



Monday,
30th April, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (*Inland*)

Price Two Shillings (*Foreign*)

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LOK SABHA DEBATES No.....25569.....
(Part I—Questions and Answers) 30.03.20(क)

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LOK SABHA

Monday, 30th April, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

छावनी बोर्ड

*१८०६. श्री भक्त दर्शनः क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि द्वितीय पंच वर्षीय योजना के लिये विभिन्न छावनी बोर्डों से विकास-योजनायें मांगी गई हैं ;

(ख) यदि हाँ, तो क्या लैसडॉन, लंडौर और चक्रारता के छावनी बोर्डों ने भी उस सम्बन्ध में कोई प्रस्ताव भेजे हैं, और

(ग) यदि हाँ, तो योजनाओं का व्योरा क्या है और उन पर क्या निर्णय किये गये हैं ?

प्रतिरक्षा उप-मंत्री (सरदार मजिथिया) :

(क) जी हाँ ।

(ख) जी हाँ ।

(ग) एक विवरण सभा-पटल पर रख दिया गया है, जिसमें वह रकमें दिखलाई गई हैं जिन्हें तीनों छावनी बोर्डों ने अपनी विभिन्न योजनाओं के लिये मांगा है [देखिये परिशिष्ट १०, अनुबन्ध संख्या ५६] लैसडॉन छावनी बोर्ड का व्योरेवर अनुमान अब प्राप्त हो चुका है और विचाराधीन है। चक्रारता और लंडौर छावनीयों के व्योरेवार अनुमान अभी तक सरकार को प्राप्त नहीं हुए हैं। जब यह व्योरेवार अनुमान प्राप्त हो जायेंगे तब आखिरी फैसला किया जायेगा ।

श्री भक्त दर्शनः क्या मैं जान सकता हूँ कि हमारे देश में कुल जितनी छावनियां हैं उन सब के बारे में अगले पांच वर्षों के लिये कोई

रकम निश्चित की गई है जो कि उन के विकास के लिये खर्च की जायेगी, और क्या वह एक साथ ही स्वीकार की गई है या कि हर साल उन के लिये एलाइमेंट किया जायेगा ?

Sardar Majithia : Certain allotments have been made for these three cantonments in the next Plan, and, roughly, what we think to be the most important items will be met fully while other items which we do not think are so important will be partially met.

श्री भक्त दर्शनः इस में जो विवरण रखा गया है उस में लैसडॉन के एलेक्ट्रिफिकेशन के लिये २ लाख २५ हजार की रकम रखी गई है। मैं जानना चाहता हूँ कि यह बिजली देने का काम प्रतिरक्षा मंत्रालय अपनी ओर से करायेगा या जो उत्तर प्रदेश सरकार की पथरी पावर हाउस योजना है उस से सहयोग ले कर बिजली दी जायेगी

Sardar Majithia : I shall require notice for that question.

Shri B. D. Pande : Sir, recently I went to Mussorie and I saw this hospital of Landour, finely built hospital, lying vacant. Could it not be transferred to the civil side and made use of in any other way?

Sardar Majithia : So far as the hospital is concerned it is quite possible—I do not know. I take that information from the hon. Member—it is quite possible that it is lying vacant. But we intend to fully utilise these vacant hospitals as and when our needs arise. Fortunately, the sickness rate in the Army is very very low !

Shri N. M. Lingam : May I know the total outlay for all the cantonments in the country during the Second Plan period?

Sardar Majithia : For that I require notice, because this question was particularised about the three cantonments.

श्री भक्त दर्शन : माननीय मंत्री जी ने बताया कि केवल इन तीन केंटोनमेंट बोर्डों के बारे में ही नहीं बल्कि और सब जगहों के बारे में भी अनुमान आये हैं और उन पर विचार किया जा रहा है। मैं जानना चाहता हूँ कि देर से देर में कबतक उन का अस्तित्व फैसला हो जायेगा?

Sardar Majithia : I was only prepared about the three cantonments in respect of which the question was specifically put. If a separate notice is given I shall give the required information.

ANDAMAN ISLANDS

*1807. **Shri Velayudhan :** Will the Minister of Home Affairs be pleased to state:

(a) the number of families from the Travancore-Cochin State settled in the Andamans; and

(b) the facilities given to them in that Island?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) 68 families.

(b) A statement showing the facilities given to the settlers is placed on the Table of the House. [See Appendix X, annexure No. 60.]

Shri Velayudhan : Before getting these families included in the list of those who wanted to go to the Andamans, may I know whether the actual conditions existing in the Andaman Islands were given to them; was any statement or publicity material relating to the real conditions prevailing there as to what is the climate there, etc., given to them?

Shri Datar : All the information is placed at the disposal of the Government, and the Government publishes and calls for names of families who want to go to the Andaman Islands.

Shri Velayudhan : May I know whether there was any request from these families who have settled there to come back because of the difficult conditions there?

Shri Datar : Only three families came back--so far as Travancore-Cochin is concerned, three families came back. Two were families of fishermen. They found it was not very suitable to them. And one family was an agriculturist family.

Shri A. M. Thomas : In view of the density of population in Travancore-Cochin, may I know whether the Centre has framed any comprehensive scheme for settlement of additional number of families in the Andamans and, if so, how far there is scope for it?

Shri Datar : May I point out to the hon. Member that so far as the Andamans are concerned, principally the refugees from East Pakistan were to be settled there, and a relaxation has been made in the rule according to which about 25 per cent of them will be taken from other States in India?

Shri B. S. Murthy : May I know whether it is a fact that some of the settlers are not yet supplied with livestock and therefore they are not able to make any use of the lands that have been given to them for cultivation?

Shri Datar : It was true there was some difficulty about their getting plough animals. But recently a large number, namely 195 pairs of animals have been sent there and they are being given to the various agriculturists.

श्री एम० एल० दिलोदी : क्या यह सच है कि ट्रावनकोर कोचीन के निवासियों ने अंडमान में रहना दृष्टना ज्यादा पसन्द किया है कि अभी वहाँ पर ३५ लान्दान गये हैं? यदि यह सत्य है तो उन लोगों को क्या सुविधा दी गई है?

श्री इतार : ट्रावनकोर कोचीन से लोगों ने आना पसन्द नहीं किया है और बहुत योड़ी कैमिसीज गई है।

Shri B. S. Murthy : Is it not a fact that the cattle purchased for being sent to the Andamans are still kept in Calcutta for want of transport?

Shri Datar : My information is quite specific that 195 pairs of animals have reached Andamans and have been distributed to the settlers.

Shri Velayudhan : May I know whether there was any complaint that the loan as well as the *ex-gratia* grant given is not sufficient for their needs there?

Shri Datar : We have not received any complaints that the terms offered are inadequate.

Shri Chattopadhyaya : May I know whether there are some families who were taken to the Andamans and it was found after they reached the Andamans that they were not agriculturists, and they were repatriated? May I know who does the selection and how?

Shri Datar : Such instances were there about two years ago : some families who claimed to be agriculturists were not agriculturists. But now this difficulty is not experienced.

CANADIAN TEAM FOR OIL SURVEY

*1808. **Shri Gidwani** : Will the Minister of Natural Resources and Scientific Research be pleased to state whether the team of Canadian Experts who conducted an aero-magnetic survey of oil in Jaisalmer, Rajasthan have submitted any report and what is the nature of the report?

The Minister of Natural Resources (Shri K. D. Malaviya) : The report is awaited.

Shri Gidwani : How long will it take to publish the report?

Shri K. D. Malaviya : The computation and interpretation of the data which has been just available is being looked into. Perhaps it will take three months for us to know the results of it.

Shri V. P. Nayar : May I know how many Indian scientists were associat-

ed with the Canadian team when they conducted the aero-magnetic survey?

Shri K. D. Malaviya : Our Indian technicians were associated with the entire programme of aero-magnetic survey in Rajasthan and the Gangetic Valley where it is still going on.

Shri B. S. Murthy : May I know whether these Canadian Experts were asked to conduct an aero-magnetic survey only in Rajasthan or in other places in India also; and if it is the latter, what are the other places?

Shri K. D. Malaviya : They finished the aero-magnetic survey in Rajasthan only two or three days, or perhaps a week, back. Now they are in the Ganges Valley, both in U. P. and Bihar. As soon as that is finished our programme for aero-magnetic survey will be finished for the time.

Shri P. C. Bose : May I know whether the Russian experts also covered the same area which the Canadian experts covered?

Shri K. D. Malaviya : The Russian experts had nothing to do with the aero-magnetic survey, although, in a general survey, every expert is expected to assess the results of aerial exploration for oil resources.

Shri Boovaraghavan : May I know whether there is any difference in expenditure of the Russian experts and the Canadian experts in surveying the oilfields?

Shri K. D. Malaviya : There is no analogy between the two.

MARINE LAUNCH ACCIDENT

*1809. **Shri S. C. Samanta** : Will the Minister of Home Affairs be pleased to state :

(a) whether a fatal fire accident took place in a marine launch belonging to the Andaman Administration;

(b) if so, how many persons died and what is the condition of the launch;

(c) whether it is a fact that a lascar who died of the accident had refused to start the engine owing to some defect in it; and

(d) the details of the accident?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes.

(b) One lascar died of fire burns. Damage caused to the launch is not very extensive and she is now in good running order.

(c) No.

(d) A statement is placed on the Table of the House. [See Appendix X, annexure No. 61.]

Shri S. C. Samanta : May I know whether the launches working at ports and other places in the Andamans are being examined by technical persons before they start?

Shri Datar : I presume that they are examined.

Shri S. C. Samanta : May I know whether in this case it was examined before the accident took place?

Shri Datar : It must have been examined; but, I cannot tell the exact date when it was examined.

Shri B. S. Murthy : What compensation was paid to the dependants of the lascar who died in the accident?

Shri Datar : A compensation of Rs. 2,400 has been sanctioned.

Shri S. C. Samanta : May I know whether the little boy who died belonged to the mainland or to the Andamans?

Shri Datar : I should like to have notice.

SANSKRIT COMMISSION

*1810. **Shri B. S. Murthy :** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 620 on the 12th March, 1956 and state :

(a) the number of persons to constitute the Sanskrit Commission;

(b) whether non-officials are also to be included in this Commission and if so, their qualifications; and

(c) whether any date is fixed for the submission of the report?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) to (c). The proposal for the appointment of a Sanskrit Commission is still under consideration.

Shri B. S. Murthy : May I know whether any non-official well-known Sanskrit scholars will be asked to co-operate in this project?

Dr. M. M. Das : The details of the Commission regarding the total number of members, the personnel, the terms of reference etc., are being worked out.

Shri Boovaraghavan : What is the importance of this Sanskrit language for which the Central Government seems to give rather more preference?

Dr. M. M. Das : Sanskrit is the mother of almost all the languages of India and it is the mother of Indian culture.

Shri Boovaraghavan : No! No! There are Tamil and other languages also. Tamil is the most important language of India.

Mr. Speaker : Let us not enter into a discussion.

Shri B. S. Murthy : May I know when exactly the whole thing will be finalised?

Dr. M. M. Das : It is difficult to say the exact time when the Commission will be appointed; but, we expect that it will be done shortly.

LOAN TO NEPAL

*1811. **Shri Bhagwat Jha Azad :** Will the Minister of Finance be pleased to state :

(a) whether the Government of India are proposing to advance a loan to Nepal to implement her First Five Year Plan; and

(b) if so, the amount of such loan?

The Deputy Minister of Finance (Shri B. R. Bhagat) : (a) and (b). The assistance to be provided by the Government of India to the Nepal Government for the implementation of her First Five Year Plan is under consideration in consultation with that Government.

Shri Bhagwat Jha Azad : May I know whether the Government of Nepal had asked for any such help; and, if so, what is that help?

Shri B. R. Bhagat : They have not mentioned any specific schemes under their first Five Year Plan for our help. But we are studying their first Five Year Plan and, after studying, we will take a decision in consultation with them about the schemes in which we can help.

Shri Bhagwat Jha Azad : Have they asked for any specific amount besides technical help?

Shri B. R. Bhagat : They have not asked for any specific amount.

Shri C. D. Pande : In view of the large sums of aid from U.S.A. and the U.S.S.R. to Nepal, does Government not consider that our aid will be neither politically effective nor economically sound?

Shri B. R. Bhagat : We do not think so because whatever aid may be coming from the U.S.A. and the U.S.S.R. will be in the form of economic assistance. But, both Nepal, and U.S.A., have conceded that as regards technical personnel and other matters, it is the Indian personnel that will suitably run the schemes.

Shri Keshavaiengar : Have the Nepal Government finalised their first Five Year Plan; and, if so, what is the estimate of that Plan?

Shri B. R. Bhagat : The first Five Year Plan drawn up by the Nepal Government is estimated to cost Rs. 21.63 crores.

Shri Kasliwal : May I know whether Government have any definite information as to whether any other country has offered aid for the implementation of this Five Year Plan?

Shri B. R. Bhagat : So far as we know, the U.S. Government have offered to help them in the implementation of their first Five Year Plan.

Shri N. B. Choudhury : May I know whether, under the Colombo Plan, any country can offer help indepen-

dently to any other country without consultation in the Colombo Plan Conference?

Shri B. R. Bhagat : Under the Colombo Plan Conference, the Consultative Committee brings out the annual report. But, so far as the implementation or economic assistance under the Plan is concerned, it is by bilateral agreements between the countries concerned, the donor country and the recipient country.

FOREIGN MISSIONARIES

*1813. **Pandit D. N. Tiwary :** Will the Minister of Home Affairs be pleased to state:

(a) whether the system of special endorsements designed for the missionaries coming to India is applicable only to the missionaries coming from the Commonwealth countries; and

(b) if so, the reasons for not applying it to the missionaries coming from countries outside the Commonwealth?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes.

(b) As foreigners they are required to obtain visas.

Pandit D. N. Tiwary : Since when has this system of endorsement been introduced?

Shri Datar : This system of special endorsement for the Commonwealth countries was introduced from July 1955.

Pandit D. N. Tiwary : May I know how many missionaries have come out to India from Commonwealth countries from that date?

Shri Datar : The figures would be ascertained after one year is over.

Shri B. S. Murthy : May I know whether there are any reports with Government as to the inconvenience caused because of the new system of endorsement; and, if so, what steps are being taken to remove the inconvenience?

Shri Datar : In fact, there are no inconveniences associated with special endorsements. They are very simple in nature.

NATIONAL SAMPLE SURVEY

*1814. **Shri Keshavaiengar :** Will the Minister of Finance be pleased to state the progress made so far in the tenth round of the National Sample Survey Programme in the State of Mysore?

The Deputy Minister of Finance (Shri B. R. Bhagat) : Out of a total number of 156 samples allotted to the State of Mysore for the tenth round of the National Sample Survey Programme, the survey work has been completed in 93 samples in the State upto the end of March 1956.

Shri Keshavaiengar : May we know the agency through which this survey is made—Central or State—and the cost of the survey and in what proportion the State and the Centre bear it?

Shri B. R. Bhagat : This is conducted under the technical direction of the Indian Statistical Institute. The field operations are carried out by the National Sample Survey, an agency of the Central Govt.

CENTRAL EXCISE DEPARTMENT PUNJAB

*1815. **Sardar Akarpuri :** Will the Minister of Finance be pleased to state the names of the places in the Punjab, where residential accommodation for the staff of the Central Excise Department will be constructed?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : Residential accommodation for the staff of the Central Excise Department in Punjab is proposed to be constructed in Ambala, Ludhiana, Jullundur and Amritsar.

