venkataraman: It would depend on the construction of the clause.

In amendment No. 521 the words are:—

“it shall be the duty of the court to make every endeavour to bring about a reconciliation between the parties”.

This means that the court itself can endeavour, but the amendment of Acharya Kripalani is....

Mr. Deputy-Speaker: Will it not be an addition?

Shri Venkataraman: No; his amendment is that the court will necessarily have to refer the matter to a Board.

Mr. Deputy-Speaker: My difficulty is this. Mr. Venkataraman's amendment says that every effort shall be made by the court and if the efforts fail they may proceed to decide. Acharya Kripalani's amendment may be in addition this that it may be referable to those whose advice has to be taken. It may be cumulative.

Shri Venkataraman: The words used in the amendment of Acharya Kripalani are:—

“...the court shall first refer the matter to a Board of Conciliation....etc.”

Mr. Deputy-Speaker: In amendment No. 521 which we have accepted, also there are the words. “...it shall be the duty of the court in the first instance....” and therefore one is overlapping the other. Therefore, I do not allow this amendment.

Shri Raghavachari: Sir, I want to say a few words in support of the plea that the amendment is not barred even though you have already made up your mind.

Sardar A. S. Saigal (Bilaspur): Sir, you have already given the decision.

Mr. Deputy-Speaker: Let us hear what the hon. Member has to say.

Shri Raghavachari: Sir, the point is this. We have been noticing here that they want to accept particular amendments and therefore those amendments are put first and thus exclude all other amendments. This is a matter which by itself is not very fair, because....

Mr. Deputy-Speaker: Order, order. Apart from that; the hon. Member used words which are very bad and which are not parliamentary. When there are two amendments relating to the same matter, one giving power to the court to settle the difference and if their efforts fail to proceed to decide; and the other one to refer the matter to independent bodies who should advise the court in the matter; now, we will assume that I put Acharya Kripalani's amendment first and it is carried. Shall not the very same hon. Member raise the objection that Shri Venkataraman's amendment is barred. Both of them cannot go together. How can two horses run the coach? I do not understand this objection at all.

Shri Raghavachari: What I want to submit is this. The amendment now accepted leaves the responsibility of reconciliation efforts on the court. We know that the court's duty is always there and it has to take many facts into consideration. But, conciliation is an effort which should be at the persuasion of other persons with experience of life and other things. If you read this amendment of Acharya Kripalani it is stated that it must be referred to married people and so on. Therefore, there is some difference between the two and this amendment is not barred.

Mr. Deputy-Speaker: I agree that one refers to the court and the other to an independent body. But, I find that both Mr. Venkataraman's and Acharya Kripalani's amendments want the court or the Board to do it in the first instance. When the House has accepted Mr. Venkataraman's amendment that the court should do it in the first instance, how can Acharya Kripalani's amendment to

refer it to a Board in the first instance be accepted. Therefore, it must have been changed to 'second instance' which he has not done. Under the circumstances I have rightly ruled that this amendment is barred.

Shri B. C. Das: Sir, then there is amendment No. 169.

Mr. Deputy-Speaker: His amendment is that "in page 11, after line 24 insert—provided that all petitions shall be disposed of within a period of six months from the date of application." If it is not done, then what happens? Anyway, I will place it before the House. The question is:

In page 11, after line 24 insert:

"Provided that all petitions shall be disposed of within a period of six months from the date of application."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

'In page 11,—(i) after line 7, insert:

"33. *Duty of court in passing decrees.*—(1) In any proceeding under Chapter V or Chapter VI, the court shall first refer the matter to a Board of Conciliation, and the Board shall try to bring about conciliation between the parties within a period not exceeding one year and shall submit the report to the court recommending the action to be taken in the matter. The court shall, after taking into consideration such report, pass such orders or decree as it thinks fit." ; and

(ii) for line 8, substitute:

"(2) In any proceeding under".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 11, for lines 12 to 16, substitute:

"(b) where the ground of the petition of the husband is adultery, the petitioner had filed a complaint against the person who committed adultery with the respondent and that such accused person was convicted under section 497 of the Indian Penal Code (Act XLV of 1860) by the criminal court or was acquitted on doubt by such court; or where the ground of the petition of the wife is adultery she had made an application under section 23 of this Act for judicial separation on such ground and the court granted a decree for judicial separation; or where the ground of the petition is cruelty the petitioner made an application to the court under section 23 of this Act and the court granted a decree for judicial separation; or where the ground is desertion under sub-clause (b) of section 27, the petitioner presented a petition under section 22 of this Act for restitution of conjugal rights and the court granted a decree for restitution of conjugal rights, before the presentation of the petition; and".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 11, omit lines 19 and 20".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill.

Clause 28.—(Restriction on petitions for divorce during first three years after marriage.)

Clause 29.—(Remarriage of divorced persons.)

Clause 30.—(Court to which petition should be made.)

Clause 31.—(Contents and verification of petitions.)

Clause 32.—(Proceedings may be in camera.)

Mr. Deputy-Speaker: The House will now proceed with the consideration of clauses 28, 29, 30, 31 and 32.

The time allowed is one hour. We are now starting this group of clauses at 3-10 P.M. and this will conclude at 4-10 P.M.

Dr. Rama Rao: If we sit one hour extra today, we can complete all the clauses.

Mr. Deputy-Speaker: Is the House in favour of sitting up to 6 P.M. today?

Several Hon. Members: No, no.

Mr. Deputy-Speaker: The following amendments will be moved.

Nos. 159 and 209 which are identical, 282, 161, 98, 162 and 519 to Clause 28.

Nos. 210, 163, 211, 164 and 445 which are identical, 284 and 285 to Clause 29.

Nos. 511 and 165 to Clause 30.

Nos. 166 and 212 to Clause 31.

Nos. 167 and 213 to Clause 32.

Dr. Rama Rao: I beg to move:

In page 10, line 1, and wherever it occurs in the clause for "three years" substitute "two years."

Dr. Jaisooriya: I beg to move:

In page 10, line 1, and wherever it occurs in the clause, for "three years" substitute "two years."

Shri Ram Dass (Hoshiarpur—Reserved—Sch. Castes):

I beg to move:

In page 10, line 1 and wherever it occurs in the clause, for "three years" substitute "five years."

Dr. Rama Rao: I beg to move:

In page 10, line 4, for "three years" substitute "two years".

Shri S. V. L. Narasimham: I beg to move:

In page 10, line 4, add at the end:

"except on the grounds specified in clause (k) of section 27 and section 27A."

Dr. Rama Rao: I beg to move:

In page 10, line 6, for "three years" substitute "two years".

Shri N. P. Nathwani: I beg to move:

In page 10, line 4, for "the marriage" substitute:

"entering the certificates of marriage in the Marriage Certificate Book."

Shri Raghavachari: I beg to move:

In page 10, lines 26 and 27, omit "either there is no right of appeal against the decree or if there is such a right of appeal."

Dr. Rama Rao: I beg to move:

In page 10, lines 29 and 30, omit "and one year has elapsed thereafter but not sooner,"

Dr. Jaisooriya: I beg to move:

In page 10, lines 29 and 30, for "and one year has elapsed thereafter" substitute "and six months have elapsed after dissolution."

Shrimati Renu Chakravartty: I beg to move:

In page 10, line 29, for "one year" substitute "six months".

Shri M. L. Agrawal: I beg to move:

In page 10, line 29, for "one year" substitute "six months".

Shri Ram Dass: I beg to move:

In page 10, line 29, for "one year" substitute "three years".

In page 10, after line 31, add:

"Provided that where the husband has obtained divorce he shall make provision for the maintenance of the divorced wife for three years, in case she is not earning her living."

Shri R. D. Misra: I beg to move:

In page 10, line 35 and wherever it occurs in clauses 31, 33, 35, 36, 37, 38 and 40 after "Chapter VI" insert "or Chapter VI-A".

Shrimati Renu Chakravartty: I beg to move:

(i) In page 10, line 45, add at the end:

"and all such petitions shall be disposed of within six months and if an appeal is preferred it shall also be disposed of within another six months."

(ii) In page 10, lines 48 to 50, omit "and shall also state that there is no collusion between the petitioner and the other party to the marriage."

Dr. Jaisooraya: I beg to move:

In page 11, after line 4, add:

"(3) All matters matrimonial under dispute under this section shall be referred to a specially trained social worker attached to the High Court within jurisdiction, who shall recommend to the Court the desirability or otherwise of granting relief from the sociological aspect."

Dr. Rama Rao: I beg to move:

In page 11, lines 6 and 7, omit "if either party thereto so desires or if the district court so thinks fit to do."

Acharya Kripalani: I beg to move:

In page 11, line 7, add at the end:

"and no part of such proceedings shall be published in any shape or form except with the permission of the court."

Mr. Deputy-Speaker: The amendments which have been moved are placed before the House for discussion:

Shri N. P. Nathwani: I have tabled an amendment No. 519.

Mr. Deputy-Speaker: Why was a chit not passed on to the Secretary, that the hon. Member wishes to move it.

Shri N. P. Nathwani: It is a purely verbal amendment and it is very necessary.

Mr. Deputy-Speaker: Many things may be necessary. Unless previous intimation is given, I would not take an amendment as having been moved.

Shri Biswas: I am prepared to accept that amendment, if it will save the time of the House.

Mr. Deputy-Speaker: I am prepared to make an exception in the present case; but I will not allow this in future.

Shri Raghavachari: I only wish to say a few words: I do not wish to take up the time of the House. I have given notice of an amendment to clause 29, No. 210, suggesting the deletion of the words "either there is no right of appeal against the decree or if there is such a right of appeal". These words to my mind appear to be unnecessary, and do not serve any purpose.

The other amendment of which we have given notice is No. 213, to clause 32 suggesting the addition of the words "and no part of such proceedings shall be published in any shape or form except with the permission of the court."

You know, Sir, that much of these matrimonial cases and proceedings in courts often assume very good food and material for the newspapers, apart from the consequences which it might produce upon the parties. Therefore, it is very essential that publication of it must be only with the permission of the court.

Shri Biswas: In regard to amendment No. 210, moved by the hon. Member, I may point out that these words are necessary. We have defined district court to include the small court if Government so desires. It is not possible to say whether in all cases there is bound to be a right of appeal. Therefore, these words are necessary: at any rate there is no harm in retaining these words.

Shri C. R. Chowdary: Sir, I have moved an amendment to clause 28, No. 98 suggesting the addition of the words "except on the grounds specified in clause (k) of section 27 and section 27A." Under clause 28 the period prescribed for the filing of a petition for divorce is three years. In case of mutual consent, where the parties agree to get themselves separated and have a decree for divorce, these three years' period is unnecessary and may work hardship on the parties. My amendment suggests that this three year period should not be made applicable to parties agreeing to separate by consent and should be exempted from the operation of clause 28.

Mr. Deputy-Speaker: I will now put the amendments to the vote of the House: The question is:

In page 10, line 4, for "the marriage" substitute:

"entering the certificate of marriage in the Marriage Certificate Book:"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 10, line 4, add at the end:

"except on the grounds specified in clause (k) of section 27 and section 27A.".

The motion was negatived.

Mr. Deputy-Speaker: To avoid any objection from Mr. Raghavachari, I will put to vote all the other amendments because they have been moved. The question is:

In page 10, line 1 and wherever it occurs in the clause, for "three years" substitute "two years".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 10, line 1 and wherever it occurs in the clause, for "three years" substitute "five years".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 10, line 4, for "three years" substitute "two years."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 10, line 6, for "three years" substitute "two years".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Mr. Deputy-Speaker: I am now taking amendment No. 163 to clause 29 for putting it to the vote of the House.

Dr. Rama Rao: I would like to say a few words on this amendment of mine.

Mr. Deputy-Speaker: Let me make it clear. The clauses 28 to 32 are taken together and hon. Members wanting to speak on any of amendments to these clauses should take all of them together. That is the practice that I have been adopting so far because these clauses have been put into one group. If, however, Dr. Rama Rao wants to speak on his amendment, I have no objection, because there has been some misunderstanding of the position on his part.

Dr. Rama Rao: I want to appeal to the Law Minister to accept my amendment No. 163. The amendment is simply this. After all the trouble, they obtain a divorce, and why should the Law Minister compel them to wait for a period of one year if they want to marry again. Before divorce, of course, it is a step of caution. After divorce has been granted, and after all this heartburning, why should they

wait unnecessarily for one more year and lose whatever chances they have of a marriage?

Shri Biswas: The object is to prevent persons marrying in indecent ways. This provision is there in the existing Divorce Act, where the period of waiting is six months. Now, of course, there is no decree nisi followed by a decree absolute. Therefore, we have increased the period of six months to one year, and that is a recognised practice everywhere.

Dr. Jaisooriya: May I ask whether six months is too indecent?

Mr. Deputy-Speaker: The question is:

In page 10, lines 29 and 30, omit "and one year has elapsed thereafter but not sooner,".

The motion was negatived.

Dr. Jaisooriya: My amendment No. 211 suggests six months instead of one year.

Shri Biswas: The same argument applies to 211 also.

Dr. Jaisooriya: In that case, you need not put it to the vote.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

In page 10, lines 26 and 27, omit "either there is no right of appeal against the decree or if there is such a right of appeal,".

The motion was negatived.

Mr. Deputy-Speaker: Only hon. Members who are there can withdraw their amendments. If they are not here, the only course for me is to put those amendments to the vote of the House. The question is:

In page 10, line 29, for "one year" substitute "six months".

The motion was negatived.

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Mr. Deputy-Speaker: The question is:

In page 10, line 29, for "one year" substitute "three years".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 10, after line 31, add:

"provided that where the husband has obtained divorce he shall make provision for the maintenance of the divorced wife for three years, in case she is not earning her living."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 29 stand part of the Bill."

The motion was adopted.

Clause 29 was added to the Bill.

Mr. Deputy-Speaker: The question is:

In page 10, line 35 and wherever it occurs in clauses 31, 33, 35, 36, 37, 38, and 40, after "Chapter VI" insert "or Chapter VI-A".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 10, line 45, add at the end:

"and all such petitions shall be disposed of within six months and if an appeal is preferred it shall also be disposed of within another six months."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Mr. Deputy-Speaker: Amendment No. 212 suggests something like a Conciliation Officer or a Divorce Advisory Officer. The question is:

In page 11, after line 4, add:

"(3) All matters matrimonial under dispute under this section shall be referred to a specially trained social worker attached to the High Court within jurisdiction who shall recommend to the Court the desirability or otherwise of granting relief from the sociological aspect."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 10, lines 48 to 50, omit "and shall also state that there is no collusion between the petitioner and the other party to the marriage."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 31 stand part of the Bill."

The motion was negatived.

Clause 31 was added to the Bill.

Shrimati Jayashri rose —

Mr. Deputy-Speaker: The hon. Member has missed the bus. The question is:

In page 11, lines 6 and 7, omit "if either party thereto so desires or if the district court so thinks fit to do."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 11, line 7, add at the end:

"and no part of such proceedings shall be published in any shape or form except with the permission of the Court."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

Mr. Deputy-Speaker: We have disposed of this group in less than twenty minutes. The House will now take up the next group of clauses, 1, 2, 35 to 50 and Schedules.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Clauses 1, 2, 35 to 50 and Schedules and Enacting Formula.

Mr. Chairman: In regard to clauses 35 to 50 and schedules, and also clauses 1 and 2 and Enacting Formula, the following amendments have been received and they will be moved.

Clause 2: 337

Clause 36: 100, 472, 171, 172 and 170.

Clause 37: 173

Clause 38: 216, 174.

Clause 40: 473, 218.

Clause 41: 219.

Clause 43: 399.

Clause 46: 220.

Clause 50: 102.

The First Schedule: 484, 474, 475, 485.

The Fourth Schedule: 477.

Shrimati Renu Chakravartty: I beg to move*:

In page 2, for lines 5 to 8, substitute:

"(f) 'degrees of prohibited relationship' refers to cases where one of the parties is a lineal ascendant of the other, or was the wife or husband of a lineal ascendant or descendant of the other, or where the two are brother and sister, uncle and niece, aunt and

*Deemed to have been negatived

nephew or the children of two brothers or of two sisters unless the law or any custom or usage having the force of law governing the parties permits of a marriage between the two;"

Shri Mulchand Dube: I beg to move:
In page 11, after line 48, add:

"Provided that no order for maintenance and support shall be made if the wife has been found to have committed adultery or if the decree is founded on any of the grounds specified in clauses (b), (f), (i), (j) or (k) of section 27."

Shrimati Renu Chakravartty: I beg to move:

In page 12, lines 7 and 8, for "is not leading a chaste life" substitute:

"is leading the life of a concubine or a prostitute".

Dr. Rama Rao: I beg to move:

In page 12, lines 7 and 8, for "not leading a chaste life" substitute:

"living with another man as wife, or as a concubine or as a prostitute."

Shri Bogawat: I beg to move:

In page 11, line 48, add at the end:

"and similarly order that the wife shall secure to the husband who is unable to maintain himself, for his maintenance and support such sum and for such period having regard to the wife's property and income she gets".

Shrimati Jayashri: I beg to move:

In page 12, lines 7 and 8, for "is not leading a chaste life" substitute:

"is living with another man as his wife".

Shrimati Renu Chakravartty: I beg to move*:

In page 12, for clause 37, substitute:

"37. *Custody of Children.*—In any proceeding under Chapter V or VI the district court shall ordinarily give the custody of minor children upto the age of twelve years to the mother, after which age the wishes of the children shall be given due consideration in settling their custody. With regard to maintenance and education of minor children the court may from time to time make such provisions in the decree as may seem just and proper with respect to the maintenance and education of minor children, consistently with their wishes wherever possible."

Shri Raghavachari: I beg to move:

In page 12, line 27, for "ninety" substitute "sixty".

Shrimati Renu Chakravartty: I beg to move*:

In page 12, after line 27, insert:

"Provided further all appeals shall be disposed of within a period of six months from the date of appeals."