सरदार अकरपुरी : क्या इसमें पठानकोट को शामिल नहीं किया जा सकता क्योंकि वह काश्मीर की सरहद पर एक ऐसी जगह बाके (स्थित) है जहां से बहुत गुजर होता है?

Shri A. C. Guha : This is only for the Central Excise and none of the accommodation mentioned here is concerned with land customs. The Pathankot road would come under land customs, for which there are separate proposals.

Shri Bhagwat Jha Azad : What is the approximate amount that is proposed to be spent for construction of these quarters at the three places?

Shri A. C. Guha : I have not got the figure, because it is rather too early to say the amount that would be necessary; but, the total number of residential houses would be 105.

भारतीय सेना

*१८१६. **श्री रघुनाथ सिंह :** क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि पाकिस्तान के बिंदेश मंत्री द्वारा लगाया गया यह आरोप सच है कि भारतीय मेना पूर्वी पाकिस्तान की सीमाओं पर एकत्रित की गई है?

प्रतिरक्षा उप-मंत्री (सरदार मजीठिया) : जी नहीं।

श्री रघुनाथ सिंह : क्या सरकार को मालूम है कि हिन्दुस्तान की सीमा पर आजाद काश्मीर क्षेत्र में पाकिस्तान की फौज काफी तादाद में एकत्रित हो रही है?

सरदार मजीठिया : अखबारों से तो यही पता चलता है, मगर भभी कुछ पक्की तौर पर मालूम नहीं है।

श्री रघुनाथ सिंह : इस स्वर के बारे में क्या कोई जांच कराने की कोशिश की गई?

सरदार मजीठिया : जी हां, जांच तो हर बक्त होती रहती है।

पंडित दी० एन० तिवारी : कब-कब इधर जांच की गई है और मगर की गई है तो उस जांच का क्या फल निकला है?

सरदार मजीठिया : जैसा मैं ने पहले कहा जांच हर बक्त होती रहती है इंटेलिजेंस रिपोर्ट (गुतचर विभाग की रिपोर्ट) आती रहती है और उनके अनुसार हर भौके पर ध्यान दिया जाता है।

KOLAR GOLD MINES

1820. Shri Gadilingana Gowd : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether the Government of India have finally agreed to Mysore Government's decision to nationalise the Kolar Gold Mines ;

(b) if so, the estimated total amount of compensation to be paid by the State Government to the company ; and

(c) the annual income from these mines ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) and (b). The matter is still under consideration and the proposals of the Mysore Government are awaited.

(c) A statement giving the information regarding gross annual profits from these mines for the years 1950 to 1953 is laid on the Table of the House. [See Appendix X, annexure No. 62.]

Shri Gadilingana Gowd : It is seen from the statement laid on the Table that the gross profit of the Company for 1950-51, which was Rs. 174 lakhs has gone down to Rs. 47 lakhs a year. I want to know what action Government is taking or going to take for taking over this mine as early as possible.

Shri K. D. Malaviya : The Mysore Government have under their consideration certain proposals which might lead to greater profit to them, and that is why negotiations are going on between the Kolar Gold Mines people and the Mysore Government.

Shri Gadilingana Gowd : May I know the estimated compensation that is likely to be paid to the Company ?

Shri K. D. Malaviya : It is premature for me to say anything about it because the matter is still under consideration and under negotiation with the parties concerned.

Shri C. R. Narasimham : Since there has been a conference between the Union Ministers and the Mysore Government on this subject, is it in the knowledge of the Union Ministry whether the Mysore Government propose to work the mines, if nationalised, more intensively so as not to suffer from the diminishing gross profits which we see in the statement or do the Mysore Government hope to strike richer mines adjacent to the present mines ?

Shri K. D. Malaviya : They have got a very ambitious programme to pursue, and something can be said about it only when the present negotiations are over.

Shri Basappa : May I know whether there was any discussion between the Chief Minister and other Ministers of the Mysore Government with the Ministry here about the amount of compensation claimed by the Gold Mines and whether any compensation has been offered by the Mysore Government ?

Shri K. D. Malaviya : I have already said something on that subject.

श्री एस० एस० द्विवेदी : मैं यह जानना चाहता हूँ कि क्या यह सच है कि कोलार गोल्ड कम्पनी ने पहले ६ करोड़ रुपया मांगा था और अब वह दो करोड़ पर तैयार है और क्या मरकार इस पर भी कुछ आगे बार्टा चला रही है, यदि हो, तो अब बार्टा किस स्थान पर है ?

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श्री कौ० द्व० मालवीय : हम लोग तो सलाहकार की हैमियत में खाली मुना करते हैं, और मैं तो माननीय सदस्य से कहूँगा कि वह योजा और इन्तजार कर लें तो उनको सब बातें मालूम हो जायेगी ।

Shri Thimmaiah : May I know whether, after nationalisation, the Government propose to continue the present management, and if Government propose to do so, under what terms and conditions the present management will be allowed to continue ?

Shri K. D. Malaviya : So far as the first part is concerned, as far as I am aware, the proposal of the Mysore Government is to take the co-operation of the foreign workers of the Kolar Gold Mines as far as is consistent with their policy. So far as the second part is concerned, it is premature.

Shri M. S. Gurupadaswamy : Is it not a fact that the question of nationalisation is pending since a long time though the Government of Mysore is demanding the immediate nationalisation of Kolar Gold Mines, and that it has been pending for a long time because the Central Government is rather non-co-operative in this matter?

Shri K. D. Malaviya : The Central Government is not non-co-operative.

INTEGRATION OF BANKS

***1821. Shri S. S. More :** Will the Minister of Finance be pleased to state:

(a) whether there is a proposal to integrate banks other than those recommended by the All India Rural Credit Survey Committee with the State Bank of India;

(b) if so, the names of such banks; and

(c) the nature of the proposal?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : (a) The recommendation of the All India Rural Credit Survey Committee was that 10 major State-associated banks named in Section I of Chapter 34 of the Report should be taken over and that the suitability for integration of smaller State-associated banks located in the areas of the former Indian States should be examined by the Reserve Bank of India and the Government of India. As already stated in this House, this recommendation is still under consideration and no decisions have been taken so far. There is no proposal to integrate any bank outside those referred to in the recommendation.

(b) and (c). Do not arise.

Shri S. S. More : May I know what time the Government will require for giving effect to the recommendations of the Survey Committee?

Shri A. C. Guha : I think it will be done very shortly; we expect to introduce a Bill shortly.

हिन्दी विश्वकोष

***१८२२. डा० राम सुभग सिंह :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने हिन्दी विश्वकोष को दो खण्डों में प्रकाशित करने की काशी नागरी प्रचारिणी सभा की योजना को स्वीकार कर लिया है;

(ख) इस कार्य पर कितना अनुमानित ध्यय होने की संभावना है; और

(ग) यह कार्य लगभग कब तक पूरा हो जायेगा?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : (क) सरकार को काशी नागरी प्रचारिणी सभा से ऐसी कोई योजना प्राप्त नहीं हुई है।

(ख) तथा (ग)। प्रश्न नहीं उठते।

I may inform the hon. Member that the Kashi Nagri Pracharini Sabha did not submit to the Government of India a scheme for the preparation and publication of Hindi encyclopaedia in two volumes, but they submitted a scheme for the preparation and publication of Hindi encyclopaedia in 30 volumes.

Dr. Ram Subhag Singh : May I know whether the Government have asked for a scheme for the preparation of this encyclopaedia from the Kashi Nagri Pracharini Sabha, and if that Sabha have not submitted any scheme, whether the Government are having any other scheme for having the encyclopaedia prepared?

Dr. M. M. Das : I have said that the Kashi Nagri Pracharini Sabha submitted a scheme for the preparation of the encyclopaedia in 30 volu-

mes. That particular scheme of the Sabha was considered by the Government of India and it was considered too ambitious and too untimely. So, the Government appointed an expert committee, which has prepared another modest scheme of having Hindi encyclopaedia in ten volumes of 500 pages each.

Dr. Ram Subhag Singh : May I know the names of the members of this committee appointed by the Government which is going to prepare the encyclopaedia in ten volumes of 500 whether the names are the same as those that had been asked to prepare and finalise the technical and legal terminology?

Dr. M. M. Das : An agreement has been reached with the Nagri Pracharini Sabha by which the responsibility for the preparation of the encyclopaedia has been entrusted on the Sabha.

Shri M. L. Dwivedi : He is asking about the expert committee personnel and the reply has not been given.

Dr. M. M. Das : There are ten names; if you will permit me, I can read out the names.

Mr. Speaker : Hon. Members want the names.

Dr. Ram Subhag Singh : The Government appointed the committee long ago, and so far no technical terms have been prepared, as far as I know. If the Parliamentary Secretary is aware that some words have been prepared, I would like to know how many words have been prepared. May I also know who are the persons who have been charged with the work of preparing those words?

Dr. M. M. Das : I think there is some confusion here. It is a case of preparation and publication of Hindi encyclopaedia of the type of the British encyclopaedia. There is another committee for the preparation of scientific terminology. These are two different things. One is encyclopaedia and another is preparation of terminology.

Dr. Ram Subhag Singh : I want to know the progress of work which has so far been made and also the names of the persons who have been entrusted with the task of preparing the two sets of technical terminology.

Dr. M. M. Das : The original question refers to encyclopaedia only.

Mr. Speaker : The hon. Member will kindly see that his question refers to Hindi encyclopaedia in two volumes. So he may put a separate question on this subject and then it will be answered.

Shri Sarangadhar Das : Repeating the first question put by Dr. Ram Subhag Singh, may I know the names of the members of the committee that is now entrusted with the work of preparation of the encyclopaedia in ten volumes?

Dr. M. M. Das : I have said that an agreement has been reached with the Kashi Nagri Pracharini Sabha into whose hands this work has been entrusted.

Mr. Speaker : He wants to know the names of the ten members who have been entrusted with this task.

Dr. M. M. Das : The committee was appointed to prepare a scheme. The scheme has been prepared and the work is to be entrusted to the Kashi Nagri Pracharini Sabha. The names are as follows: Shri Humayun Kabir (Chairman), Shri Indra Vidyavachaspati, Shri Hazari Prasad Dwivedi, Dr. D. S. Kothari, Prof. Nilakantha Sastri, Dr. Babu Ram Saksena, Dr. Raj Bali Pandey, Dr. Siddheshwar Varma, Shri M. P. Periaswamythooran and Shri V. P. Agnihotri.(Secretary).

Shri U. M. Trivedi : May I know if the Government will take steps to include in this list members from Rajasthan and Madhya Bharat who speak better Hindi than the Hindi spoken by the people of U. P. and Bihar?

Dr. M. M. Das : Government does not agree with the view that people of certain regions of Hindi-speaking areas are speaking better Hindi than others. I do not know the particular States from which these persons, who are members of the committee, come.

श्री एम० एल० द्विवेदी : मैं जानता चाहता हूँ कि पारिभाषिक शब्दावली के लिये जो टैकनीकल कमेटी [प्रावितिक समिति] बनी है, जिस का अपने अभी जिक्र किया, उस के मेम्बरों को शब्द विज्ञान का या कोष बनाने का पहले से कोई अनुभव था ? यदि या तो उन्होंने कौन कौन से कोष बनाये थे ?

Dr. M. M. Das : The question of terminology does not at all come in this question.

Shri T. S. A. Chettiar : The work has been entrusted to the Kashi Nagri Pracharini Sabha. A committee consisting of people belonging to various parts of the country has been appointed. What is the connection between this and the Sabha which is doing the work?

Dr. M. M. Das : An Advisory Board has been appointed to supervise the work which will be done by the Sabha.

Shri Sadhan Gupta : May I know if any attempt has been made by the Government to encourage the preparation of similar encyclopaedia in other regional languages also?

Dr. M. M. Das : I think the State Governments will do that work.

ALL INDIA ECONOMIC SERVICE

*1823. **Shri Bogawat :** Will the Minister of Home Affairs be pleased to state :

(a) whether the formation of the All India Economic Service is under consideration of Government ; and

(b) if so, when it is expected to be finalised?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) No.

(b) Does not arise.

Shri Bogawat : Is it not a fact that hundreds of non-gazetted officers were to be included? In the draft of the First Plan it was mentioned that there would be such an Economic Service. Why has it been dropped now?

Shri Datar : I am not at present aware of the terms in which it was referred to in the First Plan. But I may inform the hon. Member that the State Governments are not in favour of the constitution of such a service.

Shri Bogawat : May I know the reason why the State Governments are not in favour of this? Is it not necessary to have this in the interest of the country?

Shri Datar : It may be theoretically advisable. But after all, we have to depend upon the desire of the State Governments because it is an All India Service which concerns all the State Governments.

Shri Bogawat : What is the desire of this Government?

Shri Datar : I may inform the hon. Member that, so far as the Central Government is concerned, there is a proposal before the Government for the constitution of a Central Statistical and Economic Advisory Service.

Shri Shree Narayan Das : May I know whether this question will be referred to the committee which is going to be appointed for the reorganisation of the services of the Government?

Shri Datar : It is a reorganisation of the services which are already in existence whereas this is an entirely new service.

Shri Velayudhan : May I know whether the States have got their own statistical organisation and also whe-

ther the Central Statistical Organisation in Calcutta has got anything to do with the statistics of the States?

Shri Datar : So far as the States' work is concerned, it is entirely done by their own officers.

Shri B. S. Murthy : What are the reasons of the various State Governments for their not agreeing to have this sort of economic surveys? May I know if the Central Government is satisfied with the reasons of the State Governments?

Shri Datar : This is not an economic survey but economic Service. The State Governments think that they can carry on their work without having an All India Service.

BYE-ELECTIONS

***1824. Shri Kamath :** Will the Minister of Law be pleased to state:

(a) whether it is a fact that the bye-elections to the Bombay Legislative Assembly have been postponed; and

(b) if so, the reasons therefor?

The Minister of Law and Minority Affairs (Shri Biswas) : (a) Yes, in six constituencies.

(b) the dates fixed for the elections in these constituencies coincided with the Ramzan fast. The number of Muslim voters in these areas being considerable, the Election Commission considered it expedient to postpone the elections to give an opportunity to the maximum number of voters to participate in the bye-elections.

Shri Kamath : While I fully appreciate the importance of Ramzan in the life of my Muslim compatriots, is the Minister in a position to assure the House that Government pledged as it is to the secular ideal which connotes no discrimination against an individual or a group on grounds of religion only, will accord to the same consideration to religious fast and similar solemn observances of other religious communities like Hindu, Sikh,

Christian, Jain, Parsi and Buddhist, when elections take place?

Shri Biswas : Government does not come into the picture at all. The matter is in the hands of the Election Commission which is the authority to decide these questions. I am quite sure that, if a contingency like the one contemplated by my hon. friend arises, the Election Commission will show the same consideration to the members of other religious communities.

Shri Kamath : In this particular case in Bombay where bye-elections were postponed in six constituencies—polling was postponed, I believe—was any representation received from any Muslim organisation as such, or, did the Election Commission take this action *suo motu*, on its own?

Shri Biswas : There was a letter from the State Government drawing the attention of the Election Commission to this matter. Elections were scheduled to be held in 28 constituencies. The Election Commission went into the matter. Having regard to the proportion of the different communities in different areas, it thought that the elections should be postponed only in these six constituencies and not in others.

Shri Kamath : Is the Minister in a position to assure the House that the elections in these constituencies were postponed not because the ruling party was not contesting the election but really because Ramzan intervened. If it was postponed only due to Ramzan, why was it not postponed in other constituencies as well?

Mr. Speaker : He gave the answer.

Shri Kamath : Can the Minister tell us whether the Muslims form a majority in these six constituencies?

Shri Biswas : In these constituencies in which the dates of the elections were postponed the number of Muslims preponderated. It is not so in the other constituencies. Their cases

were also considered by the Election Commission and it felt that it was not necessary to postpone the dates of elections there.

Shri S. S. More : Is it not a fact that, though the polling dates were postponed, the same candidates had been returned, as there was no contest in all these constituencies?

Shri Biswas : Will it put an end to all these questions if I say that elections in all these six constituencies had been completed and new members had been elected?

Shri Sarangadhar Das : In view of the fact that the Union of India is wedded to secularism, is it consistent with that secularism that election should be interfered with by the requirements of a particular religious community or of all the religious communities?

Shri Biswas : I do not quite appreciate the force of this question. I have not been able to follow what the hon. Member wanted to know.

Shri Sarangadhar Das : In view of the fact that we have a secular State and are wedded to the principles of a secular State, is it proper on the part of the Government or the Election Commission to allow religious principles of a particular community or all the communities to interfere with the procedure of elections.

Shri Biswas : Sir ; we are actually carried away by words. The word 'discrimination' is very fascinating and therefore it is always possible to throw that out as an argument against any action which may be taken. There is no question of any religion. There is no question of discrimination. Nothing of that kind is there. If the Election Commissioner is informed about a certain set of facts and if he considers that by reason of those facts it is necessary to postpone the dates for completion of elections, he will do so. If there is no such reason made out, he will not take any action. This is a simple matter. There is no question of discrimination and no question of this religion or that religion coming in.

भारत का भाषा-सम्बन्धी सर्वेक्षण

***दूर्दल. श्री भक्त दर्शन :** क्या शिक्षा मंत्री ७ सितम्बर, १९५५ के तारांकित प्रश्न संख्या १५५३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि भारत का भाषा-सम्बन्धी सर्वेक्षण करने की जो योजना तैयार की जा रही थी, उसमें इस बीच क्या प्रगति हुई है?

शिक्षा मंत्री के सम्बन्धित : (डा० एम० एम० बास) : यह विषय अभी विचाराधीन है।

श्री भक्त दर्शन : यह जो भाषाओं का सर्वेक्षण किया जा रहा है इसमें क्या केवल उन्हीं तेरह या चौदह भाषाओं का सर्वेक्षण किया जा रहा है जिनको कि हमारे संविधान में मान्यता प्राप्त है अथवा क्या हिन्दी की अन्य जनपदीय भाषाओं जैसे राजस्थानी, मैथिली आदि के बारे में भी सर्वेक्षण करने का विचार किया जा रहा है?

Dr. M. M. Das : Considering the present situation, Sir, this question does not arise. I may explain to the hon. Member that the scheme prepared by the Government of India in the Ministry of Education involved an expenditure of about Rs. 161.7 lakhs. When the scheme was sent to the Planning Commission, the Planning Commission was of the opinion that in view of the more pressing demands it may be desirable to make only a beginning in this direction. The Planning Commission also suggested that in order to have trained personnel to carry out the proposed survey work it was necessary to strengthen the research departments of the universities and the proposal of providing Rs. 25 lakhs for the purpose at this stage would be adequate. They also suggested that the question of taking up the survey may be considered at the end of the Second Five Year Plan period.

श्री भक्त दर्शन : अभी संसदीय सचिव महोदय ने बताया है कि प्लानिंग कमीशन (योजना आयोग) ने इस बात को स्वीकार किया है कि इस बारे में प्रारम्भिक कार्यवाहियां की जायें। क्या मैं जान सकता हूँ कि शिक्षा मंत्रालय ने इस

सम्बन्ध में ग्रभी तक क्या प्रारम्भिक कार्यवाही की है और आगे क्या कार्यवाही करने का विचार किया जा रहा है ?

Dr. M. M. Das : We have received the suggestion of the Planning Commission only a short time ago and they are being considered by the Government.

ADMINISTRATIVE VIGILANCE DIVISION

***1827. Pandit D. N. Tiwary :** Will the Minister of Home Affairs be pleased to state :

(a) how far the Administrative Vigilance Division has been successful in toning up the administrative machinery and putting down corruption and nepotism in the various Ministries :

(b) whether the Vigilance Officers in the Ministries report the cases of corruption and nepotism to the Director of Administrative Vigilance Division ; and

(c) the number of cases of corruption and nepotism detected so far by this Division ?

The Minister in the Ministry of Home Affairs (a) to (c). A report on the work done by the Administrative Vigilance Division for the period ending 31st March 1956 will be laid before Parliament shortly.

Pandit D. N. Tiwary : May I know how many cases were reported to the Vigilance Division and what steps were taken in those cases ?

Shri Datar : That itself will be clear from the report which will be presented within the course of about three or four weeks.

Pandit D. N. Tiwary : May I know whether the Minister is in a position to say as to which Ministry attracted the attention of this Vigilance Division most ?

Shri Datar : Vigilance Officers have been appointed in all the Ministries and they are giving their best attention to the work there.

Pandit D. N. Tiwary : May I know what is the connection between this Vigilance Division and the Vigilance Officers in the Ministries ?

Shri Datar : The connection is like this. There is a Director appointed so far as the general vigilance work in all the departments is concerned. To each of the Ministries a Vigilance Officer of the rank of a Deputy Secretary is appointed. He works in co-ordination with the Secretary of the Ministry concerned.

Shri Jangde : Is it not a fact that this officer cannot refer a case to the SPE or other branches connected with vigilance work without the prior sanction of the Secretary of the Ministry concerned, and, if so, may I know whether it will not be justified that this officer should work directly under the Home Ministry without the interference of the different Ministries ?

Shri Datar : That is the very object of speeding up of the proposals for prosecution, and the new system has been working well in this respect.

Shri Velayudhan : May I know whether the officers of the rank of Deputy Secretaries, who are in charge of this vigilance in various Ministries, are also doing some executive or administrative work in their Ministries ?

Shri Datar : That depends on the extent of work that is there so far as vigilance as such is concerned. If, for example, the work is not much they naturally carry on other duties.

Shri Kamath : Are these Vigilance Officers authorised or empowered to take cognisance of allegations or complaints of corruption which might unfortunately be made against Ministers and Secretaries and, if they are not so empowered, may I know who takes cognisance of such complaints against Ministers and Secretaries ?

Shri Datar : Whenever there are allegations against Ministers the Government would take cognisance of them. So far as officers in general

are concerned, the Vigilance Officer does go into the allegations and get them duly examined by the SPE in all cases.

GOVERNMENT SECURITY PRESS

***1828. Sardar Akarpuri :** Will the Minister of Finance be pleased to state :

(a) whether any complaint has been received by Government to the effect that during 1955 a large number of currency notes have been stolen from the Indian Security Press ;

(b) if so, the number and value of currency notes stolen ; and

(c) the action taken by Government in this connection ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : (a) and (b). Only one case of theft was reported during 1955. One numbered sheet of forty ten-rupee notes was stolen from the Currency Note Press in February, 1955. 7 notes which formed part of this sheet have so far been discovered in circulation and confiscated by the Police.

(c) One worker of the Currency Note Press was arrested in this connection and the case is still pending in the Court of the Resident Magistrate, First Class, Nasik Road. The Reserve Bank was immediately informed of the missing note numbers and the Bank in its turn informed all the Officers of its Issue Department, all Treasuries and the State Bank of India of the numbers of the missing notes. All possible precautionary measures have been taken to intensify the Security arrangements in the Press.

सरदार अकरपुरी : क्या मैं जान सकता हूँ कि इस केस के फैसले में इतनी देरी क्यों लग रही है ?

Shri A. C. Guha : The case was detected in February, 1955. Imme-

diately the case has been reported and handed over to the Police. It is now for the court to decide the case.

BACKWARD CLASSES COMMISSION'S REPORT

***1829. Shri Gidwani :** Will the Minister of Home Affairs be pleased to state :

(a) when will the report of the Backward Classes Commission be released ; and

(b) what are the reasons for the delay in releasing the same ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) As early as possible.

(b) The recommendations of the Commission are still under consideration in consultation with the State Governments.

Shri Gidwani : When was the report signed ?

Shri Datar : I have informed the House already that it was signed in March, 1955.

Shri Gidwani : Is it a fact that certain particulars of the report have already appeared in the Press ?

Shri Datar : They are either surmises or so-called intelligent anticipations.

Shri Jangde : May I know what are the reasons for including or excluding certain castes in the present Scheduled Castes Order that is going to be discussed in this House ? May I also know, when these cases have been included or excluded in this Bill, what is the reason why the report of the Backwarded Classes Commission is not placed before this House ?

Shri Datar : So far as the new Bill which has already been introduced is concerned, it is based mainly on the recommendations of the Backward Classes Commission and the Government are considering as to when this report should be published. The desire of the Government is to publish it as early as possible.

Shri Thimmaiah : May I know whether the State Governments have returned this report with their opinions and, may I also know whether any time-limit was fixed within which the opinions of the State Governments have to be sent to the Central Government?

Shri Datar : I have answered this very supplementary question on a former occasion, namely, inasmuch as the recommendations were so many and they covered a very large number of subjects, no time-limit could be placed. But I may inform the hon. Member that till now we have received the comments from 18 State Governments and the comments of 9 Governments are awaited.

Shri N. M. Lingam : May I know what the consideration of the recommendations has to do with the publication of the report as such? Does the Government, in every case, wait till the recommendations are accepted before the report is published?

Shri Datar : The answer has been furnished by the provisions of article 340 of the Constitution. It has been stated very clearly in article 340 that the report has to be presented to the Parliament along with a memorandum explaining what action the Government have taken.

Shri B. S. Murthy : May I know whether the report of the Backward Classes Commission will be made available to the Members of Parliament, in full, before the Order on the subject is discussed on the floor of this House?

Shri Datar : I said that the Government are considering that very objective.

Shri Jangde : The hon. Minister just now said that the replies from seven States are still awaited. Therefore, on what basis are certain castes and classes included in, and certain castes and classes excluded from, the Scheduled Castes and Scheduled Tribes

Order, without consulting the nine States and without getting the reply from the nine States?

Shri Datar : So far as this matter is concerned, it was subsequently submitted to the Backward Classes Commission. It was not the main work. Therefore, when we received the lists from the Backward Classes Commission, we took action to consult the State Governments immediately. That is the reason why after the State Governments' opinions were received our Bill has been finalised.

Shri Vallatharas : May I know whether the report is unanimous one, or whether there has been any dissenting note by the Members and whether the Chairman himself has given a dissenting note, and if so, whether there are any complications arising out of the difference of opinion among so many Members? May I also know whether such a state of affairs has placed the Central Government in a fix and in an inexplicable position, by reason of which a delay of more than a year has been caused and there is further scope for delay of another year?

Shri Datar : I cannot accept the insinuations contained in this question. I would request the hon. Members to wait for a few days, when the whole matter will be cleared, because, the report along with the minutes of dissent and all the materials will in due course be placed before the House.

बोरी छिपे सोना ले जाना

*१८३०. डा० राम सुभग लिह : क्या विद्वान् मंत्री यह बताने की कृपा करेंगे कि...

(क) क्या यह मत है कि बम्बई गोदी पर इंटीलियन यात्रियों और जहाजियों के पास में काफी मात्रा में अवैध सोना और सोने के मिक्के (मीडरेन) बगमद हुए हैं;

(ख) यदि हां, तो इस प्रकार बगमद हुआ सोना और सोने के मिक्कों की कीमत क्या है और

(ग) क्या इस सम्बन्ध में कोई गिरफतारी भी हुई है ?

राजस्व और प्रतिरक्षा व्यवंभी (भी अर्थात् बंड गुह) : (क) जी, हां। "एम० नी० एशिया" नामक जहाज के एक इटालियन यात्री के पास से ना और ६ इटालियन जहाजी कर्मचारियों के पास से सोने के सिक्के का (सावरेन) बरामद हुए हैं।

(ख) बरामद हुए सोने का मूल्य १,७८,००० रुपये और सोने के मिक्कों मूल्य ४५,५५५ रुपये है।

(ग) सातों व्यक्ति पकड़ लिये गये और उन पर मुकदमा चलाया जा रहा है।

Shri Joachim Alva : Is Government aware that gold smuggling in India has reached a very dangerous proportion? An international racket which started from Arabia and Persian Gulf, goes to the Goa border, and then it is clubbed with leading businessmen along with the Chilean diplomats and now it goes with the Italians. May I ask whether the Finance Ministry is receiving any assistance from our Missions abroad in the shape of intelligence and also whether they send out any suggestions to us so that we can counteract this menace?

Shri A. C. Guha : I do not think gold smuggling in recent times has gone up considerably. The hon. Member has said that it has reached some dangerous proportions or something like that. I do not think that is quite correct. With the strict supervision over the Goa frontier, we feel that gold smuggling has considerably gone down. We know that gold smuggling was being done not only in recent times but for years, from the Persian Gulf Coast and the Arabian Coast. As to the latter part of his question, namely, about the Indian Embassies giving us information. I have no information with me at present.

CENTRAL UNIVERSITIES

*1832. **Sardar Akarpuri :** Will the Minister of Education be pleased to state :

(a) whether the Reviewing Committee appointed to go into the finances of the Central Universities has submitted its report; and

(b) if so, its recommendations?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) No, Sir.

(b) Does not arise.

NATIONAL COLLEGE OF PHYSICAL EDUCATION

*1833. **Shri Gidwani :** Will the Minister of Education be pleased to state :

(a) when the proposed National College of Physical Education will be started;

(b) where it will be located; and

(c) whether it will be managed by Government or an independent organization will be set up for the purpose?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) The matter is still under negotiation with the Planning Commission. It is proposed to take steps for the establishment of the College as soon as possible.

(b) Bhopal.

(c) By an autonomous Board of Governors.

Shri Gidwani : What will be the overall non-recurring expenditure, and what will be the yearly expenditure on account of this scheme?

Dr. M. M. Das : For the whole of the five years of the Plan period, an amount of Rs. 150 lakhs—Rs. 80 lakhs non-recurring and Rs. 70 lakhs recurring—have been recommended to be spent.

Shri Gidwani : How many students are to be admitted?

Dr. M. M. Das : All these details have not yet been worked out.

Shri Jaipal Singh : What are the special reasons that have impelled the Government to choose Bhopal as the place for the location of this National College of Physical Education?

Dr. M. M. Das : The Government of India wrote to the different State Governments asking whether they can help us with 60 acres of suitable land for the purpose of establishing this college. With the exception of Manipur, Tripura and Himachal Pradesh, we received offers from almost all the State Governments. The Central Advisory Board of Physical Education and Recreation, at their meeting, considered all these offers and expressed themselves in favour of the establishment of the College at Delhi, Bhopal or Shivpuri (Madhya Bharat), in order of preference. It has been found very difficult to get a suitable site in Delhi, and so, the next choice is Bhopal.

Shri Chattopadhyaya : May I know whether the syllabi for the courses of study in this College have been worked out in detail and, if so, by whom, and will the Government of India lay a copy of the syllabi on the Table of the House?

Dr. M. M. Das : It is too premature to ask as well as to answer this question.

Shri V. P. Nayar : The Parliamentary Secretary said that a College would be established as early as possible. May I know whether this College will have only courses of study in general physical education or whether the College will impart instruction for specialised studies such as games with soft balls, and hard balls, athletics, gymnastics, aquatic sports, wrestling etc.