Shri Mulchand Dube: I beg to move:

In page 12, after line 46, insert:

"(cc) bringing about a reconciliation between the parties;"

In page 13, omit lines 1 to 3.

In page 13, line 8, after "any" insert "other".

Pandit Thakur Das Bhargava: I beg to move:

In page 13, after line 23, add

"Provided that the offence of bigamy shall not be deemed to

*Deemed to have been negatived.

[Pandit Thakur Das Bhargava]

have been committed by any person who contracts a marriage during the life-time of a former husband or wife of such husband or wife at the time of the subsequent marriage shall have been continually absent from such person for the space of seven years and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall before such marriage takes place inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge."

Shri Raghavachari: I beg to move:

In page 13, line 45, omit "truth of the".

Shri H. N. Mukerjee (Calcutta North-East): I beg to move*:

In page 15, line 7, after "law" insert:

"and all existing marriages to which the Indian Divorce Act would be applicable if proceedings were taken for any relief thereunder".

Dr. Rama Rao: I beg to move*:

In page 16, omit line 15.

Shri Mulchand Dube: I beg to move:

* (i) In page 16, after line 37, insert:

"17A. Female descendants of the father, grand-father or great grand-father howsoever low whether in the male or female line of descent."

(ii) In page 16, after line 37, insert.

"17AA. Male descendants of the father, grand-father and great

grand-father howsoever low whether in the male or female line of descent."

Dr. Rama Rao: I beg to move*:

In page 17, omit line 12.

Shri Mulchand Dube: I beg to move:

In page 19, line 8, after "section 11" insert "on oath or solemn affirmation".

Mr. Chairman: The amendments that have been moved are now placed before the House for discussion.

Now let us take up clause 34. There is no amendment to clauses 34 and 35.

Clauses 34 and 35 were added to the Bill.

Clause 36.—(Permanent alimony and maintenance)—*contd.*

Mr. Chairman: Now the House will proceed with discussion on clause 36.

Shri Bogawat: Sir, I have moved an amendment to this clause, No. 170.

Under this clause we are giving to the court powers to allow alimony and maintenance to the wife. So far as the question of wife is concerned, it is all right to allow a portion of the property of the husband and also allow monthly allowance or alimony to the wife but now these are days of equality. We are, according to our Constitution, giving equal rights to the ladies. Supposing a man is crippled, is a leper or a lunatic and not able to maintain himself and without any property, and if the lady is earning—the lady who wants the divorce and separation from such a husband she has got some property or some service and is in a good position, is it not also the duty of the wife to maintain such a husband?

An Hon. Member: Absolutely.

Shri Bogawat: I think in such circumstances we must also put some responsibility on the wife who is in

*Deemed to have been negatived.

a better condition and who is neglecting the husband because he is in such circumstances. I have moved my amendment No. 170 to the effect that at the end of line 48 in page 11 the words may be added:—"and similarly order that the wife shall secure to the husband who is unable to maintain himself for his maintenance and support such sum and for such period, having regard to the wife's property and income she gets." Here also I have not stated that we should put a charge upon the property of the wife. It is the first duty of the wife who is in a better condition and who has got property to maintain the husband who is in a peculiar state. So, without making a long speech, may I request the hon. Law Minister to consider my amendment which is also very useful as the husband who is in a peculiar state or condition and who is unable to maintain himself may not have the means to support himself. In such circumstances, I would request the hon. Law Minister to consider my amendment which is not very harsh. It is also according to our Hindu society...

An Hon. Member: Constitution of India and equality also.

Shri Bogawat: So it is the bounden duty of the wife to maintain her husband if she is in a position to do so and if she has her property or if she is in service.

Shri Mulchand Dube: My amendment No. is 472. It reads "Provided that no order for maintenance and support shall be made if the wife has been found to have committed adultery or if the decree is founded on any of the grounds specified in clauses (b), (f), (i), (j) or (k) of section 27." My submission is that if the wife has been found guilty of these offences, then in that case she should not be entitled to any maintenance after the decree has been passed. That is all I have to say in support of it.

Mr. Chairman: Shrimati Renu Chakravartty and Shri Das are not in their

seats to speak on their amendment No. 171. So we can go to amendment No. 172 of Dr. Rama Rao.

Dr. Rama Rao: You can put it to the vote

Mr. Chairman: I have received notice of another amendment No. 100, from Shrimati Jayashri.

Shrimati Jayashri: I would like to appeal to the hon. Members here to substitute the words on page 12, lines 6 and 8 reading thus: "is living with another man as his wife." The words in sub-clause (3) are not very clear. It reads 'not leading a chaste life'. They are very vague and for trifling things, I think our society will blame the women and she will be deprived of the alimony and thus she will suffer. Besides, in the present society she has to depend on the husband's property; she is not independent and her children are to be maintained. Looking to all these, I would like the hon. Law Minister to define 'leading a chaste life' in whatever way this can be substituted. There is another amendment by Shrimati Renu Chakravartty and her wordings are better, I should say. She wants to substitute this by "is leading the life of a concubine or a prostitute". If these words are substituted, the meaning will be more clear instead of these words 'leading a chaste life'. I would request that these words should be substituted by the words 'is leading the life of a concubine or a prostitute.'

Shri Biswas: I shall deal with these amendments one after another. I will take Mr. Bogawat's amendment first "The wife shall be required to pay to the husband who is unable to maintain himself for his maintenance and support such sum and for such period having regard to the wife's property and income she gets." It is not usual for the wife to pay alimony to the husband, that has never been the practice anywhere.

Shri Bogawat: I say the same thing.

Shri Biswas: This question was discussed at great length in the Joint Committee. The Joint Committee decided to retain this clause. If you look at the dictionary, you will find that alimony is provision made by the husband for the wife while the marital relations continue to exist. After all, it is a question of maintenance, not alimony.

Shri Syamnandan Sahaya (Muzaffarpur Central): He is willing to change the word into "maintenance".

Shri Bogawat: Yes.

Shri Biswas : If you look at the Matrimonial Clauses Act of England, there is also distinction maintained between alimony and maintenance.

Shri Bogawat: I have not said "alimony". I have said only "maintenance."

Shri Biswas: It comes under Alimony and maintenance. There is no reason why he should be called upon to provide maintenance for the wife. Maintenance arises only when the marriage is dissolved. In the Divorce Act, this is the word which has been used.

Shri Thimmaiah (Kolar—Reserved—Sch. Castes): Suppose the property is in the name of the wife.

Shri Biswas: The next amendment is that of Shri Mulchand Dube. The court has discretion in all these matters. The amendment seeks to add a proviso:

"Provided that no order for maintenance and support shall be made if the wife has been found to have committed adultery or if the decree is founded on any of the grounds specified in clauses (b), (f), (i), (j) or (k) of section 27."

The whole thing is unnecessary. The court has got discretion. The court will take these things into account.

The next amendment is that of Shrimati Jayashri. She says that the wording "is not leading chaste life" is not a happy expression, but that the

wording should be "is living with another man as his wife". If she is living with another man as his wife, she should have re-married him. If she marries, under the clause, the order will stand cancelled. If, on the other hand, she lives as a concubine, then, she is not living a chaste life. She has put me in the horns of a dilemma. I cannot accept this amendment.

Shri Mulchand Dube: May I bring to the notice of the hon. Minister that the court does not seem to have been given any discretion in the matter. What is said is,—

"Any Court exercising jurisdiction under Chapter V or Chapter VI may, at the time of passing any decree or at any time subsequent to the decree, on application made to it for the purpose, order that the husband shall secure to the wife for her maintenance and support, if necessary..."

This clause 36 does not seem to have given any discretion to the court in the matter, that is, to give a decree for maintenance and support for sufficient cause. Even that is not there. It is not even mentioned that he should take this matter into consideration. All the matters that have to be taken into consideration at the time of granting maintenance are not mentioned in the section.

Shri Biswas: I would like to draw the attention of the hon. Member to sub-clauses (a) and (e) of clause 33. It reads

"In any proceeding under Chapter V or VI, whether defended or not, if the court is satisfied that,—

(a) any of the grounds for granting relief exists; and

* * * *

(e) there is no other legal ground why the relief should not be granted."

That vests sufficient discretion in the court.

Shri Mulchand Dube: That is for passing of the decree. That is not for the purpose of granting maintenance or support. That is a different matter. Maintenance is being granted after the decree is passed.

Shri Biswas: The word 'decree' does not occur in clause 33. The wording is:

"In any proceeding under Chapter V or Chapter VI,

* * * *

...in such a case, but not otherwise, the court shall decree such relief..."

'Decree such relief' does not mean that it will pass a decree for dissolution of marriage and consequential reliefs.

Shri Mulchand Dube: I think the hon. Minister has not still caught my point. The court may do certain things at the time of the passing of the decree. Under clause 36, the court is in a position to grant maintenance after the passing of the decree.

Shri Biswas: The wording is: "In any proceedings". At any stage.

Shri Mulchand Dube: We are referring to the powers of the court after a decree has been passed also.

Shri Raghavachari: Clause 33 says:

"In any proceeding under Chapter V or Chapter VI.....