Dr. M. M. Das : I have said that it is under negotiation with the Planning Commission. So, it may be said that the final decision has not yet been taken. Unless we get the approval of the Planning Commission, final decision cannot be taken.

Shri V. P. Nayar : The Parliamentary Secretary says that the matter is

under discussion with the Planning Commission. May I know whether this College will confine itself only to general physical education or, in view of the backwardness of India in the various items of sports and games, whether this College will also impart specialised instructions in specialised courses in the various kinds of games and sports? What is the view of the Government of India in this matter?

Dr. M. M. Das : The hon. Member knows that any scheme involving a huge expenditure cannot be taken up by the Government of India without the sanction of the Planning Commission.

Shri B. S. Murthy : May I know whether the extremes of climate have been taken into consideration before deciding that the College should be situated in Bhopal?

Dr. M. M. Das : Every possible consideration has been taken into account.

Shri Vallatharas : In view of the fact that this type of education is highly essential for the progress of this nation in the future, will the Government consider that at least in each of the five zones, as proposed under the States reorganisation scheme, one college will be instituted, so that we can have five colleges in the whole of India simultaneously, instead of one College at Bhopal?

Dr. M. M. Das : The suggestion of the hon. Member will be looked into.

Shri Jaipal Singh : The Parliamentary Secretary said that it was a question of a "huge expenditure", and that therefore, the sanction had to be obtained from the Planning Commission with its blessings. May I know, roughly, what is the huge expenditure? What is the amount that has been asked for?

Dr. M. M. Das : I have already said that the total expenditure during the

second Five Year Plan period is Rs. 150 lakhs—Rs. 80 lakhs, non-recurring, and Rs. 70 lakhs, recurring.

Shri Gadgil : What is the exact constitutional relationship between the Planning Commission and the Cabinet. I understood the Parliamentary Secretary to say that nothing can be undertaken unless it is sanctioned by Planning Commission. I understand that the position of the Planning Commission is that of a consultant that the ultimate sanction rests with the Cabinet.

Dr. M. M. Das : This question may be appropriately put either to the Finance Minister or the Planning Minister and not to the Education Minister.

Shri V. P. Nayar : The hon. Parliamentary Secretary has said that a huge expenditure will be involved. May I know whether in calculating the expenditure, Government have taken into consideration the number of students who can be accommodated in this college and if so, what is that number?

Dr. M. M. Das : The proposal is still under the consideration of the Government. Only the site has been selected and it is too early to work out all these details.

Shri V. P. Nayar : How did you then work out the total figures?

WRITTEN ANSWERS TO QUESTIONS

HINDI SHIKSHA SAMITI

***1805. Shri Krishnacharya Joshi :** Will the Minister of Education be pleased to state :

(a) whether *Hindi Shiksha Samiti* has appointed two sub-committees to prepare a list of 2,000 Basic Hindi words for use in Hindi Readers and 500 Basic words of Hindi which will constitute the minimum standard of literacy in Hindi; and

(b) if so, the progress made by these two sub-committees in this work?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Yes, Sir.

(b) The two Sub-Committees, after examining the comments received on the tentative lists from the members of the Hindi Shiksha Samiti and the State Governments etc., have laid down certain guiding principles for the finalisation of those lists. The lists thus prepared will be placed before the Sub-Committee concerned shortly.

BALANCE OF PAYMENTS

***1812. Mulla Abdullaabhai :** Will the Minister of Finance be pleased to state :

(a) the names of the countries with which the Balance of payment was favourable to India in 1954-55; and

(b) the amount of the invisible earnings of India from (i) shipping and (ii) insurance?

The Deputy Minister of Finance (Shri B. R. Bhagat) : (a) In 1954-55, India had a favourable balance of payments with the following major countries :

Argentina
Australia
Canada
Ceylon
China
Holland
Malaya
New Zealand
Pakistan
U.S.A.

(b) During 1954-55, India's net invisible earnings from (i) transportation including shipping amounted to Rs. 23.4 crores and (ii) from insurance, Rs. 1.4 crores.

धर्म परिवर्तन

* १८१७. श्री भीखा भाई : क्या गृहकार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने ऐसे आदिम जाति क्षेत्रों की एक सूची तयार की है, जहां ईसाई मिशनरी आदिम जातियों के लोगों को विभिन्न प्रकार से लालच देकर, उनका धर्म-परिवर्तन करा रहे हैं ; और

(ख) यदि हां, तो क्या सरकार उन क्षेत्रों के नाम दिखाने वाला एक विवरण सभा-पटल पर रखेगी ?

गृह-कार्य मंत्रालय में मंत्री (श्री वातार) :

(क) जी, नहीं ।

(ख) प्रश्न ही नहीं उठता ।

EDUCATED UNEMPLOYED IN ANDHRA

* 1818. Dr. Rama Rao : Will the Minister of Education be pleased to state :

(a) the amount of financial assistance sanctioned and given to the Government of Andhra during 1955-56 for the relief of educated unemployment ; and

(b) the number of persons benefited by this scheme ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Rs. 4,21,200 were sanctioned to the State Government during 1955-56.

(b) 1,053 teachers that were appointed by the State Government during 1954-55 will continue to receive the benefit during 1955-56. Another 999 teachers were allotted to the State Government during 1955-56 but the State Government have not yet reported how many out of this number have been appointed by them during that year.

COMMONWEALTH OFFICERS' CONFERENCE

* 1819. Shri Pennoose : Will the Minister of Finance be pleased to state

the composition of the delegation sent to the U. K. to attend the Commonwealth Officers' Conference on balance of payment position of Sterling Area countries during 1955 ?

The Deputy Minister of Finance (Shri B. R. Bhagat) : The Indian delegation to the Commonwealth Officials Conference on the balance of payments position of the Sterling Area, in December 1955, was composed of the following :—

1. Shri L. K. Jha, I.C.S., Joint Secretary, Ministry of Commerce and Industry.

2. Shri T. Swaminathan, I.C.S. Minister (Economic), High Commission of India, London.

3. Dr. T. G. Menon, First Secretary (Commercial), High Commission of India, London.

4. Shri S. S. N. Kao, Section Officer, Ministry of Finance.

HOOKER'S FLORA OF BRITISH INDIA

* 1825. Shri Krishnacharya Joshi : Will the Minister of Natural Resources and Scientific Research be pleased to state whether revision of Hooker's Flora of British India is contemplated ?

The Minister of Natural Resources (Shri K. D. Malaviya) : Yes, Sir. The Botanical Survey of India propose to take up this work during the Second Five Year Plan period.

पाकिस्तानी राष्ट्रजन

* १८२१. श्री हुल्कार्य जोशी : क्या गृहकार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५५ में पाकिस्तानी राष्ट्रजनों को स्थायी रूप में भारत में रहने के लिये कितने वृष्टों (वीसास) दिये गये : और

(ख) क्या सरकार इस प्रकार के दृष्टांक जारी करने के काम को रोकने का विचार कर रही है ?

गृह-कार्य मंत्रालय में मंत्री (स्थी दासारः) (क) १,००१।

(ख) ऐसा कोई प्रस्ताव विचाराधीन नहीं है।

NATIONAL COUNCIL FOR RURAL HIGHER EDUCATION

1563. { Shri Ram Krishan :
Shri Madiah Gowda :

Will the Minister of Education be pleased to state the steps taken so far, for the implementation of the decisions and recommendations of the National Council for Rural Higher Education as announced in the first week of April?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : The proceedings of the Council have not so far been finalised. Action will be taken as soon as they are finally approved. Rs. 15 lakhs were, however, sanctioned in favour of the following 10 institutions for development into Rural Institutes even before the Council met.

1. Visva Bharati, Sriniketan.
2. Jamia Millia, Delhi.
3. Gandhigram, Madurai.
4. Vidya Bhavan, Udaipur.
5. Sarvodaya Mahavidyalaya, Turki (Muzaffarpur).
6. Shivaji Lok Vidyapeeth, Amravati.
7. Ramakrishna Mission Vidyalaya, Coimbatore.
8. Lok Bharati, Sanosora.
9. Balwant Rajput College, Agra.
10. Mouni Vidyapeeth, Gargoti.

EDUCATIONAL FACILITIES FOR SCHEDULED CASTES

1564. **Shri Ram Krishan :** Will the Minister of Education be pleased to state :

(a) whether scheme of educational facilities for Scheduled Tribes and Scheduled Castes during the Second Five Year Plan has been finalised; and

(b) if so, the details thereof?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) No, Sir.

(b) Does not arise.

COTTAGE INDUSTRIES IN ANDAMANS

1565. **Shri Ram Krishan :** Will the Minister of Home Affairs be pleased to state :

(a) whether the scheme for the development of cottage industries in Andaman and Nicobar Islands has been finalised;

(b) if so, the name of main industries to be developed;

(c) the total amount to be incurred; and

(d) the main features thereof?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) to (d). Under the Second Five Year Plan of Andamans, it is proposed to develop cottage industries in the Andaman and Nicobar Islands and for that purpose a provision of Rs. 5 lakhs has been proposed to be made in the Plan. Details of the scheme have not yet been finalised.

EMPLOYEES OF TRIPURA STATE

1566. **Shri Biren Dutt :** Will the Minister of Home Affairs be pleased to state :

(a) the number of employees of Tripura State who are temporary;

(b) the number of permanent employees; and

(c) when the temporary employees will be made permanent?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) to (c). The required information is being col-

lected and will be laid on the Table of the House when received.

LANDLESS PEASANTS IN TRIPURA

1567. Shri Biren Dutt: Will the Minister of Home Affairs be pleased to state :

(a) the number of petitions which have been received by the Government of Tripura from landless peasants ;

(b) the number of landless people who have received aid in the form of grant of *khas* lands without 'nazarana' in Tripura during 1955-56?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The required information is being collected and will be laid on the Table of the Lok Sabha in due course.

CENTRAL SECRETARIAT GRADE IV SERVICE

1568. Shri K. P. Tripathi: Will the Minister of Home Affairs be pleased to state :

(a) the appointing, punishing and appellate authorities in respect of the Grade IV of the Central Secretariat Service ;

(b) whether any powers by the appointing authority have been delegated to lower authority ; and

(c) if so, what are those powers?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is given in the statement attached. [See Appendix X, annexure No. 63.]

KIDNAPPED CHILDREN

1569. Chaudhuri Muhammed Shaf-fee: Will the Minister of Home Affairs be pleased to state :

(a) the number of the children kidnapped in part "C" States. State-wise in India, from 1st January, 1956 to 31st March 1956; and

(b) the number of such children who were recovered?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement containing the required information is placed on the Table of the House. [See Appendix X, annexure No. 64.]

SCHOOLS OF MINES AND APPLIED GEOLOGY

1570. Shrimati Ila Palchoudhury: Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) the number of Schools of Mines and Applied Geology in India at present ;

(b) the places of their location ;

(c) the number of students who sought admission to these schools for the current term ; and

(d) whether any student has been refused admission ; and

(e) if so, the reasons therefor?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). There is only one School of Mines and Applied Geology and this is located at Dhanbad.

(c) to (e). 1,006 applications were received for 1955-56 but only 695 appeared for the entrance test. 63 candidates were successful and were offered admission but only 43 actually joined. No students who were successful in the entrance test were refused admission.

NATIONAL RESEARCH FELLOWSHIPS

1571. Shri Velayudhan: Will the Minister of Education be pleased to state :

(a) the number of persons awarded the National Research Fellowships in 1955 ;

(b) the total amount that was set apart for this during 1955 ; and

(c) the amount that has been used out of it?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Seven.

(b) A total provision of Rs. 12 lakhs was available for Research Scholarships and Research Fellowships during 1955.

(c) A sum of Rs. 19,239-3-0 was utilized for the Fellowships.

EXCISE DUTY ON MATCHES

1572. Shri Veeraswamy : Will the Minister of Finance be pleased to state :

(a) the amount of excise duty collected from the match making factories in the Madras State during 1955-56 ; and

(b) the manner in which this amount compares with that collected during 1954-55?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : (a) and (b). The amount of excise duty collected from the Match factories in the Madras State during 1955-56 was Rs. 5,07,84,000 ; the amount realised during 1954-55 was Rs. 4,67,97,000.

OIL PROSPECTING

1573. Shri Bishwa Nath Roy : Will the Minister of Natural Resources and Scientific Research be pleased to state whether Government propose to undertake oil prospecting in the Tarai areas of Uttar Pradesh and Bihar under the Second Five Year Plan?

The Minister of Natural Resources (Shri K. D. Malaviya) : Yes. Sir. Prospecting for oil in the Ganga Valley in the U.P. and Bihar is on the programme of the Oil and Natural Gas Directorate in the Second Five Year Plan.

MUSICIANS OF ANDHRA

1574. Shri S. V. L. Narasimham : Will the Minister of Education be pleased to state :

(a) the number of applications received from the musicians of Andhra State for financial assistance during 1955-56 ;

(b) the number and names of those who were given grants ;

(c) the conditions to be satisfied for grants :

(d) the machinery employed to assure the fulfilment of those conditions ;

(e) the period for which the grant is given ;

(f) the proportion which each State bears to the other having regard to the number of applications received?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Four.

(b) None.

(c) Artistic eminence and indigent circumstances.

(d) Decisions are made by a Committee of 3 Cabinet Ministers, after obtaining expert advice.

(e) One year at a time.

(f) Grants are not given State-wise.

MIGRATION OF MUSLIMS

1575. Shri M. L. Agrawal : Will the Minister of Home Affairs be pleased to state :

(a) the number of Indian Muslims, year-wise and State-wise from 1953 to 1955 who migrated from India to West Pakistan but afterwards applied for permission for permanent re-settlement in India ;

(b) the number of such persons whose applications for permanent re-settlement in India were granted ;

(c) the categories of such applicants ; and

(d) the conditions that have to be fulfilled for the grant of such permission ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

SURPLUS LANDS

1577. Shri G. P. Sinha : Will the Minister of Defence be pleased to state :

(a) how many acres of surplus acquired land of Bihta, Bikram and Hathwa airfields in Bihar respectively has been reconveyed to the owners concerned and when;

(b) how many acres of surplus acquired land is still held on charge of Lands and Hirings/Military Lands and Cants. Directorates; and

(c) when reconveyance of all the surplus land is expected to be affected?

The Deputy Minister of Defence (Sardar Majithia) :

(a) (i) *Bihta airfield* 166.34 acres in the year 1954-55.

(ii) *Bikram airfield* 991.88 acres in the year 1950.

(iii) *Hathwa airfield* 284.802 acres in the year 1951.

(b) (i) *Bihta airfield* 673.99 acres earmarked for DGCA (500.00 acres) and Government of Bihar (173.99 acres)

(ii) *Bikram airfield* } Nil.

(iii) *Hathwa airfield* }

(c) Reconveyance of surplus acquired lands has been completed. Any area becoming surplus after meeting the final requirements of D.G.C.A. and Bihar Government will be reconveyed to the original owners, if they are willing to accept it.

MILITARY LANDS AND CANTONMENTS DIRECTORATE

1578. Shri G. P. Sinha : Will the Minister of Defence be pleased to state :

(a) the number of officiating Deputy Directors of the Military Lands and Cantonments Directorate who have been confirmed by the Departmental Promotion Committee and how many more are to be considered; and

(b) when the next meeting of the Departmental Promotion Committee is expected to take place?