Mr. Chairman: Order, order. We are now considering Chapter VII. The words here are, Chapters V and VI.

An Hon. Member: Alimony is in Chapters V and VI.

Mr. Chairman: We are on Chapter VII.

Shri Venkataraman: I would like to draw your attention to one thing. The clause says:

"Any Court exercising jurisdiction under Chapter V or Chapter VI may, at the time of passing any decree or at any time subsequent to the decree, on application made to it for the purpose, order that the husband shall secure....."

That means that the court has discretion either to order or not to order. Simply because the word 'shall' is used, it does not mean that the court is bound to grant maintenance.

Mr. Chairman: I shall put these amendments to the vote of the House. The question is:

In page 11, line 48, add at the end:

"and similarly order that the wife shall secure to the husband who is unable to maintain himself, for his maintenance and support such sum and for such period, having regard to the wife's property and income she gets."

The motion was negatived.

Mr. Chairman: The question is:

In page 12, lines 7 and 8, for "not leading a chaste life" substitute:

"living with another man as wife, or as a concubine or as a prostitute."

The motion was negatived.

Mr. Chairman: The question is:

In page 12, lines 7 and 8, for "is not leading a chaste life" substitute:

"is leading the life of a concubine or a prostitute".

The motion was negatived.

Mr. Chairman: The question is:

In page 11, after line 48, add:

"Provided that no order for maintenance and support shall be

[Mr. Chairman]

made if the wife has been found to have committed adultery or if the decree is founded on any of the grounds specified in clauses (b), (f), (i), (j) or (k) of section 27."

The motion was negatived.

Mr. Chairman: The question is:

In page 12, lines 7 and 8, for "is not leading a chaste life" substitute:

"is living with another man as his wife".

The motion was negatived.

Mr. Chairman: All the amendments are lost. The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Clause 37.—(Custody of Children)—contd.

Mr. Chairman: Clause 37. Amendment No. 173. I shall put the clause. The question is:

"That clause 37 stand part of the Bill."

The motion was adopted.

Clause 37 was added to the Bill.

Clause 38. (Enforcement of and appeal from decrees and orders)—contd.

Mr. Chairman: Clause 38. Amendment No. 216.

Shri Raghavachari: My amendment is No. 216. Clause 38 relates to appeals. I only wish to amend, thus: for "ninety" substitute "sixty". The clause says:

"Provided that every such appeal shall be instituted within a period of ninety days from the date of the decree or order."

For these appeals, sixty days will be sufficient. Ninety days would only be prolonging the time. I submit that for all reasonable preparation, sixty

days would be sufficient and I want to reduce the period of ninety days to sixty.

Shri Biswas: Ninety days seems to be more reasonable than sixty. Why do you insist on sixty days?

Shri Raghavachari: These are appeals to the district court.

Sardar A. S. Saigal: Let us give more time.

Shri Biswas: We thought that this was more reasonable and that is why we put it.

Mr. Chairman: The question is:

In page 12, line 27, for "ninety" substitute "sixty".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 38 stand part of the Bill."

The motion was adopted.

Clause 38 was added to the Bill.

Clause 40.—(Power of High Court to make rules regulating procedure)—contd.

Shri Mulchand Dube: My amendment is:

In page 12, after line 46, insert:

"(cc) bringing about a reconciliation between the parties;"

In the rule-making powers of the High Court it should be specified that rules may be provided for the purpose of bringing about a reconciliation between the parties. As it is, the matter has been left vague. All the amendments in regard to the principal clauses in the Bill have been rejected, but I do not think that was the proper place for them. I think this should be provided by a provision that the High Court should make rules according to which the Court should proceed in the matter of bringing about a reconciliation. I read some time ago that there are societies in the U.S.A. which, in the

case of differences between the husband and the wife, attempt to bring about a reconciliation by visiting them, by persuading them and doing such other things. Therefore, the High Court, in its rule-making powers, should be authorised to make rules, so that in case there is difference between the husband and the wife and an application for divorce has been made. They should be brought together and reconciliation should take place. Instead of waiting for a year without any rules, without any procedure, I think it would be best to provide some procedure according to which the High Court will be able to proceed.

Shri Venkataraman: I oppose this amendment. We have left a large part of discretion to the court so that they may bring about reconciliation between the parties without being fettered by any rules, laws, regulations and all that. The very object of giving the discretion to the court to bring about reconciliation is to enable it to exert its personality and try to bring about some sort of reconciliation. Rules will only hamper that process.

Mr. Chairman: May I just know if Dr. Jaisoorya wants to move his amendment?

Dr. Jaisoorya: No, Sir.

Mr. Chairman: The hon. Minister does not want to say anything. Mr. Venkataraman has already replied.

Shri Biswas: I support what Mr. Venkataraman has said.

Mr. Chairman: The question is:

In page 12, after line 46, insert:

"(cc) bringing about a reconciliation between the parties;"

The motion was negatived.

Mr. Chairman: The question is.....

Shri Raghavachari: I have an amendment.

Mr. Chairman: There are only two amendments, Nos. 216 and 174.

Shri Raghavachari: My amendment is No. 218.

In page 13, omit lines 1 to 3.

Sub-clause (e) of clause 40 reads:

"any other matter for which no provision or no sufficient provision is made in this Act, and for which provision is made in the Indian Divorce Act, 1869 (IV of 1869)".

We give this subordinate legislation or rule-making power only to cover matters on which details are not given by an Act, and not to fill in anything which is not provided for in an Act. You will see it reads:

"any other matter for which no provision or no sufficient provision is made in this Act, and for which provision is made in the Indian Divorce Act, 1869 (IV of 1869)".

This is giving too large and wide powers which is beyond the scope of the rule-making powers, because you know that the provision is:

"In particular, and without prejudice to the generality of the foregoing provision, such rules shall provide for,—"

It must be only something that has some relation with some provision made in the Act, and not for all things not provided for in this Act. Under this rule any rule may be made and therefore I think the language of this sub-clause (e) is beyond the scope of the ordinarily understood rule-making power.

Shri Biswas: It is the High Courts that will make these rules. We can trust the High Courts to act reasonably. There is no fear the High Court will go on doing anything and everything in an irresponsible way. There is no harm in retaining it.

Mr. Chairman: The question is.

In page 13, omit lines 1 to 3.

The motion was negatived.

Mr. Chairman: The question is:

"That clause 40 stand part of the Bill."

The motion was adopted.

Clause 40 was added to the Bill.

Clause 41. (Saving)—contd.

Shri Raghavachari: My amendment is No. 219. It is just a little verbal alteration. It is this way.

The clause reads:

"...affect the validity of any mode of contract marriage."

I wanted to add the word "other" to make the meaning clear.

Shri Biswas: As a matter of fact, it is not necessary, but then, I will not object to its acceptance. Only we have used the word "solemnized", and not "contracting" everywhere.

Shri Raghavachari: In fact, I gave an amendment to substitute the word "celebrate" or "contract" for "solemnizing". The Minister opposed it. There is the word used already.

Mr. Chairman: Do I take it as accepted or not accepted?

Shri Biswas: This is not necessary.

Mr. Chairman: The question is:

In page 13, line 8, after "any" insert "other".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 41, stand part of the Bill".

The motion was adopted.

Clause 41, was added to the Bill.

Clauses 42 to 45 were added to the Bill.

Clause 46— (Marriage Certificate Book to be open to inspection)—contd.

Shri Raghavachari: My amendment is:

In page 13, line 45, omit "truth of the".

We know, Sir, that certified copies are only proof of the contents of the original and not that the certified copies are proof of the truth of the contents of those matters. Of course, the Law Minister is aware of this matter even in connection with the other Divorce Act; and you will find that it leads to this, that if a certified copy is produced, it is conclusive. It is no doubt...

Shri Biswas: I will accept that amendment.

Mr. Chairman: The question is:

In page 13, line 45, omit "truth of the".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 46, as amended, stand part of the Bill".

The motion was adopted.

Clause 46, as amended, was added to the Bill.

Clauses 47 to 50 were added to the Bill.

The First Scheduled— contd.

Shri Mulchand Dube rose—

An Hon. Member: He is moving.

Shri Mulchand Dube: There is an amendment to the First Schedule. I have given notice.

Mr. Chairman: Which number please?

Shri Mulchand Dube: No. 476.

Mr. Chairman: No notice has been received here.

Shri Mulchand Dube: No, Sir, I sent it to Mr. Nandi.

Mr. Chairman: No notice has been received here.

श्री मुखर्जी : मैंने एक चपड़ासी को जो कि हाउस में सड़ा हुआ था उस को अपना अमेंडमेंट मूव करने के लिये एक परचा नन्दी साहब की मेज पर देने के लिये दिया था ।

4 P.M.

Sardar A. S. Saigal: This is not correct. When the hon. Member has given a chit, it should have reached the Secretary.

Mr. Chairman: I cannot disbelieve the hon. Member when he says he gave a chit. The amendment has to be allowed. I shall take it that he gave the chit.

The hon. Member can speak on his amendment.

Shri Mulchand Dube: My amendment is No. 476.