The Minister of Defence Organisations (Shri Tyagi) : (a) Three officiating Deputy Directors have recently been approved for confirmation by the Departmental Promotion Committee. There is no other permanent vacancy in the grade against which officiating Deputy Directors can be considered for confirmation at present.

(b) The Committee met only recently and will not meet again until there is enough business for it to deal with.

SCHOLARSHIPS FOR SCHEDULED CASTES

1579. Dr. Satyawadi : Will the Minister of Education be pleased to state whether it is a fact that only First Class Scheduled Caste Students are now eligible for the inland Scholarships for post-matric studies in India?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : No, Sir. Second and Third Class students belonging to Scheduled Castes and Scheduled Tribes, satisfying certain conditions regarding their parents/guardian's income etc. are also eligible for scholarships.

PRACTICAL TRAINING STIPENDS SCHEME

1580. Dr. Satyawadi : Will the Minister of Education be pleased to state the number of students belonging to the Scheduled Castes, Scheduled Tribes and other backward classes getting training in different Industrial concerns at present under the Practical Training Stipends Scheme?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : Complete information is not readily available.

GRANTS TO MADRAS STATE FOR SCHEDULED CASTES

1581. Shri Balkrishnan : Will the Minister of Finance be pleased to state whether Madras Government has made any request for financial assistance for the construction of houses for Scheduled Castes in the cyclone-affected areas?

The Deputy Minister of Finance (Shri B. R. Bhagat) : No, Sir.

CENTRAL SECRETARIAT CLERICAL SERVICE

1582. Shri Radha Raman : Will the Minister of Home Affairs be pleased to state :

(a) whether it is a fact that some quota of the permanent vacancies of the Clerical Service, Grade I, has been reserved for the displaced permanent Government Servants, Scheduled Castes and Scheduled Tribes; and

(b) if so, the reasons why the permanent III Division Clerks have been ignored?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) The prescribed quota of 12½ per cent of available vacancies are reserved for Scheduled Castes and 5 per cent for Scheduled Tribes, subject to availability of suitable personnel. In the case of permanent displaced Government servants eligible for appointment to the Grade, the question of reservation of vacancies would arise only if they cannot be absorbed in adequate proportion to their numbers on the basis of seniority alone when compared to other eligible candidates. The need for such reservation may not, however, arise as most of the eligible permanent displaced Government servants are likely to be absorbed in the initial constitution of the Grade.

(b) There was no Upper Division in the Secretariat before 1st May 1954. The III Division Clerks had no claim for promotion to posts of Assistants although during the war appointments

were made to the grade of Assistants from this source purely as a temporary measure. In the Attached Offices not more than 20% of the permanent III Division Clerks were promoted to the II/Upper Division. Under the Clerical Service Scheme, however, provision has been made for a portion of the maintenance vacancies in Grade I being made available to permanent Lower Division Clerks; selection for promotion being made on basis of merit with due regard to seniority.

GRANTS-IN-AID FOR SCHEDULED CASTES COLONIES

1583. Shri P. L. Kureel : Will the Minister of Home Affairs be pleased to state the total amount of grants-in-aid sanctioned by the Central Government for the Scheduled Castes colonies in Delhi during the last three years?

The Minister in the Ministry of Home Affairs (Shri Datar) : A statement showing the Central grant sanctioned to the State of Delhi during the years 1953-54 to 1955-56 for the welfare of Scheduled Castes is placed on the Table of the House. [See Appendix X, annexure No. 65.] It is, however, not known what amounts of these grants were earmarked and spent by the State Government on the Scheduled Castes Colonies in Delhi.

IRON ORE

1584. { Shri Sanganna :
{ Shri Shivananjappa :

Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether it is a fact that vast mines of iron ore have been found in Sukinda area of Cuttack District, Orissa as a result of Geological Survey;

(b) whether certain foreign countries have been given licence to work them out;

(c) if so, their names; and

(d) the terms and conditions thereof?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) Substantial quantities of iron ore exist at Sukinda.

(b) to (d). No licence has been given to any foreign countries or foreign nationals to work the deposit.

GRANTS TO THE PUNJAB UNIVERSITY

**1585. { Sardar Iqbal Singh :
Sardar Akarpuri :**

Will the Minister of Education be pleased to state the amount of grants-in-aid given by the Centre to the Punjab University annually during the last three years?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : Information is being collected and will be laid on the Table of the Lok Sabha in due course.

PUNJAB ARMED POLICE

**1586. { Sardar Iqbal Singh :
Sardar Akarpuri :**

Will the Minister of Home Affairs be pleased to state :

(a) whether it is a fact that the Government of Punjab have asked for a loan to re-organise and construct barracks etc. for the Punjab Armed Police Force ;

(b) if so, the amount of the loan asked for ; and

(c) the decision of the Central Government in the matter?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes.

(b) Rs. 39,93,212.

(c) The Government of India will advance as a loan an amount equal to the sum the State Government will itself spend on police housing during the financial year 1956-57, subject to a ceiling which is still to be decided.

CONTRAVIEN TION OF PASSPORT RULES

**1587. { Sardar Iqbal Singh :
Sardar Akarpuri :**

Will the Minister of Home Affairs be pleased to state the number of Pakistani Nationals who have been fined and sentenced to imprisonment during 1954 and 1955 in the Punjab State for contravening the passport rules?

The Minister in the Ministry of Home Affairs (Shri Datar) : The information is being collected and will be laid on the Table of the House in due course.

NATIONAL SAMPLE SURVEY

**1588. { Sardar Iqbal Singh :
Sardar Akarpuri :**

Will the Minister of Finance be pleased to state :

(a) the number of villages selected in the Punjab for the tenth round of the National Sample Survey Programme ; and

(b) when the survey is likely to begin?

The Deputy Minister of Finance (Shri B. R. Bhagat) : (a) A total number of 266 villages has been selected in the Punjab for the tenth round of the National Sample Survey Programme.

(b) The survey work for the tenth round commenced from the last week of December 1955.

DACOITIES IN TRIPURA

1589. Shri Biren Dutt : Will the Minister of Home Affairs be pleased to state :

(a) whether dacoities have been committed in the border areas of Tripura during 1955-56 ;

(b) the number of cases in which inter-State are suspected to be linked ; and

(c) the measures proposed by Government to check such dacoities in the border areas?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) Yes.

(b) 16.

(c) (i) Police outposts have been set up in border areas for patrol and vigilance.

(ii) Village Defence parties have been organised to assist the police in the prevention and detection of crimes.

ADVISORY COUNCILS TRIPURA

1590. Shri Biren Dutt : Will the Minister of Home Affairs be pleased to state :

(a) the amount spent so far on the Advisory Council of Tripura State Administration ; and

(b) the heads under which the amount has been so spent?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) The Advisory Council of Tripura State was constituted with effect from the 14th April, 1953. From that date till the end of 31st March, 1956, the total expenditure incurred on the Advisory Council of Tripura amounts to Rs. 1.89,247.

(b) The expenditure involved is debitable to—

Major Head—25 General Administration :

A.1(1)—Pay of Officers (Pay of Advisors,--)

A.1(3)—Allowance, Honoraria etc.

A.1(4) Other Charges.

under Account III of the Area Demand of Tripura State.

FOLK-SONGS

1591. Shri Madiah Gowda : Will the Minister of Education be pleased to state :

(a) whether any steps have been taken to collect and publish folk-songs as an aid to social education : and

(b) if so, the amount expended for that purpose during the last three financial years?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) No.

(b) Does not arise.

INDIAN ADULT EDUCATION ASSOCIATION

1592. Shri Madiah Gowda : Will the Minister of Education be pleased to state :

(a) the amount of financial assistance given to the Indian Adult Education Association to run national seminars, every year, during the last three years ; and

(b) whether the reports of these seminars are taken note by Government?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) 1953-54. Rs. 3,000; 1954-55. Rs. 3,000; 1955-56. Rs. 5,000.

(b) Yes, Sir.

MINERALS IN RAJASTHAN

1593. Shri Bheekha Bhai : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether Government are aware of the existence of rich mineral resources of beryl, platinum, iron and gold ores in South East part of Rajasthan :

(b) whether any geological survey has been undertaken ; and

(c) if so, with what results?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) Occurrences of Beryl and iron ore are known in the South Eastern part of Rajasthan but the existence of platinum and gold ore in the area is not known.

(b) Yes, Sir.

(c) New deposits of beryl have been discovered and the production has been stepped up.

Iron : Rich pockets of iron ore occur between Raipuria ($25^{\circ}5'$: $74^{\circ}36'$) and Gangrar ($25^{\circ}3'$: $74^{\circ}53'$) in Mewar.

Hematite-schists are developed in the hornblende schists (altered tuffs) at the base of the Aravalli near Thana ($24^{\circ}13'$: $73^{\circ}52'$). The ore body form a prominent ridge half a mile long.

Iron ore is also known to occur at Umer ($25^{\circ}41'$: $75^{\circ}30'$), Khenia ($25^{\circ}10'$: $75^{\circ}25'$), Datunda ($25^{\circ}27'$: $75^{\circ}30'$), Loharpura ($25^{\circ}28'$: $75^{\circ}40'$) and other places in Bundi State. These ore bodies consist of limonite and hematite.

It is not desirable to furnish details of the beryl deposits or production.

POPPY CULTIVATION

1594. Shri Ram Dass : Will the Minister of Finance be pleased to state :

(a) the names of the States in which Poppy cultivation is permitted ; and

(b) the conditions which govern the grant of licence for this cultivation?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) :
(a) Poppy is cultivated in the States of Uttar Pradesh, Madhya Bharat, Rajasthan and Jammu and Kashmir for production of opium, and on a limited scale in the States of Punjab and Pepsu and in two districts of the Uttar Pradesh, viz., Dehra-Dun and Tehri-Garhwal, for production of poppy heads and seeds.

(b) The information has been laid on the Table of the House. [See Appendix X, annexure No. 66.]

JHUMIA REHABILITATION

1595. Shri Dasaratha Deb : Will the Minister of Home Affairs be pleased to state whether Government are considering the question of reservation of

Amarpur Division for rehabilitation of Jhumia Tribals?

The Minister in the Ministry of Home Affairs (Shri Datar) : No, Sir. But Government intend to reclaim mechanically a large area of land in Amarpur Sub-division for the purpose of settlement of tribal people as well as refugees from East Pakistan.

KOLAR GOLD MINE AREAS SURVEY

1596. Shri T. B. Vittal Rao : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether it is a fact that the Geological Survey of India has undertaken survey of a 50 square miles area containing high gold-bearing schists around the Kolar Gold Mines;

(b) if so, the findings thereof ; and

(c) if the survey is still in progress when it is likely to conclude?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) Yes, Sir.

(b) It is premature to place before the House the results of the investigation that is being carried out as the work is in progress.

(c) The completion of field work and mapping in the area will occupy about 2 to 3 years more.

GRANTS TO STATES

1597. Shri Gadilingana Gowd : Will the Minister of Finance be pleased to state the amount of money given by way of grants-in-aid or subsidy to the following State Governments from 1949 to 1955 :

(i) Andhra ;

(ii) Mysore ; and

(iii) Hyderabad?

The Deputy Minister of Finance (Shri B. R. Bhagat) : The information is being collected and will be laid on Table of the House.

HISTORY OF FREEDOM MOVEMENT

1598. Shri H. N. Mukerjee : Will the Minister of Education be pleased to state :

(a) whether it is a fact that the Board of Editors (now defunct) of the history of our national movement collected a very large volume of materials for purposes of other project : and

(b) whether Government contemplate setting up of a specialised library where such materials would be available for use by scholars?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) The Board collected a great deal of material required.

(b) The question of making the material available for use by research scholars and others will arise only after the History of Freedom Movement has been published.

भारत में आये पाकिस्तानी

१५६६. श्री रघुनाथ सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) गत छः महीनों में पूर्वी पाकिस्तान से ग्वालपारा क्षेत्र (प्रासाम) के निकट कितने पाकिस्तानी मुमलमान भारतीय सीमा में आये हैं ; और

(ख) कितने व्यक्ति प्रस्थायी अनुशास्रों या पारपत्रों के साथ आये और कितने बिना किसी पारपत्र आदि के आये ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) :
(क) तथा (ख) : सूचना एकत्रित की जा रही है और कुछ ही समय में वह सभा-पट्ट पर रख दी जायेगी ।

INTERNATIONAL GEOPHYSICAL YEAR

1600. Shri S. V. Ramaswamy : Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply given to part (d) of Starred Question No. 1423 on the 14th April, 1956 and state :

(a) the names of the scientific institutions of India which are participating ;

(b) under whose auspices they are participating ;

(c) what will be the subjects for discussion ; and

(d) where these 30 stations are proposed to be located ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) to (d). A statement giving the required information is attached. [See Appendix X. annexure No. 67.]

NATURAL GAS

1601. Shri B. S. Murthy : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether survey has been completed in Andhra and Telengana to locate natural gas ;

(b) if so, the results thereof ; and

(c) the agency through which survey was conducted ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) to (c). The known occurrences of natural gas in the Godavari delta region (only two or three are known) have been examined by the Geological Survey of India, but they are considered to have originated from decaying vegetation in recent alluvium, not connected with any petroleum-bearing strata.

NICKEL

1602. Shri B. S. Murthy : Will the Minister of Natural Resources and Scientific Research be pleased to state the total estimated quantity of nickel available at present in Andhra and Telengana ?.

The Minister of Natural Resources (Shri K. D. Malaviya) : No occurrence has so far been reported.

PROMOTION OF BASIC AND SOCIAL EDUCATION

1603. Shri B. S. Murthy : Will the Minister of Education be pleased to state :

(a) the amount of grants given to the Andhra State during 1955-56 and 1956-57 so far to promote basic and social education ;

(b) the amount spent during 1955-56 : and

(c) whether all the schemes for which money was granted, were put into force ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) :

(a) 1955-56	Rs. 4,23,804
1956-57	Nil.

(b) and (c). Information is not available.

MADRAS ENGINEERING COLLEGE

1604. Shri S. V. Ramaswamy : Will the Minister of Education be pleased to state :

(a) whether there is a proposal to take over the Madras Engineering College ; and

(b) if so, the nature and present position thereof ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) A suggestion was made sometime back that the Engineering College, Guindy, Madras, might be taken over by the Central Government and developed into the proposed Higher Technological Institute for the Southern Region.

(b) No decision has yet been taken.

METCALFE HOUSE

1605. Shri K. P. Tripathi : Will the Minister of Home Affairs be pleased to refer to the reply to parts (g) and (h) of the Unstarred Question No. 696 on the 13th September, 1953 and state :

(a) whether there were other allegations against the then Administrative Officer-cum-Accountant ; and

(b) There were other allegations genenquired into and whether the official was asked to explain the allegations and if so with what result ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) and

(b). There were other allegations generally of personal nature, but on enquiry it was found that there had been no irregularity worth taking notice of.

I.A.S. TRAINING SCHOOL

1606. Shri K. P. Tripathi : Will the Minister of Home Affairs be pleased to refer to the reply given to the Unstarred Question No. 696 on the 16th September, 1953 and state :

(a) whether the present rent for the Metcalfe House suites placed at the disposol of the I.A.S. Training School exclusive of the electric and water charges is the same as the previous rent in which were included the electric and water charges ;

(b) whether the previous rent for some of the suites is reduced to nil or minus something if the electric and water charges now shown separately are deducted from the inclusive rent or lump sum charges in which the electric and water charges were included :

(c) how the electric and water charges were fixed and realised previously from those Government servants who were given the suites free of rent :

(d) whether the incumbents of the post of Administrative Officer of the Indian Administrative Service Training Schools were given rent free suites for their compulsory residence on the School premises ; and

(e) if so, the actual electric and water charges that were due from each of the incumbents of the post during the period from 1st March, 1947 to 29th February, 1952. the

amounts that were actually realised and what was the mode of payment?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes, but the previous rent did not include any charge on account of electricity and water consumption. It was decided to make recovery for water and electricity charges from the staff concerned only with effect from the 1st April, 1953.

(b) Does not arise in view of the reply to part (a).

(c) Attention is invited to the reply to part (a).

As stated therein water and electricity charges were not previously recovered from officers occupying the suites (including those given rent-free accommodation) up to the 31st March, 1953. Recovery of such charges commenced only from the 1st April, 1953.

(d) Yes.

(e) Does not arise in view of the reply to part (c).

EXCISE DUTY

1607. Shri Debendra Nath Sarma: Will the Minister of Finance be pleased

to state the total amount earned by the Government of India from tea, jute and petrol in 1953-54, 1954-55 and 1955-56 in various ways such as excise, cess and export duties?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The total revenue realised by the Government of India from tea, jute and petrol on account of Customs/Central Excise duties and cess is as under:—

(Figure in thousand rupees)

Commodity	1953-54	1954-55	1955-56 (up to Feb., 56)
*Tea	13,69,06	22,89,25	19,13,54
**Jute	10,34,68	7,65,43	3,95,33
***Petrol	30,07,80	30,18,81	29,57,19

*Includes export duty, excise duty and cess.

**Includes export duty and cess on raw jute and jute manufacturers for 1954-55: in 1953-54 and 1955-56 there was no export of raw jute.

***Includes import and excise duty on 'Motor Spirit', which term includes petrol.

DAILY DIGEST

3087

3088

[Monday 30th April, 1956]

COLUMNS

COLUMNS

ORAL ANSWERS TO QUESTIONS.	3027-61	WRITTEN ANSWERS TO QUESTIONS.	3061-86
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1806	Cantonment Board .	3027-29	1805 Hindi Shiksha Samiti
1807	Andaman Islands .	3029-31	1812 Balance of Payments .
1808	Canadian Team for Oil Survey.	3031-32	1817 Religious Conversions
1809	Marine Launch Accident.	3032-33	1818 Educated Unemployed in Andhra.
1810	Sanskrit Commission	3033-34	1819 Commonwealth Officers' Conference.
1811	Loan to Nepal .	3034-36	1825 Hooker's Flora of British India.
1813	Foreign Missionaries	3036-37	1831 Pakistani Nationals .
1814	National Sample Survey.	3037	3064-65
1815	Central Excise Department, Punjab.	3037-38	<i>U. S. Q.</i>
1816	Indian Army .	3038	<i>No.</i>
1820	Kolar Gold Mines .	3039-41	1563 National Council for Rural Higher Education.
1821	Integration of Banks .	3041-42	1564 Educational Facilities for Scheduled Castes.
1822	Hindi Encyclopaedia	3042-45	1565 Cottage Industries in Andamans.
1823	All India Economic Service.	3045-47	1566 Employees of Tripura State.
1824	Bye-elections .	3047-49	1567 Landless Peasants in Tripura.
1826	Linguistic Survey of India.	3050-51	1568 Central Secretariat Grade IV Service.
1827	Administrative Vigilance Division.	3051-53	1569 Kidnapped Children
1828	Government Security Press.	3053-54	1570 Schools of Mines and Applied Geology.
1829	Backward Classes Commission's Report.	3054-56	1571 National Research Fellowships.
1830	Gold Smuggling .	3056-57	1572 Excise Duty on Matches.
1832	Central Universities	3057-58	1573 Oil Prospecting .
1833	National College of Physical Education.	3058-61	1574 Musicians of Andhra
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WRITTEN ANSWERS TO QUESTIONS— <i>con'd.</i>		COLUMNS	WRITTEN ANSWERS TO QUESTIONS— <i>contd.</i>		COLUMNS
U. S. Q. No.	Subject		U. S. Q. No.	Subject	
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1577	Suplus Lands . . .	3071	1592	Indian Adult Education Association.	3078
1578	Military Lands and Cantonments Directorate.	3071-72	1593	Minerals in Rajasthan.	3078-79
1579	Scholarships for Scheduled Castes	3072	1594	Poppy Cultivation . . .	3079
1580	Practical Training Stipends Scheme.	3072	1595	Jhumia Rehabilitation	3079-80
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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIAT
NEW DELHI

SIX ANNAS (INLAND)

TWO SHILLINGS (FOREIGN)

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LOK SABHA

Monday, 30th April, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-31 A.M.

PAPERS LAID ON THE TABLE

DECLARATIONS OF EXEMPTION UNDER REGISTRATION OF FOREIGNERS ACT

The Minister in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table a copy of each of the following Declarations of Exemption under the proviso to section 6 of the Registration of Foreigners Act, 1939, namely:

- (1) 1/70/55-F. I., dated the 1st December, 1955 (1 Declaration).
- (2) 1/72/55-F. I., dated the 3rd December, 1955 (1 Declaration).
- (3) 1/82/55-F. I., dated the 28th December, 1955 (1 Declaration).
- (4) 1/84/55-F. I., dated the 30th December, 1955 (3 Declarations).
- (5) 1/1/56-F. I., dated the 9th January, 1956 (10 Declarations).
- (6) 1/2/56-F. I., dated the 20th January, 1956 (2 Declarations).
- (7) 1/5/56-F. I., dated the 25th January, 1956 (4 Declarations).
- (8) 1/14/56-F. I., dated the 18th February, 1956 (1 Declaration).

[Placed in Library. See No. S-143/56]

PRESIDENT'S ASSENT TO BILL

Secretary: Sir, I have to inform the House that the Finance Bill, 1956, which was passed by the Houses of Parliament during the current Session was assented to by the President on the 27th April, 1956.

6686

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Travancore-Cochin Appropriation (Vote on Account) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 29th March, 1956, and transmitted to the Rajya Sabha for its recommendations on the 16th April, 1956, and to state that the Rajya Sabha at its sitting held on the 27th April, 1956, recommended that the following amendment be made in the said Bill :

That at page 1, after clause 3, the following new clause be inserted, namely:

"Repeal of 4. The Travancore-Cochin
Ordinance Appropriation (Vote on
4 of 1956. Account) Ordinance, 1956,
is hereby repealed."

TRAVANCORE-COCHIN APPROPRIATION (VOTE ON ACCOUNT) BILL

Secretary: Sir, I lay on the Table of the House the Travancore-Cochin Appropriation (Vote on Account) Bill, 1956, which has been returned by Rajya Sabha with the recommendation that the amendment, which has been read out, be made.

ESTIMATES COMMITTEE
TWENTY-SIXTH REPORT

बी बी० जी० मेहता : (गोहिलवाड) अच्युत महोदय, मै रेलवे मंत्रालय के बारे में एस्टीमेट्स समिति (प्रकलन समिति) की छव्वीसवीं रिपोर्ट पेश करता हूँ ।

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

RETRENCHMENT IN ORDNANCE FACTORIES

Shri Nambiar (Mayuram): Under Rule 216, I beg to call the attention of the Minister of Defence to the following matter of urgent public importance and I request that he may make a statement thereon:

"The situation arising out of the large-scale retrenchment of civilian employees in Ordnance Factories and the impending strike on an all-India scale."

The Minister of Defence (Dr. Katju): As a result of a continuous fall in demand for service stores for over two years, a large number of workers have been rendered surplus in the Ordnance Factories. With a view to avoiding large scale retrenchment, the Government embarked on a policy of manufacturing in these factories goods for civilian consumption. About 8,000 workers are now employed on this civil trade work. The value of such work has gone up from Rs. 54 lakhs in 1953 to Rs. 3.5 crores in 1955. Further expansion of civil trade work is not possible, because the Ordnance Factories are not primarily designed for the production of civilian goods. Even after the absorption of about 8,000 men in this civil trade work, a large number of surplus employees have remained on idle-time payment in these factories. The average number of idle workers in manufacturing units is undesirable for many reasons. It affects economic and efficient production, and increases costs. It leads also to indiscipline and discontent. A stage has, therefore, been reached where it is no longer in the interests of the tax-payer or the State to continue to retain in service this surplus personnel.

In addition to the surplus personnel in the Ordnance Factories, there are about 2500 employees in other Defence installations, such as Ordnance Depots, Technical Development Establishments, etc, who also have become surplus to requirements. The main reason for this is that the decrease in the work-load of the Ordnance Factories has resulted in a corresponding decrease in the work which is done in the Ordnance Depots, Technical Development Establishments, etc. A subsidiary reason is that combatants have become available to replace those civilians who had been employed during war-time in lieu of combatants.

With a view to limiting this problem of surpluses, a ban was imposed on the recruitment of semi-skilled and unskilled workers about two years ago. But, so long as there appeared to be a possibility of increasing the work-load by undertaking civil trade work, etc., no retrenchment was effected. The present position is that the number of surplus employees in each factory has been assessed after a very careful examination of the workload including the possibilities of expansion of Defence orders. The total number of surpluses in each factory have been communicated to the Works Committees, which consist of equal numbers of representatives of the management and labour; and there have been discussions with the Works Committees. An enquiry has been made to ascertain which surplus employees would be willing to revert to lower grades, if necessary. Also it has been decided in respect of the factory labour that when a worker is retrenched, he will be given, in order to mitigate the hardship caused to him, certain travel concessions. He will also be given Contributory Provident Fund in addition to the Retrenchment Compensation under Section 25F of the Industrial Disputes (Amendment) Act, which comes to 15 days' average pay for every completed year of service.

I need hardly say that Government are most anxious to see that as far as possible no worker, who can somehow be retained in service, is thrown out of employment. In respect of every surplus worker, efforts are first made to accommodate him in any vacancy which may exist either in the same installation or in any other defence installation. Efforts are also being made to see whether any alternative appointment can be found for him in any other Central Government undertaking existing or being set up. We have recently taken a decision that skilled workers will not be retrenched at all. It may also be stated that a fairly large reserve of workers will be retained even after any retrenchment that may take place, to provide for any unforeseen expansion of the workload of the factories. The Government have also accepted a suggestion made by the All India Defence Employees Federation and have appointed a Liaison Officer, specially for the purpose of finding out ways and means of securing alternative employment for as many of the surplus employees as possible. This officer will maintain close personal contacts with the employing Ministries on the one hand

and the industrial installations of the Defence Ministry on the other. He will also keep in touch with the All India Defence Employees Federation.

I may mention here that Government have been keeping the All India Defence Employees Federation informed of these developments and have held discussions with the representatives of the Federation with a view to finding a satisfactory solution to this difficult problem. Every attempt has been made to explain to the Federation why this retrenchment of a large number of workers has become absolutely unavoidable.

Initially, it had been considered that the retrenchment of the surplus workers should be done at the end of the last financial year, *i.e.*, at the end of last March. But in order that a further effort may be made to locate alternative appointments for as many surplus workers as possible, the retrenchment had been postponed. The recently appointed Liaison Officer will be given time to contact the employing Ministries, in order to ensure that the number of persons who must after all be unavoidably retrenched may be reduced as much as possible. This interval, I hope, will prove useful in obtaining offers of alternative employment from other Central Government undertakings for at least a fair number of the surplus employees. But those persons for whom such employment cannot even then be found will, I am afraid, have to be retrenched, as they cannot be retained in service as idle labour indefinitely. But even after their retrenchment, efforts will continue to be made to find re-employment for them as early as possible. In this connection, there is however one point I should like to make clear. If any surplus worker to whom an alternative appointment is offered does not accept it, he will be retrenched forthwith. Obviously Government cannot agree to pay idle-time wages to a surplus worker who has been offered an alternative employment and has refused to take it.

In conclusion, may I add that we are fully alive to the importance of this problem and have endeavoured to do the best we can to help the surplus labour whose services are no longer required.

Shri Nambiar : May I seek a clarification? What further steps have Government taken to avoid retrenchment and the strike, notice of which has been served on the Government by the Defence Employees' Federation?

Dr. Katju: So far as I know, no notices of retrenchment have been served so far anywhere.

Shri Nambiar: I refer to the strike notice served on the Government by the Federation to start on May 21st.

Dr. Katju: I do not think; I would ask my hon. friend to put any specific question if he wants.

Some Hon. Members rose—

Mr. Speaker: No questions on a statement.

STATEMENT ON INDUSTRIAL POLICY OF GOVERNMENT

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, I beg leave to place before the House a Resolution of the Government of India in regard to industrial policy. I understand that copies of this Resolution will be available to the Members of the House through the Lok Sabha Secretariat.

The Government of India set out in their resolution dated the 6th April, 1948, the policy which they proposed to pursue in the industrial field. The Resolution emphasised the importance to the economy of securing a continuous increase in production and its equitable distribution, and pointed out that the State must play a progressively active role in the development of industries. It laid down that besides arms and ammunition, atomic energy and railway transport, which would be the monopoly of the Central Government, the State would be exclusively responsible for the establishment of new undertakings in six basic industries—except where, in the national interest, the State itself found it necessary to secure the co-operation of private enterprise. The rest of the industrial field was left open to private enterprise though it was made clear that the State would also progressively participate in this field.

2. Eight years have passed since this declaration on industrial policy. These eight years have witnessed many important changes and developments in India. The Constitution of India has been enacted, guaranteeing certain Fundamental Rights and enunciating Directive Principles of State Policy. Planning has proceeded on an organised basis, and the first Five Year Plan has recently

[Shri Jawaharlal Nehru]

been completed. Parliament has accepted the socialist pattern of society as the objective of social and economic policy. These important developments necessitate a fresh statement of industrial policy, more particularly as the Second Five Year Plan will soon be placed before the country. This policy must be governed by the principles laid down in the Constitution, the objective of socialism, and the experience gained during these years.

3. The Constitution of India, in its preamble has declared that it aims at securing for all its citizens—

"JUSTICE, Social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation."

In its Directive Principles of State Policy, it is stated that—

"The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice—social, economic and political—shall inform all the institutions of the national life".

Further that—

"The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) that there is equal pay for equal work for both men and women;

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that childhood and youth are protected against exploitation and against moral and material abandonment."

4. These basic and general principles were given a more precise direction when Parliament accepted in December, 1954, the socialist pattern of society as the objective of social and economic policy. Industrial policy, as other policies, must therefore be governed by these principles and directions.

5. In order to realise this objective, it is essential to accelerate the rate of economic growth and to speed up industrialisation and, in particular, to develop heavy industries and machine making industries, to expand the public sector, and to build up a large and growing co-operative sector. These provide the economic foundations for increasing opportunities for gainful employment and improving living standards and working conditions for the mass of the people. Equally, it is urgent, to reduce disparities in income and wealth which exist today; to prevent private monopolies and the concentration of economic power in different fields in the hands of small numbers of individuals. Accordingly, the State will progressively assume a predominant and direct responsibility for setting up new industrial undertakings and for developing transport facilities. It will also undertake State trading on an increasing scale. At the same time, as an agency for planned national development, in the context of the country's expanding economy, the private sector will have the opportunity to develop and expand. The principle of co-operation should be applied wherever possible and a steadily increasing proportion of the activities of the private sector developed along co-operative lines.