Mr. Chairman: But the hon. Member will realise that amendment No. 476 relates to the Second Schedule. We are not considering that at the moment.

Shri Mulchand Dube: I have given for both. There is amendment No. 475 also.

Mr. Chairman: I just read out the number. The hon. Member did not stand up then.

Shri Mulchand Dube: I could not hear it. I am sorry.

Mr. Chairman: The hon. Member may speak on his amendment No. 475.

Shri Mulchand Dube: My amendment is:

In page 16, after line 37, insert:

"17AA. Male descendants of the father, grand-father and great grand-father howsoever low whether in the male or female line of descent."

This amendment seeks to prevent marriages between second cousins at least. The Schedules, as they are framed, permit marriages between second cousins, which are certainly

very objectionable and repugnant to Hindu sentiment. The amendment that I have moved is a provision which was contained in the Special Marriage Act of 1872 also. I do not see any reason why it should have been left out in this Bill. I think it would be in consonance with Hindu sentiments and feelings, if such sort of marriages between second cousins is not permitted.

Mr. Chairman: The hon. Member says that this was included in the original Act.

Shri Biswas: Part II of the First Schedule deals with male relations, and amendment No. 474 of the hon. Member—I suppose that is the amendment he has moved—seeks to put into that group female relations of the father etc. On that ground alone, I cannot accept this amendment.

Mr. Chairman: He speaks about both male and female.

Shri Biswas: I was dealing with amendment No. 474 first.

Mr. Chairman: He has not moved that.

Shri Biswas: I am sorry.

Mr. Chairman: He has moved only amendment No. 475.

Shri Biswas: I find two amendments to the First Schedule, in the name of the hon. Member, and I thought he had moved both.

The hon. Member would not like us to say, son's son, 'daughter's son' and so on, but he introduces a formula resembling what you find in Muslim law. I am not enamoured of that. I do not see why we should make a change and accept that phraseology.

Shri Mulchand Dube: It is in the Special Marriage Act, 1872, not Muslim law.

Shri Biswas: We have said in plain language, son's son, daughter's son, and so on. Why should we go into this mode of designating them?

[Shri Biswas]

I could understand if he had said that we should include relations between whom marriage could not possibly be conceived as a possibility. That would have been a different question, but that is not the object of the hon. Member. He wishes to introduce a new formula which you find in the Muslim law. There is no reason why we should depart from the formula we have already accepted.

Shri Mulchand Dube: It only adds the next generation. Marriages between second cousins are sought to be prevented. There is no other departure from the form in which you have put it. You have mentioned the relations, but I have given a formula. That is all the difference.

Mr. Chairman: The question is:

In page 16, after line 37, insert:

"17AA. Male descendants of the father, grand-father and great grand-father howsoever low whether in the male or female line of descent."

The motion was negatived.

Mr. Chairman: The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

The Second and Third Schedules were added to the Bill.

Fourth Schedule—contd.

Mr. Chairman: There is an amendment in the name of Shri Mulchand Dube. Has the hon. Member moved it?

Shri Mulchand Dube: Yes. My amendment is:

In page 19, line 8, after "section 11" insert "on oath or solemn affirmation".

My submission is that the declaration should be on oath or solemn affirmation. I am conscious of the

fact that it is provided elsewhere that if the declaration is found to be false, the party would be liable to be punished under section 193 of the Indian Penal Code. In spite of that, I think it is necessary that whatever declarations the parties make before the Marriage Officer should be on oath or solemn affirmation.

Shri Biswas: The hon. Member is suggesting a change in the certificate of marriage? Is it not so?

Shri Mulchand Dube: No, no. I am referring to the declaration before the Marriage Officer.

Shri Biswas: According to the Schedule, the certificate will be of the following form, namely, I hereby certify that on such and such a day, such and such persons appeared before me, and each of them in my presence and in the presence of three witnesses who have signed hereunder, made the declaration required by section 11, etc. etc.

Clause 11 does not provide for making a declaration on oath. So, how can the certificate to be given under that clause include oath or affirmation? My hon. friend should have moved an amendment to clause 11. That he has not done, or even if he had done, it was not accepted.

Mr. Chairman: The question is:

In page 19, line 8, after "section 11" insert "on oath or solemn affirmation".

The motion was negatived.

Mr. Chairman: The question is:

"That the Fourth Schedule stand part of the Bill."

The motion was negatived.

The Fourth Schedule was added to the Bill.

The Fifth Schedule was also added to the Bill.

Clause 2.—(Definitions).—contd.

Mr. Chairman: Now, I shall put clause 2 to the vote of the House. In

fact, the position in respect of this clause is that we have already accepted sub-clauses (a), (b), (c), (d), (e) and (g). Only sub-clause (f) is yet pending.

I understand there is an amendment to sub-clause (f), tabled by Shri Venkataraman.

Shri Venkataraman: I am not pressing it.

Mr. Chairman: There is no other amendment to clause 2. The question is:

"That clause 2 do stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1.— (Short title, extent and (commencement)— contd.

Shri N. C. Chatterjee: There was some amendment to clause 1.

Shri K. K. Basu (Diamond Harbour): I want to say something with regard to clause 50.

Mr. Chairman: I have disposed of all the amendments to clause 50.

Shri K. K. Basu: I wanted to say something by way of clarification.

Mr. Chairman: Later on.

Regarding clause 1, there is an amendment by Shrimati Jayashri. Is she moving it? She is absent. So now I put the clause to the vote of the House. The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri K. K. Basu: May I with your indulgence put a question to the hon. the Law Minister? I had an amendment to clause 50. Unfortunately, I could not move it, because we have moved rather faster than we have

been doing so long. My amendment is No. 102.

Shri Biswas: To which clause?

Shri K. K. Basu: Clause 50.

Shri Biswas: It is already passed.

Shri K. K. Basu: But I only want to put a question to the Law Minister.

Shri Venkataraman: He can do it in the third reading.

Shri Biswas: What is it that he is asking?

Mr. Chairman: Is it regarding some verbal change?

Shri K. K. Basu: I want clarification. I tabled my amendment* to clarify certain things. The section, as passed, does not solve my difficulty. My question is whether this Act will apply to marriages like those performed under the Christian Marriage Act and others where they are guided by the Indian Divorce Act so far as divorce is concerned. We know that the provision in the Special Marriage Act is much wider than that in the Indian Divorce Act so far as grounds for divorce are concerned. I am putting a specific case. Under the Indian Divorce Act, if the husband deserts, the wife can sue for divorce. But if the wife deserts, there is no provision whereby the husband can sue for divorce on the ground of desertion by the wife. The provisions in this Act in this regard are much more extensive than those found in the Christian Marriage Act or the Indian Divorce Act which are already there for more than 60 years. We should make it more explicit that the provisions that are found in the Special Marriage Act should also apply to the Indian Divorce Act. That is my point. Sub-section (2) (a) is not clear on that point. So I wanted to move an amendment. Unfortunately, I did not have my chance because we thought that it would come up well after four o'clock. If the Law Minister says that my difficulty is solved by the sub-section

[Shri K. K. Basu]

(2) (a) of section 50 as it stands and as passed by the House, then I do not want to say anything. Otherwise, I would urge upon him to see that if it is found that there is some difficulty and it needs to be explained, he might move the necessary amendment.

Shri Biswas: The amendment of my hon. friend is not quite intelligible. I did not quite follow it. Assuming that we accept that amendment, the clause would read like this:

"Notwithstanding such repeal, all marriages duly solemnized under the Special Marriage Act, 1872, or any such corresponding law and all existing marriages to which the Indian Divorce Act would be applicable if proceedings were taken for any relief thereunder.....".

The Indian Divorce Act was enacted for Christians. That is the position. It was made applicable also to marriages under the Special Marriage Act of 1872. Now, we have got self-contained provisions here. Therefore, I do not quite understand it. Possibly, by reason of this amendment, even Christian marriages would be deemed to be marriages solemnized under this Act. That may be the consequence if I accept his amendment.

Shri K. K. Basu: My point is whether the marriages solemnized under the Christian Marriage Act, which in the case of divorce are guided by the Indian Divorce Act, can be made to come under this Act as passed by the House. I told you earlier about a specific example. On the basis of desertion by the husband, the wife can sue the husband; but the husband cannot sue the wife on the ground of desertion by the wife under the Indian Divorce Act. On the other hand, under the Special Marriage Act which we are passing, either party can ask for divorce. So I want to

know whether this can be made applicable in those cases.

Mr. Chairman: How can that be done under this Law? Unless you make a specific reference for amendment of that law, how can the provisions of this law be made applicable there?

Shri K. K. Basu: I was not absolutely sure in what way I could put it.

Mr. Chairman: Therefore, the only course open now is....

Shri K. K. Basu: My intention was this....

Mr. Chairman: The intention may be very good.

Shri K. K. Basu:...that divorces under that Act should be governed by the provisions of this....

Mr. Chairman: I am afraid the only course open is to have recourse to modification of that law.