6. The adoption of the socialist pattern of society as the national objective, as well as the need for planned and rapid development, require that all industries of basic and strategic importance, or in the nature of public utility services, should be in the public sector. Other industries which are essential and require investment on a scale which only the State, in present circumstances, could provide, have also to be in the public sector. The State has therefore to assume direct responsibility for the future development of industries over a wider area. Nevertheless, there are limiting factors which make it necessary at this stage for the State to define the field in which it

will undertake sole responsibility for further development, and to make a selection of industries in the development of which it will play a dominant role. After considering all aspects of the problem, in consultation with the Planning Commission, the Government of India have decided to classify industries into three categories, having regard to the part which the State would play in each of them. These categories will inevitably overlap to some extent and too great a rigidity might defeat the purpose in view. But the basic principles and objectives have always to be kept in view and the general directions hereafter referred to followed. It should also be remembered that it is always open to the State to undertake any type of industrial production.

7. In the first category will be industries the future development of which will be the exclusive responsibility of the State. The second category will consist of industries, which will be progressively State-owned and in which the State will therefore generally take the initiative in establishing new undertakings, but in which private enterprise will also be expected to supplement the effort of the State. The third category will include all the remaining industries, and their future development will, in general, be left to the initiative and enterprise of the private sector.

8. Industries in the first category have been listed in Schedule A of this Resolution. All new units in these industries, save where their establishment in the private sector has already been approved will be set up only by the State. This does not preclude the expansion of the existing privately owned units, or the possibility of the State securing the co-operation of private enterprise in the establishment of new units when the national interests so require. Railways and air transport, arms and ammunition and atomic energy will, however, be developed as Central Government monopolies. Whenever co-operation with private enterprise is necessary, the State will ensure, either through majority participation in the capital or otherwise, that it has the requisite powers to guide the policy and control the operations of the undertaking.

9. Industries in the second category will be those listed in Schedule B. With a view to accelerating their future development, the State will increasingly establish new undertakings in these industries. At the same time private enter-

prise will also have the opportunity to develop in this field, either on its own or with State participation.

10. All the remaining industries will fall in the third category, and it is expected that their development will be undertaken ordinarily through the initiative and enterprise of the private sector, though it will be open to the State to start any industry even in this category. It will be the policy of the State to facilitate and encourage the development of these industries in the private sector, in accordance with the programmes formulated in successive Five Year Plans, by ensuring the development of transport, power and other services, and by appropriate fiscal and other measures. The State will continue to foster institutions to provide financial aid to these industries, and special assistance will be given to enterprises organised on co-operative lines for industrial and agricultural purposes. In suitable cases, the State may also grant financial assistance to the private sector. Such assistance, especially when the amount involved is substantial, will preferably be in the form of participation in equity capital, though it may also be in part in the form of debenture capital.

11. Industrial undertakings in the private sector have necessarily to fit into the framework of the social and economic policy of the State and will be subject to control and regulation in terms of the Industries (Development and Regulation) Act and other relevant legislation. The Government of India, however, recognise that it would, in general, be desirable to allow such undertakings to develop with as much freedom as possible, consistent with the targets and objectives of the national plan. When there exist in the same industry both privately and publicly owned units, it would continue to be the policy of the State to give fair and non-discriminatory treatment to both of them.

12. The division of industries into separate categories does not imply that they are being placed in water-tight compartments. Inevitably, there will not only be an area of overlapping but also a great deal of dovetailing between industries in the private and the public sectors. It will be open to the State to start any industry not included in Schedule A and Schedule B when the needs of planning so require or there are other important reasons for it. In appropriate cases, privately owned units may be permitted

[Shri Jawaharlal Nehru]

to produce an item falling within Schedule A for meeting their own requirements or as by-products. There will be ordinarily no bar to small privately owned units undertaking production, such as the making of launches and other light-craft, generation of power for local needs and small scale mining. Further, heavy industries in the public sector may obtain some of their requirements of lighter components from the private sector, while the private sector in turn would rely for many of its needs on the public sector. The same principle would apply with even greater force to the relationship between large scale and small scale industries.

13. The Government of India would, in this context, stress the role of cottage and village and small scale industries in the development of the national economy. In relation to some of the problems that need urgent solutions, they offer some distinct advantages. They provide immediate large scale employment; they offer a method of ensuring a more equitable distribution of the national income and they facilitate an effective mobilisation of resources of capital and skill which might otherwise remain unutilised. Some of the problems that unplanned urbanisation tends to create will be avoided by the establishment of small centres of industrial production all over the country.

14. The State has been following a policy of supporting cottage and village and small scale industries by restricting the volume of production in the large scale sector, by differential taxation, or by direct subsidies. While such measures will continue to be taken, whenever necessary, the aim of the State policy will be to ensure that the decentralised sector acquires sufficient vitality to be self-supporting and its development is integrated with that of large scale industry. The State will, therefore, concentrate on measures designed to improve the competitive strength of the small scale producer. For this it is essential that the technique of production should be constantly improved and modernised, the pace of transformation being regulated so as to avoid, as far as possible, technological unemployment. Lack of technical and financial assistance, of suitable working accommodation and inadequacy of facilities for repair and maintenance are among the serious handicaps of small scale producers. A start has been made with the establishment of industrial estates and rural community workshops to

make good these deficiencies. The extension of rural electrification and the availability of power at prices which the workers can afford will also be of considerable help. Many of the activities relating to small scale production will be greatly helped by the organisation of industrial co-operatives. Such co-operatives should be encouraged in every way and the State should give constant attention to the development of cottage and village and small scale industry.

15. In order that industrialisation may benefit the economy of the country as a whole, it is important that disparities in levels of development between different regions should be progressively reduced. The lack of industries in different parts of the country is very often determined by factors such as the availability of the necessary raw materials or other natural resources. A concentration of industries in certain areas has also been due to the ready availability of power, water supply and transport facilities which have been developed there. It is one of the aims of national planning to ensure that these facilities are steadily made available to areas which are at present lagging behind industrially or where there is greater need for providing opportunities for employment, provided the location is otherwise suitable. Only by securing a balanced and co-ordinated development of the industrial and the agricultural economy in each region, can the entire country attain higher standards of living.

16. This programme of industrial development will make large demands on the country's resources of technical and managerial personnel. To meet these rapidly growing needs for the expansion of the public sector and for the development of village and small scale industries, proper managerial and technical cadres in the public services are being established. Steps are also being taken to meet shortages at supervisory levels, to organise apprenticeship schemes of training on a large scale both in public and in private enterprises, and to extend training facilities in business management in universities and other institutions.

17. It is necessary that proper amenities and incentives should be provided for all those engaged in industry. The living and working condition of workers should be improved and their standard of efficiency raised. The maintenance of industrial peace is one of the prime requisites of industrial progress. In a socialist democracy labour is a partner in the common task of development and

should participate in it with enthusiasm. Some laws governing industrial relations have been enacted and a broad common approach has developed with the growing recognition of the obligations of both management and labour. There should be joint consultation and workers and technicians should, wherever possible, be associated progressively in management. Enterprises in the public sector have to set an example in this respect.

18. With the growing participation of the State in industry and trade, the manner in which these activities should be conducted and managed assumes considerable importance. Speedy decisions and a willingness to assume responsibility are essential if these enterprises are to succeed. For this, wherever possible, there should be decentralisation of authority and their management should be along business lines. It is to be expected that public enterprises will augment the revenues of the State and provide resources for further development in fresh fields. But such enterprises may sometimes incur losses. Public enterprises have to be judged by their total results and in their working they should have the largest possible measure of freedom.

19. The Industrial Policy Resolution of 1948 dealt with a number of other subjects which have since been covered by suitable legislation or by authoritative statements of policy. The division of responsibility between the Central Government and the State Governments in regard to industries has been set out in the Industries (Development and Regulation) Act. The Prime Minister, in his statement in Parliament on the 6th April 1949, has enunciated the policy of the State in regard to foreign capital. It is, therefore, not necessary to deal with these subjects in this resolution.

20. The Government of India trust that this restatement of their Industrial Policy will receive the support of all sections of the people and promote the rapid industrialisation of the country.

SCHEDEULE A

1. Arms and ammunition and allied items of defence equipment.
2. Atomic energy.
3. Iron and steel.
4. Heavy castings and forgings of iron and steel.

5. Heavy plant and machinery required for iron and steel production, for mining, for machine tool manufacture and for such other basic industries as may be specified by the Central Government.

6. Heavy electrical plant including large hydraulic and steam turbines.

7. Coal and lignite.

8. Mineral oils.

9. Mining of iron ore, managanese ore, chrome ore, gypsum, sulphur, gold and diamond.

10. Mining and processing of copper, lead, zinc, tin, molybdenum and wolfram.

11. Minerals specified in the Schedule to the Atomic Energy (Control of Production and Use) Order, 1953.

12. Aircraft.

13. Air transport.

14. Railway transport.

15. Shipbuilding.

16. Telephones and telephone cables, telegraph and wireless apparatus (excluding radio receiving sets).

17. Generation and distribution of electricity.

SCHEDULE B

1. All other minerals except "minor minerals" as defined in Section 3 of the Minerals Concession Rules, 1949.

2. Aluminium and other non-ferrous metals not included in Schedule 'A'.

3. Machine tools.

4. Ferro alloys and tool steels.

5. Basic and intermediate products required by chemical industries such as the manufacture of drugs, dyestuffs and plastics.

6. Antibiotics and other essential drugs.

7. Fertilizers.

8. Synthetic rubber.

9. Carbonisation of coal.

10. Chemical pulp.

11. Road transport.

12. Sea transport.

Shri Sadhan Gupta: (Calcutta South-East): May I make a suggestion ?

Shri Jawaharlal Nehru: I have not read out the schedules, because we are distributing all these papers to every

[**Shri Jawaharlal Nehru**]
hon. Member, and he can consider it more carefully then.

Shri Sadhan Gupta: Since we are shortly to have a debate on planning, and this policy statement is obviously going to loom large in the debate, and since it will also have to be considered in the light of the previous statement on industrial policy and the previous statement on foreign capital, may I suggest that all these statements may be circulated to us, because many of us were not here in 1948 or 1949, and we do not have the advantage of having these copies ready with us?

Shri Jawaharlal Nehru: I have already stated that the resolution that I have just read out is immediately available to all Members of the House. As for the previous statements, there are two mentioned here, the industrial policy resolution of 1948 and the statement I made in April 1949 about foreign capital. I suppose the Lok Sabha Secretariat could make them available too to Members.

Mr. Speaker: I shall make the copies of the other statements available to hon. Members sufficiently in time, and immediately after the House rises or even earlier; hon. Members may go to the Notice Office and take copies of this statement which are available there.

4 BUSINESS OF THE HOUSE HALF-AN-HOUR DISCUSSION

Mr. Speaker: The House will now take up further consideration . . .

Shri Bansal (Jhajjar-Rewari): Before you take up the next item, with your permission, I want to refer to the Order Paper of today wherein item No. 6 says that a half-an-hour discussion will be allowed at 5-30 P.M. on cement.

I beg to submit that the subject-matter of the discussion is a very important one, on which more than one or two members may like to speak. As the subject is really very important, and covers the production of cement, the distribution of cement and the price policy, may I suggest that some more time may be given to this?

There is another point on which I would like to seek your clarification. The other day, the Deputy-Speaker was good enough to read out the rule and point out that when a half-an-hour discussion

is allowed, the Member who raises the discussion has his say, and then the Minister replies. Now, this takes up all the time, and none of the other Members can participate. In fact, the ruling of the Deputy-Speaker was that if any time is left over, and if any other Member wants to speak, he can only speak after the reply of the Minister, and the other Members, if at all, can only put questions.

May I suggest that in your goodness, you may waive this rule, as far as this discussion is concerned, and allow some other Members also to speak, so that the Minister can speak at the end of the debate?

श्री रघुनाथ सिंह : (जिला बनारस मध्य)
इसके लिये कम से कम एक घंटा होना चाहिये।

Mr. Speaker: Hon. Members are aware that a half-an-hour discussion arises out of answers given to certain specific questions. The Member who has tabled the question starts with a statement; then, other Members who have given notice of their intention to participate in the discussion are given five minutes each. In advance, it is ascertained how long the Minister will take for his reply. So, what the Deputy-Speaker meant was that the person who raises the discussion will have some time, and ultimately the Minister will answer; in between, if there is any time left, after ascertaining what time is available or necessary for both the Member who raises the discussion and the Minister, that time is allotted to the other Members.

So far as the suggestion made by Shri Bansal is concerned, it is always open to any hon. Member, in view of any important matter arising in the House, to ask for a discussion for one hour, one and a half hours, or even two hours. So far as this discussion is concerned, it is confined particularly to the answers that have been given on specific questions on which some more supplementaries might have been asked but could not be asked owing to want of time. I would therefore allow this discussion to stand as it is on the Order Paper and restrict it to half an hour. If any hon. Member wants to seek any particular clarification, he may give notice in advance saying that he wants to participate, and I shall allow him up to five minutes, of course, subject to sufficient time being made available both to the questioner and also to the Minister. If any hon.

Member wants to raise any other debate, he may give me due notice, and I shall consider, time permitting, whether that matter may be allowed.

I do not know whether the House will be prepared to sit after 5-30 P.M. today and go on beyond even 6 P.M. when the half-an-hour discussion will come to a close. I do not know whether without previous notice hon. Members will be prepared to sit beyond 6 P.M.

Shri Nambiar (Mayuram): We are prepared to sit upto 6-30 P.M.

Shri S. S. More (Sholapur): Does the hon. Member speak for the whole House?

Shri U. M. Trivedi (Chittoor): We are not prepared.

Mr. Speaker: Further, there is no precedent for a half-an-hour discussion being extended beyond half an hour. Therefore, if the House feels it necessary, and I am also satisfied that there is a large demand on the part of the Members of the House, I shall try to give sufficient notice in advance, and fix up a separate occasion for that.

Shri Kamath (Hoshangabad): You were pleased some time ago to extend the time in the case of the discussion on the jaundice epidemic in Delhi. That was carried over to the next day, as a matter of fact.

Mr. Speaker: But the House is not unanimous in this matter, even apart from that.

Shri V. P. Nayar (Chirayinkil): I would submit that if it is possible to find one hour during any of these days, this discussion itself can be taken up during that period. I find that several hon. Members are very much interested in a discussion of greater length. In half an hour, I submit, justice cannot be done to this subject. I gave notice of a half-an-hour discussion, only because that was one possible way of raising the question in the House.

Mr. Speaker: I shall consider later on whether it should be half an hour or one hour. I shall consult also the Minister, and if it is possible, I shall try to extend the time, if the House is willing. But as I find, at present, the House is not willing. If it is willing to sit for

half an hour more, I shall consider the question of extending it from half an hour to one hour.

MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION (AMENDMENT) BILL

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 15th March, 1956, namely:

'That* this House recommends to Rajya Sabha that leave be granted to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by Rajya Sabha on the 21st September, 1954, and laid on the Table of this House on the 23rd September, 1954."

The Minister in the Ministry of Home Affairs (Shri Datar): When this matter was taken up last time, a number of hon. Members wanted clarification as to whether the Bill that is sought to be withdrawn should be amended. I have considered all the circumstances, and I find that so far as this Bill is concerned, it is more or less of a limited nature, in the sense that it deals only with the introduction of an elective element, so far as the constitution of village authorities is concerned. In the present case, what Government propose is this. After this Bill was passed by the Rajya Sabha, certain factors have happened, namely that in the Manipur State, the Codes of Civil and Criminal Procedure have been introduced. We have got a hierarchy courts, civil and criminal. But Government consider that there should also be a systematic attempt at keeping the village courts. Under the Regulation of 1947, all the village authorities were *ipso facto* entitled to carry on their work, and there were certain criminal powers vested in them. There were also certain outmoded provisions therein, as for example, ordeal in some cases. It was considered that we had outlived all those times and, therefore, a new Bill would be better.