Shri H. N. Mukerjee: May I ask a question? There is a provision in section 50 which says "all marriages duly solemnized under the Special Marriage Act, 1872, or any such corresponding law shall be deemed to have been solemnized under this Act". Now, would a marriage under the Indian Christian Marriage Act come under the definition of 'any such corresponding law'? Because we have already in the process of discussion of this measure tried to bring under the ambit of this legislation marriages of all sorts, marriages solemnized according to all kinds of customs and conventions. Could we get some kind of assurance from the Law Minister regarding the possible interpretation of this expression 'any such corresponding law'? Our headache is in regard to the possibility of inclusion under this designation 'any such corresponding law' of the Indian Christian Marriage Act, for instance.

Shri Biswas: The only point Mr. Basu made was whether the Christian Marriage Act would be brought within the ambit of the words 'any

such corresponding law'. Well, we left it like that—'any such corresponding law'. Which law would be regarded as a law corresponding to this Special Marriage Act may be a matter of dispute and therefore, we could not specify some Acts. We did not purposely specify any of these Acts. It will be a matter for the court to decide whether any particular Act is an Act corresponding to the Special Marriage Act.

Shri K. K. Basu: Courts are open to us. That we know. Then why should we ask you?

Shri Biswas: The difficulty was this, that if we included one specific Act other than the Special Marriage Act, then we would have had to make an exhaustive list. Therefore, we have left it in that form.

Dr. Jaisoorya: Does the Indian Divorce Act apply any more to this Act?

Shri Biswas: Marriages are not solemnized under the Indian Divorce Act. This is about special marriages duly solemnized under some Act or other. Therefore, the Indian Divorce Act will not come into this.

Shri N. C. Chatterjee: It cannot be referable to that.

Mr. Chairman: We have to dispose of this also. I think there appears to be some mistake here. The words used are—

"Be it enacted by Parliament in the Fifth Year of Our Republic...."

but the usual words are "the Republic of India" for the words "Our Republic". I think we can take it that the House has no objection to this change.

Shri Biswas: I believe an amendment was moved.

Shri N. C. Chatterjee: It was not moved.

Shri Biswas: I beg to move:

"That the Bill, as amended, be passed."

I will not make any speech. If necessary, after the hon. Members have spoken I will wind up the debate.

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Shri Raghavachari: I have been waiting throughout the passage of this Bill and I am glad that I have an opportunity now to express my views on this Bill, not generally because it would not be relevant now, but on the Bill as it has ultimately emerged as a result of the deliberations of the House.

Before I do that, Sir, I wish to express my dissatisfaction at the way in which this Bill has been progressing on the floor of this House.

Shri K. K. Basu: The Congress is in power and they can do anything.

Shri Raghavachari: I wish to be perfectly within my limits and it is this. In fact, we have not been able to find as to who exactly is in charge and is responsible for the passage of this Bill. I have found, sitting here, other people also who claim responsibility; and unfortunately, that is my impression. The whole matter appears to be a managed affair that particular amendments alone must be the subject matter of discussion or expression of opinion of this House. I have not been questioning the right of the Speaker who is there to regulate and conduct the proceedings properly. There is something like a distinction permissible between the amendments moved by the Government and the amendments moved by other ordinary Members. It is certainly open to the Minister in charge to say that he accepts a particular amendment and they will, certainly, have precedence. But the whole procedure that has been on, looked to me to be a little improper....

Mr. Chairman: The hon. Member is exceeding the limits of proper discussion in this respect. I will request him, so far as the Chair is concerned, not to cast any sort of aspersion, either directly or indirectly. To say that the Chair has been treating a

[Mr. Chairman]

particular amendment in a particular manner is certainly a reflection on the Chair, and I would request him not to cast this reflection on the Chair. I would request him not to cast such a reflection even unconsciously. After all the Chair represents the House.

Shri Raghavachari: I would be very happy to withdraw it, Sir. I do not mean anything against the Chair, but, I want to express dissatisfaction not against the Chair but against the procedure that has been going on before our eyes, in this House, not one day, but throughout the debate, particularly with reference to this Bill.

I wish to express that I have not been against this Bill at all and there is no point at this stage or age for anybody to bother about the main provisions of the Bill. But, what really matters is this. I have found that the Government and the Opposition have been concentrating on abstract proposals and they seem to be absolutely unconcerned about the language that they are using in the Bill, clause after clause, or the effect of one clause on the others, or the effect of the clauses on the accepted moral principles of life. Their attention seems to have been side-tracked by three things, (i) whether we shall have divorce, (ii) whether we shall have divorce by mutual consent and (iii) the question of age of marriage.

When we pass a law, it is the language of the sections that have to be enforced by the courts that also matters. If anything was pointed out as a defect, the only answer was, the court has discretion. When legislation is passed and one portion of it goes against another portion, the court has no discretion to construct a new law. The court will simply say this is inconsistent with the other portion. The whole purpose for which we are here will be defeated.

Another matter which has been stressed and which I would also wish

to say is this. There is the Hindu Marriage and Divorce Act. The language used in that is not the same as here. In fact, it is found that the language used, as passed here, is not very helpful. For instance, one of the grounds for divorce is adultery. In fact, an amendment was moved here that it should be sexual relationship with another person who is not the spouse. It is a most happy expression (*Interruption.*) It was a most comprehensive expression. You know, as a lawyer, that when the word 'adultery' is used, certainly, it will not be interpreted as having the meaning as defined in the Indian Penal Code and we will go to a dictionary to find out the meaning. There is a distinction between this kind of relationship between a married woman and an unmarried woman. It would have been covered very well and comprehensively by the phrase which was accepted in the other Bill.

Another point which most offends my sense of propriety of morality is this. I cannot help referring to clause 18, as it is passed. Clause 18 says :

"Subject to the provisions contained in sub-section (2) of section 24, where a certificate of marriage has been finally entered in the Marriage Certificate Book under this Chapter, the marriage shall as from the date of such entry, be deemed to be a marriage solemnized under this Act, and all children born after the date of the ceremony of marriage (whose names shall also be entered in the Marriage Certificate Book) shall in all respects be deemed to be and always to have been the legitimate children of their parents."

I am sorry, I made a mistake in reading clause 18; I should have read clause 26. Kindly see clause 25, which says :

"Any marriage solemnized under this Act shall be voidable

and may be annulled by a decree of nullity if—

* * *

(ii) the respondent was at the time of the marriage pregnant by some person other than the petitioner;...."

The consequence will be when that marriage is declared null and void. Clause 26 makes a most abominable change.

No doubt, they have provided a proviso that the illegitimate child, which was really the cause of the divorce or the separation between man and woman, succeeds to the property of the divorcing man calling him 'father'. It is revolting to my sense of morality in public life. It may be a progressive view of the highest order that we do not want to make a distinction between legitimate and illegitimate children. They are very broad-minded people. But, surely, there is a feeling that man cannot be fathered like this. If that is the highest ideal, I would suggest the simplest course, would be to abolish marriage. Let there be no question of marriage at all. All are children of God and we can treat them all alike. But, it is certainly revolting. This is an instance which shows, to my mind, that we are more concerned with rushing through the matter and some kind of proviso is brought in at the eleventh hour and passed. The whole law is thus enacted and God alone knows what the ultimate result will be.

Then, Sir, I wish to say something about the provisions in this clause. *viz.*, 27. I feel that Dr. Jaisooria's one clause was sufficient: "If you do not like, we shall say good morning and good bye to each other and then get out." Why all these clauses from (a) to (k)? They are all unnecessary. For instance, take the clause "has deserted the petitioner without cause for a period of at least three years....". Desertion is living apart and even if a man is undergoing a sentence he has deserted her. There is no need for that clause. There are

some other matters like this. Therefore, the whole matter has proceeded not on a scientific way of looking at these matters, but simply, some law, some passage, some special marriage and some satisfaction.

Another point on which I wish to say one or two words and then stop, is that I have not been able to feel the need or the necessity for this Chapter IV at all. I have carefully considered and my own judgment is that this Chapter and these provisions compelling separation and a different kind of succession only act and react against more people coming under this law. Certainly it will not make for more people coming under this. The highest ideal that they wanted to propagate on the floor of this House was freedom. If people like it let them come in. Why should you stand in their way? Therefore, there is an element of freedom. I for one would agree if there is an element of freedom to come and register oneself under this Act. But, when you say: if you register here you will be away from your parents, away from your brothers, you will be away from your property and you will have some other mode of succession to your father, mother, grandfather and all that; is it not compulsion? All these things automatically follow and therefore this is nothing but compulsion. Are you not compelling a man who wants to marry to accept the other things? The argument will be that he comes with open eyes. He has chosen this with all the restrictions. If that is your argument, why do you want a man who has once chosen a particular form of marriage already to change his choice now? He knew all the consequences of his marriage when he married. Why do you want him to register under this new set up. You call this freedom. There is an element of compulsion everywhere.

Therefore, Sir, apart from the technicalities, on the broad ground on which they want to claim a great advance, in reality these provisions come in the way of advancement. A

[Shri Raghavachari]

man thinks ten times whether he should go and get himself registered under this Act at all.

I do not want to elaborate, Sir. You yourself when your turn came, have elaborated before the House that the rules of succession here may make havoc. Therefore, Chapter IV really hurts the particular special purpose which they claim to be behind this Act.

Then, one other matter—namely the 'maintenance' provision about which I may say a few words. I have found in the Bombay Act and in the Madras Act, maintenance is payable to the divorced wife only if the divorce is the consequence of particular things for which the man is responsible. Now, we have provided that whoever is responsible or whatever is the reason, there must be some maintenance proceedings under this Chapter VII. Apart from the word 'may' on which Mr. Venkataraman wanted to lay some emphasis as giving discretion to the court, there is another phrase and that is 'conduct of the parties'. The word 'conduct' is there. I do not know how far the word conduct will be inclusive of all these circumstances; if only they had looked into the other Acts providing divorce and maintenance, they could have found them useful and the acceptance of the amendment proposed by my friend over there would have been most helpful.

Sir, on the whole, though there is plenty of room for controversy to be raised if the same schedule I is put into any other Act, this happens to be the Special Marriage Act and nobody seems to have bothered. Personally I wish happy passage of the Act and hundreds of people come and register themselves, under this Act but my own feeling is that the provisions that they have now incorporated deter and debar many from taking advantage under this law.

Mr. Chairman: Shri N. C. Chatterjee.

Dr. Jaisooria: Sir, he spoke this morning and he is again allowed to speak.

Shri N. C. Chatterjee: I did not speak this morning at all. Sir, we have reached a stage when you are bringing down the curtain on the final stage of the drama.

Shri Biswas: Not all. Do not be so optimistic. There is the Joint Session.

Shri N. C. Chatterjee: But I only regret that it is a tragic drama. There are millions of Hindus in this country who will regret that we are doing something against the cherished principles of Hindu law. There are millions of Muslims who will also regret that Muslim marriages are also sought to be brought under this Special Marriage Bill. They will naturally express their dissent. I only hope that while we are making a drastic attempt to make divorce easier, we are not really divorcing ourselves, this Parliament, from the cherished principles of our great Hinduarian civilisation. What is that principle? What is the great principle which the Hindu civilisation has taught us? I am reading from Dr. Radha Krishnan's communal lectures which he delivered at the Calcutta University some years back. You know, Sir, he is not merely the Vice-President of the Republic of India, but he is the foremost philosopher which India has produced and the greatest ambassador of Hindu civilisation who is to take our message and preach the same to the world outside.

He is saying:—

"In India the sacramental marriage requires people of face risks and not to have faith in the great enterprise."

I am sorry, Sir, that this sacramental marriage is sought to be roped in under this Special Marriage Bill. Then the great Radhakrishnan says:

"People enter into married relationship for the development of individual integrity, for the adaptation to reality, without which

there is no happiness for individual or society."

Honestly, Sir, those who have been to European countries and have seen western civilisation function, specially of the havoc that has been caused by easy divorce and the matrimonial laws of those countries, will regret that we are also trying to make divorce easy in this country. We are today deluding ourselves by calling ourselves progressive; but you are really making our jurisprudence a copy of the Soviet and satellite countries. Nowhere in the world has the divorce by consent existed. It was in a crude form in Soviet Russia and now it is in China.

An Hon. Member: Burma also.

Shri N. C. Chatterjee: And, you are now having this. What I say is: you are doing something which is not proper and something which is repugnant to all our ideals which we cherished throughout our millennium. Divorce should not be made easy. It is a drastic remedy which will uproot one's own life and involves other lives as well. It leads children to divided life and divided loyalty. In the interest of society and the interest of the future generation, we ought not have made divorce easy. I honestly feel that you are doing something which is really opposed to all basic principles of marriage and will make family life very slender of cohesion. You are trying to emphasise that marriage is a mere contract and it will not be part of the life of the human soul. I only hope, wish and pray that very few people will come under this Indian Special Marriage Act which will stand to the lasting credit of my hon. friend Mr. C. C. Biswas. There was no Chapter III at all from 1872, as I said and there was absolutely no necessity of bringing any Hindu marriages and Muslim marriages under the scope of this Bill. It would have been much better if they had been left out. But you are determined to do it. We thought that when there was to be no whip there will be

greater play of our own volition. Unfortunately, we have been disappointed. Sometimes whipping came in and it has gone possibly on party lines and we have lost.

I honestly feel that the electorate would not like it; the country will not like it. If the Law Minister and this House are honestly convinced that this kind of a Special Marriage Act will do some good to the country, for heaven's sake do not proceed with the Hindu Marriage and Divorce Bill. There is an organisation called Varnasharam Swarajya Sangh in Bengal, which the hon. the Law Minister, Mr. C. C. Biswas knows. It represents the ultra orthodox Hindu section in the State of Bengal. They said: "For heaven's sake do not have any Hindu Marriage and Divorce Bill". They are opposed to this kind of codification and introduction of divorce in Hindu law. They said: "If there are progressive people or fashionable people, or college students, or so-called civilised men and women, who want to marry under this law, give them the option." If you have a provision like clause 15, there will be no necessity for a Hindu Marriage and Divorce Bill. I ask the hon. Minister seriously to consider whether there is really any necessity for a Hindu Marriage and Divorce Bill if you are satisfied that there was need for clause 15. You are allowing persons who have married under the respective laws of the Hindus and the Muslims, or who have inter-married to take advantage of this measure. Why then have a Hindu Marriage and Divorce Bill, especially when you are thinking of a uniform code for the whole of India. It will not be liked by the millions of people of this country, both Hindus and Muslims. I say that there is no justification now for you to proceed with this Bill, especially when you have got clause 15 and the other clauses which enable Hindus and Muslims who have married under their personal laws to register their marriage under this law and to apply for divorce and for judicial separation.

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I am, Sir, not happy over the other clauses of this Bill also. It is not necessary for me to enumerate them. For non-Christians who are going to marry under this law you are going to make the law of succession applicable. Is it fair? Is it proper? Are you really progressive? You say that every boy, Hindu or Muslim, who marries under this law will automatically be compelled to be governed by the law of succession, which is only applicable to Christians. I think this is a retrograde step, which you have taken and on which I cannot congratulate you. What was the fun, what was the point, in making a Hindu boy marrying a Hindu girl to be governed by a different law of succession? That is defeatist mentality, which is unworthy of a Parliament representing millions of people, crores of people who are Hindus in this country. A Muslim boy and a Muslim girl marrying under this Act will be governed by the Christian law of succession. There was no point in doing that. There was also no point in casting a slur on this kind of marriage.

If I may say with great respect, you are quite right when you said that this provision of clause 15 is itself derogatory to Hindus, derogatory to Muslims—it casts unmerited slur. You say that Hindus who have married under Hindu law and have children can have their marriage registered to get certain benefits. This is something which is nothing but derogatory to Hindus; it is also derogatory to Muslims. It is tantamount to saying make your marriage perfectly civilised and get the benefit of this Act. It is a slur on the personal laws of Hindus as well as Muslims. It should be expunged from this statute which deals only with special marriages and which ought to have been confined, according to my humble submission, to it. I hope the time will come when you will have to amend it. If you have a real, uniform civil code you will have to amend this, or to repeal it. Either

the present Law Minister or the future Law Minister will have to consider the question of amending this provision.

You are not consistent; you are not logical; you have not got the courage of your conviction; you are putting some kind of a slur on people who marry under this measure by saying that they will be governed by another law of succession. You are also saying that he immediately goes out of the family he is practically ostracized by virtue of clause 18 which you have passed.

Now that they have passed clause 15 of this Bill, I hope, Sir, that the hon. the Law Minister and my hon. colleagues of this House will seriously consider whether it is any good proceeding with the Hindu Marriage and Divorce Bill. You thought that the Hindus who come under this law, should be given facility for getting out of the matrimonial bond on some ground or another. You have provided for that. You wanted Muslims also to be given that opportunity of getting out of the matrimonial bond. You have provided for that. I maintain that certain aspects of this Bill are contrary to Hindu law and against our cherished ideals of religion and society. But you have got it. Why proceed with the Hindu Marriage Bill. I still maintain with a certain amount of regret that the provisions you have made in this Bill will not lead to enduring unions, and they will help people to get out of matrimonial bonds on very flimsy grounds, thus putting in peril the good of family life and also the ideals of our society which we have always held as sacred and dear. That is what I do not like. It may tend to dissolve family life and will imperil the future of our children and I do not think it is really a progressive measure in that direction.

When the whole of the Christian world, the so-called democratic, progressive world, is tightening up divorce laws, we are trying to go

ahead much better than the Christian countries and have for the first time in the history of any democratic country divorce by consent, unheard of and unknown to any civilised society. I say, Sir, that the implications of these things we have got to seriously consider. I only hope Sir, that these done-away marriages will be confined to a few people and will not be availed of on a very large scale, and I hope and wish, thereby the scope of this mischief of this legislation will be to a large extent minimised.

Dr. Jaisooraya: I have not got very much to say except that I am very unhappy both ways. I have heard Mr. Chatterjee on a number of occasions and he says the same thing, including the commas, semi-colons, etc., which are exactly reproduced each time.

Shri Algu Raj Shastri: Then, you always oppose him in the same strain.

Dr. Jaisooraya: I would have liked to have heard some new arguments against this Bill, with which I myself am very dissatisfied, and the reason is: Because the hon. Minister is quoting from Jeremy Bentham, and I am quoting from Kinsey. There are differences of approach. Our knowledge of Biology has improved and advanced very much from the time of Jeremy Bentham. If you make laws for social phenomena, for the most enormous and dynamic things known as human reactions to environments, then the question arises whether you are going to make them on theories or on a deep study of facts. Whatever Mr. Chatterjee may say, I am going to quote to you from a very modern writer, one of the greatest modern men, who says—

"The man who, without caring to understand a girl's psychology, attempts to take or takes possession of her body by force, only succeeds in arousing the fear, horror, concern and hatred of the girl. Deprived of the affection and sympathetic under-

standing she longs for, she becomes obsessed with anxiety, which makes her nervous, uneasy and dejected. She either suddenly becomes a hater of the whole male sex altogether or hating her own husband, gives herself to other men as a form of revenge."

This modern book was written sixteen hundred years ago by a man called Vatsyayana. There cannot be anything more modern than what Vatsyayana has said in his *Kamasutra*. In the face of that, to quote to me Jewish pathological-Catholic concepts of human relationship is what I cannot understand. Certainly everybody talks of eternal bondage, marriages are life-long unions, to each other, and says that marriages are made in heaven and broken on earth. Do the intermediaries make the marriages in heaven? Mr. N. C. Chatterjee has quoted all the laws of all the civilised countries, America, Patagonia, Kamchatka, Toronto, Nicaragua and Tapioca etc.; but next door is Burma and next door is China and I do not know by what stretch of imagination or on what new authorities he calls China a satellite.

Shri N. C. Chatterjee: A Soviet satellite.

Shri S. S. More: Not a Hindu Mahasabha satellite.

Dr. Jaisooraya: Certainly, he cannot say that Burma is also a Soviet satellite. From time immemorial, the Burmese woman has had all the rights that the Indian woman has not got even today, nor even the Chinese woman. She always retained her own Burmese nationality, whether she married a Hottentot or anyone else.

Secondly, there are three systems of divorces in Burma: divorce by mutual consent, divorce by the order of the Council of Elders and the so-called divorce by the order of the King. A Burmese woman, the moment she gets married, gets fifty per cent. share of the husband's property. All these things, she has got

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quite by a stroke of genius, and quite independently. Pandit Bhargava—now, the Chairman—said, and it is true that Indian women have got *de jure* equality; but *de facto* economic and social pressure of laws. She still has not got fully. (*Interruptions.*)

Shri Algu Rai Shastri: She is much better.

Dr. Jaisoorya: I have got only one point to mention. It is no longer a question of debate or dispute whether, under the Special Marriage Act, there should be any provision or not for divorce as Mr. Chatterjee and others pleaded. The question is—divorce is there—shall we improve it? Is there reason to improve it as compared to the old Indian Divorce Act or not? That is the only question. It also depends upon your attitude whether you read Bentham or some more modern book....

An Hon. Member: Vatsyayana.

Dr. Jaisoorya: Mr. Deshpande said: 'I am prepared to forgive an occasional adultery by a woman but I do not want divorce.' My friend, Shri Tek Chand, here has a much more solid, primordial, bold and robust way of saying things and he said, 'If a man comes home and finds his wife in a compromising position with her paramour and beats her and her paramour and therefore, invites imprisonment.....' That is a different outlook from Mr. Deshpande's. This is more accurate and more correct of the attitude of the male and it is written: "It may be a fact that the male's extra-marital activities do not do so much damage to marriage, or the wives may be more tolerant of their husbands' extra-marital relations, or the wives may not comprehend the extent to which the male activities are actually affecting the stability of their marriages. Contrariwise, like the true mammal that he is, the male shows himself more disturbed and jealous and more ready to take drastic action if he discovers

that his wife is having extra-marital relations."

An Hon. Member: Is this Bible?

Dr. Jaisoorya: It is from the latest report of Kinsey, page 436. It is an old axiom: the more strict you are in monogamy and the more strict in the divorce laws, the greater is the hetero-sexual act on the part of man and adultery on the part of woman. I am talking seriously...(*Interruptions.*)

An Hon. Member: Confidence begets confidence.

Dr. Jaisoorya: For whom are we making these laws? We are making these laws for our young men and women of India....

An Hon. Member: For old folk also. They can register themselves.

Dr. Jaisoorya: I want to ask you: Is this the testament of our faith in the young people of India? Here is the first thing that the Chinese have done—I am not tired of quoting the Chinese. Well, here is article 2: 'Bigamy, concubinage, child betrothal, interference with the re-marriage of widows, and the exaction of money or gifts in connection with marriages, shall be prohibited. Is it barbaric? I agree with this; all right; I am barbaric. If I say that both the husband and wife shall have equal right in the possession and management of family property. Is that something barbaric! I accept it. All right, I am barbaric.

5 P.M.

Shri Tek Chand (Ambala-Simla): Don't make us barbaric.

Dr. Jaisoorya: Then,

"Marriage shall be based upon the complete willingness of the two parties. Neither party shall use compulsion and no third party shall be allowed to interfere."

Is that barbaric?

For thirty years, the Chinese people fought for their freedom. They have achieved freedom not by negotiation, but by driving Chiang Kai-Shek out. Do you mean to say that these people who have so fought, have made these laws for the purpose of making the whole of China into a mass brothel? It is because they have faith in their young people. It is the young people who are going to take over the responsibilities. I say, I have faith in our young people. How can you teach and how will young people learn to take over responsibilities, unless you thrust responsibility upon them? I say, here we are giving you a freedom that we ourselves never enjoyed.

Shri Tek Chand: Throw temptations.

Dr. Jaisooraya: That is how some people seem to look at it. We must tell our young people, these are your responsibilities, things that we never enjoyed, we give them to you.

The hon. Minister will remember that when one of the Members of the other House got married, he had the courage and his wife had the courage to say, there is no law by which we can get married—because he said that he intended to keep his religion and she said that she intended to keep her religion—and therefore we openly declare thereby that we shall take each other as husband and wife without the aid of any known legal ceremony. My father, old man, 81 years then, went up to him and said, "Mr. Dhage, I am proud of you, you have done a thing which many of us wanted to do, but did not have the courage to do; I shake hands with you in admiration; I am proud of you." Therefore, if you do not give this freedom to our young people, the younger generation is going to take the law in its own hands and it will shape its own destiny. All your laws cannot stand up before their destiny. It is they whom we expect to take advantage of these laws and not you and I.

Shri Tek Chand: Throw temptations.

Dr. Jaisooraya: This is new India. Don't let our prejudices, our weaknesses, our cowardice pass on to them. We have faith in the young people. We say, it is for you to be responsible. If people have no faith in the young people, there is no future for our country.

Shri Algu Rai Shastri: The time for cowardice is up.

Dr. Jaisooraya: As far as I am concerned. I say, leave it to the young people. Somewhere Harder has said.

"Lock it in cloisters.

Lock it in caves,

The zeitgeist will find a way to escape."

The zeitgeist is the new freedom, the emancipation of women, without which this country cannot be consolidated, without which you cannot have social revolution, without which we cannot consolidate our freedom. That is how I look at it. I have great faith in our women, in our young people. The impression that one gets from this debate is that it seems that every man in India

MESSAGE FROM THE RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of the Rajya Sabha:

"I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Thursday, the 16th September, 1954, passed the enclosed motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India. The names of the members nominated by the Rajya

[Secretary]

Sabha to serve on the said Joint Committee are set out in the motion."

MOTION

"That this House concurs, in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Constitution of India and resolve that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

Shri C. C. Biswas, Shri S. V. Krishnamoorthy Rao, Shri Biswanath Das, Shri Fakhruddin Ali Ahmed, Dr. W. S. Barlingay, Shri Jagan Nath Kaushal, Shri Chandulal P. Parikh, Shri R. C. Gupta, Shri V. Venkataramana, Shrimati Parvathi Krishnan, Shri H. C. Mathur, and Shri B. C. Ghose."

The above motion was passed by the Rajya Sabha at its sitting held on Thursday, the 16th September, 1954.

SPECIAL MARRIAGE BILL—Contd.

Mr. Chairman: The House will remember that when the Deputy-Speaker was in the Chair, he intimated to the House that there was a proposal to continue to sit till six o'clock. No decision was taken then. The matter is entirely in the hands of the House. If the House propose to continue to sit....

Some Hon. Members: No, no.

An Hon. Member: Till half past five.

Some Hon. Members: No, not today at least.

Shri Venkataraman: May I suggest this? In view of the fact that we have completed the consideration of all the clauses within schedule, there is no need to sit hereafter. We may sit for half an hour tomorrow.

Shri N. C. Chatterjee: We have finished ahead of the schedule.

Mr. Chairman: All right. Since this is the sense of the House, I adjourn the House till tomorrow 11 A.M.

The Lok Sabha then adjourned till Eleven of the Clock on Friday the Seventeenth September, 1954.