* This motion was subsequently amended by the Speaker *vide* Part II Debates, dated 11-5-1956, Cols.—2657-58.

[Shri Datar]

Under the new Bill, which will be introduced immediately, the purpose is to have full provisions made for the purpose of having elected village authorities. Secondly, village courts will be established and powers will be given in respect of civil and criminal matters so far as they are concerned. It has been provided that the village courts will be concurrent with the various courts that are established under the Codes of Civil and Criminal Procedure. It is considered that those village courts should continue in Manipur, especially in the hill areas. For that purpose, comprehensive provisions had to be made and, therefore, in view of the new situation arising after the Bill was passed by the Rajya Sabha, it was found necessary that that Bill of a limited nature ought to be withdrawn and a new comprehensive Bill, dealing not only with the village authorities but also with the village courts in a more specific and organised manner should be introduced in this hon. House. We are advised that inasmuch as that Bill has been passed by the Rajya Sabha, that Bill has got to go to the Rajya Sabha, and we have got to seek the permission of the Rajya Sabha to withdraw the Bill. In accordance with this advice, I desire that this House should recommend to the Rajya Sabha that leave be granted to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by Rajya Sabha on the 21st September 1954 and laid on the Table of this House on the 23rd September 1954.

Shri S. S. More (Sholapur) rose—

Mr. Speaker: Let me first place the motion before the House.

Shri S. S. More : I would like to raise certain questions regarding the validity of the motion before you place it before the House, if you will permit me.

Mr. Speaker: Let me formally place the motion before the House and then I will hear any objection that he has.

Shri S. S. More: I abide by your decision, but my submission is that this motion, by itself, is not admissible. So I want to raise the point before it is placed before the House.

I have tried to study the rules of procedure, particularly rules of procedure regarding Bills which originate in the other House, and after having studi-

ed those rules, I find it difficult to find out any particular rule under which such a motion can be moved.

The other House has passed that measure. Once the other House passes a measure, it sends it back to this House, and then this House is in possession of that measure. How can we make a request to the other House to grant permission to withdraw a measure which has already left its hands, has reached us and is now in possession of this House? Therefore, I would request the Hon. Minister, before I make a definite assertion, to point out the relevant provision under which he is moving such a motion, which appears to be a rather queer motion.

Shri L. Jogeswar Singh (Inner Manipur) rose—

Mr. Speaker: Does the hon. Member want to speak on this point?

Shri L. Jogeswar Singh: I want to say something on the Bill.

Mr. Speaker: I have my own doubts about one matter. This House is not seized of this matter. Under the rules, when a Bill originates in the Rajya Sabha, is passed by it and is transmitted to this House, the Bill shall, as soon as may be, laid on the Table. This was done in 1954 or so. Rule 152 says:

"At any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration".

Has that been given?

Shri Datar: That is normally done. That is not done in this case.

Mr. Speaker: It is only laid on the Table of the House. The House is seized of the matter only when a motion for consideration is moved. At that stage, it may be said that we have considered this matter and in view of some other Bill pending, we are advised that we should send it back to the Rajya Sabha to withdraw it. I am coming to the point whether withdrawal is possible or not. But as a preliminary, that must be done because this House does not seem to have jurisdiction over this; it is seized of this only when a formal motion that the Bill be taken into consideration is moved. Then he may say that in view of the fact that another Bill is being introduced in this

House, this may be withdrawn. Has the other Bill been introduced?

Shri Datar: No, it has not been introduced.

Mr. Speaker: It may be stated that in view of the prospect of introducing another Bill—a more comprehensive one—this Bill may be withdrawn by the other House. The hon. Minister may answer both these points.

Shri Datar: Yes. So far as the first point is concerned, I am submitting that as soon as a Bill having been passed by the Rajya Sabha has been laid on the Table of the House, this House has been seized of the matter. Therefore, the House might not only be called upon to consider the Bill but also to consider the Bill in another aspect, by way of requesting the other House to withdraw the Bill.

Shri Kamath: Under which rule?

Shri Datar: So far as the technical issue is concerned, your suggestion appears to be that only when I move for consideration of the Bill can I move for withdrawal.

Mr. Speaker: Then alone will the House be seized of this matter. After that, a motion may be moved for withdrawal. I have my doubts regarding the point that the mere placing of the Bill on the Table of the House dispenses with the need to introduce it here, because it is introduced there. Not that it stands in the way. The hon. Minister may even orally move it. I will try to waive notice so far as consideration is concerned. But the substantive point, whether we can do it or not, remains. I feel that a motion for consideration might be necessary, however short the notice may be. I will hear the hon. Minister of Legal Affairs also on this.

Shri U. M. Trivedi (Chittor): May I make a suggestion? This Bill is not introduced in this House. The new Bill that has to be introduced in the House can be introduced, without making any further effort to reach the consideration stage. Then he can move for withdrawal of the Bill in that House. We can take up consideration of the new Bill.

Shri Datar: This House has been seized of the Bill. Therefore, while there is one Bill before this House for considera-

tion, it is immaterial when the motion that it be taken into consideration is moved. The question is whether I can introduce another Bill without this motion. If there is no objection, I shall introduce the other Bill.

Mr. Speaker: I think so.

The Minister of Legal Affairs (Shri Pataskar): The position is not exactly clear. The procedure is that whenever a Bill originates in the other House and has been passed by that House it can only be taken up here after it is transmitted to us. So the most important stage is the transmission. Under rule 151, there is provision for what is to be done when a Bill originating in the Rajya Sabha has been passed by it and is transmitted to this House. Our rule says what will be done, what will be the motion, how it will be laid on the Table of the House.

Mr. Speaker: What is the effect of transmission?

Shri Pataskar: When the Bill is transmitted to this House, are we not in charge of that Bill? Or is it merely a mechanical process? That is the point.

Shri Datar: Does the hon. Minister of Legal Affairs say that we are in charge of the Bill and that I can move for withdrawal of the Bill?

Shri Pataskar: Yes.

Shri Datar: Then I have no objection.

Mr. Speaker: If I have doubts, I will ask the hon. Minister. I was also thinking aloud. We shall settle this matter. It consists of two portions: If this House is regularly seized of this matter, whether we can send it back to the other House? As soon as a Bill is passed in one House and is transmitted to the other House, after being passed by the House, the question may arise whether that House has still got jurisdiction until we send it back to that House? The Minister in the Ministry of Home Affairs, Shri Datar, has stated that once the Bill is laid on the Table of this House and has passed the gates of that House, it is only this House that has got jurisdiction. Undoubtedly, after having sent the Bill away, that House may have no jurisdiction unless it is requested by this House to withdraw it or we send it back to that House.

I was considering whether by merely sending the Bill to this House, this House is clothed with jurisdiction, though that

[Mr. Speaker]

House might have lost it, and whether a further step has to be taken by moving a formal motion for consideration. At that stage, you may send it back to the other House. I feel that once a House has passed a Bill and has sent it to the other House, it has no jurisdiction, without the concurrence of the other House, to withdraw that Bill or to pursue the matter. That House has no jurisdiction now. Only this House has got jurisdiction. Now, that it has been placed on the Table of the House, it has been introduced and we have no right to reject it. It only requires somebody to take it; otherwise, it will lie dormant.

So far as the second stage, that is the taking into consideration, is concerned, it may be plausible to argue that even without a formal motion for consideration, any other motion may be made in this House and, accordingly, this motion has been made. Only after this motion has been passed by this House, that House will have jurisdiction.

There seems to be no force in Shri More's argument. The other House loses jurisdiction and it is this House that has got it. The only point for consideration is whether this house is in seising of the Bill. I feel that the placing of the Bill on the Table of this House is introduction and, before consideration, any motion of this kind that it may be sent back to the other House for withdrawal may properly be made.

If Shri More has got anything further to say, I will hear him.

Shri S. S. More: I think the proper motion under the Rules ought to be a motion under Rule 149, the 'Removal of a Bill from the Register of Bills'. I speak subject to correction.

Under Rule 147, the member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill. This is with reference to a Bill which is introduced in this House; and such a motion for withdrawal can be made at any stage of the Bill. Assuming for the sake of argument that the Rules of the other House are similar to our Rules—I plead ignorance of those Rules—once a Bill is transmitted to this House, it comes to be a Bill on the Register of Bills of this House, and becomes a pending Bill in this House. If you see Explanation (iii) to clause (2) of Rule 149, you will find that a Bill originating in the Rajya Sabha and transmitted to this House and laid on the Table of this House

under Rule 151 or Rule 159, is also a Bill pending in this House. Therefore, it is a pending Bill in this House and if, for some reasons, the Government do not want to proceed with that Bill, then, the proper motion which they can make in this House is not a motion requesting the other House to grant permission to withdraw the Bill, because it is none of the business of this House to make a request to that House in this respect, but, since we are possessed of this matter, we can treat it as a Bill pending before this House, a Bill in the Register of Bills of this House, and proceed for the removal of the Bill from the Register of Bills, though it is a Bill originating in the other House.

Mr. Speaker: But it can be done only after rejection of any of those motions mentioned in sub-clause (i) to (v) of rule 149; but, there is no such motion.

Shri S. S. More: I quite appreciate what you say. Rules 151 to 166 are supposed to be exhaustive and also the Rules in Chapter XXIX. If we scrutinise all these rules, we do not find a single Rule which does contemplate a motion of this kind. Therefore, in the case of Bills originating in the other House and transmitted to this House, certain motions alone can be made. You will be pleased to remember a ruling that you gave under Rule 135. These rules are categorically binding on us and we cannot go beyond those Rules. Therefore, if there is no specific Rule under which we can sponsor such a motion, then you will have to concede that there is some defect and this is not the way in which we can get over that defect—by making a request to that House. There is no legal coverage for this by the Rules. So, we shall be making a motion which may be infructuous. We will have to apply our mind and see whether such a sending back is permissible under their own Rules. If it is not, it will be difficult. • This is rather uncovered ground and, therefore, we will have to apply our minds to it.

Shri Kamath: On a point of clarification which House exercises jurisdiction over a hill during the interregnum between the moment of transmission of the Bill by the other House and the time of making a motion in this House for the consideration thereof?

Mr. Speaker: That is what we are considering. There are two views. As soon as it leaves the other House, it loses all jurisdiction. The only point is whether from the moment that it leaves the other

House and it is placed on the Table of this House this House has got jurisdiction or whether it is only after a motion for consideration is made here that this House has jurisdiction.

From what Shri More read, it seems to be clear that a Bill originating in the Rajya Sabha and transmitted to this House and laid on the Table of this House, under rule 151 and 152, must be deemed to be a Bill pending in this House. There is no more doubt about that. Whenever a Bill is pending before the House, if it is a Bill originating in this House, then under Rule 147, the member in charge may move for leave to withdraw it. But, if the Bill originated in the other House and has been sent here for concurrence or discussion, all that we can do is to throw out the Bill, or agree with the Bill or make some amendments. We can do various things. Falling short of doing that, here, we can say, 'you withdraw it yourself'. Wherever we have got no specific rules and the needs of the situation require that, I think, we can utilise the residuary powers.

"All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may from time to time direct."

Then, there is another reason why they want to withdraw it. A more comprehensive Bill is to be introduced. I think it has been circulated to Members.

Shri S. S. More: No, Sir.

Mr. Speaker: I have seen a copy of it. I understand, it is available in the Publications Counter. I understand it has always been the rule, that whenever notice of Bill to be introduced is given, it is available there. Copies of it will be available to Members to look into and, if necessary, even at the introduction stage to comment upon it.

The one relates only to the village authority being elected. That is the Bill that is passed by the Rajya Sabha. Under the Manipur Regulation Act, we want that the village authorities, who are nominated till now, must be elected. This later one is more comprehensive and also amends and consolidates the entire Bill. Under those circumstances, it is better to send away that Bill and take seizure of this Bill. I am only consider-

ing the matter for the purpose of exercising my discretion under rule 401. I see that no specific rule has been framed here for the purpose. Under rule 401, whenever a Bill originates from the other House and after it has been finally sent to this House, this House can make in suitable circumstances, subject to the permission of the Speaker, a motion as can be made by a mover of a Bill for withdrawal under rule 147. Inasmuch as that Bill originated in that House, an equally identical motion cannot be moved here and so a motion can be moved requesting that House to withdraw the Bill.

Shri S. S. More: Will you also lay down that under some emergency when the Speaker is invoked to use his powers under rule 401, there should be a specific request by the person who wants it? Otherwise, at the spur of the moment, to draw on the emergency power of the Speaker will be unfair to the Speaker himself.

Shri Datar: I make that specific request to you, Sir.

Shri U. M. Trivedi: That residuary power of the Speaker ought to be exercised only in the absence of any such rule in the House of Commons. If there is a provision in the House of Commons Rules about this very specific issue, then that will be the rule governing this.

Mr. Speaker: It is not a privilege; it is a general practice. I am also a bit of a lawyer.

Shri Kamath: Not a bit, Sir, but a big lawyer.

Mr. Speaker: Let us proceed. Have hon. Members got anything substantial to say on this? Nothing. I shall now put the motion to the House.

The question is:

"That* this House recommends to Rajya Sabha that leave be granted to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by Rajya Sabha on the 21st September, 1954, and laid on the Table of this House on the 23rd September, 1954."

The motion was adopted.

* This motion was Subsequently amended by the Speaker. *Vide* Part II Debates dated 11-5-1956, Cols. 2657-58

MANIPUR (VILLAGE AUTHORITIES IN HILL AREAS) BILL *

The Minister in the Ministry of Home Affairs (Shri Datar): I beg to move for leave to

Shri Nambiar (Mayuram): Under your ruling, should he not say "on behalf of so and so"?

Mr. Speaker: It is not necessary, because any Minister can rise on behalf of another Minister. It is only for the sake of record that those words are noted. I shall see that a correct record of this is kept.

Shri Datar: On behalf of Shri Govind Ballabh Pant, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the Hill Areas of the State of Manipur.

Mr. Speaker: I am reminded now that my ruling was that whenever a Minister other than the Minister belonging to the Ministry concerned moves it, those words are necessary. For instance, what has the Minister of Agriculture to do with the Ministry of Home Affairs? But if the Minister belongs to the same Ministry, he need not use those words "on behalf of so and so".

Shri Kamath (Hoshangabad): Then all this need not go on record; you may strike off the first few words.

Mr. Speaker: It will go on record.

The question is :

"That leave be granted to introduce a Bill to consolidate and amend the law relating to the constitution and functions of Village Authorities in the Hill Areas of the State of Manipur."

The motion was adopted.

Shri Datar: I introduce the Bill.

HINDU SUCCESSION BILL

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Pataskar on the 12th December, 1955, namely:

"That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

The time allotted is 35 hours and the time so far taken is 53 minutes. So

there is a balance of 34 hours and 7 minutes. It appears that the other day when the Deputy-Speaker was here, there was a suggestion regarding the time that might be allotted for the various stages of the Bill. I have gone through the various clauses and the amendments that have been tabled. In view of what has been said from time to time regarding the general consideration, I think the clause by clause stage may require more time and, as such, I would suggest that 20 hours may be allotted for the clauses, 10 hours for the general consideration and 5 hours for the third reading stage. If per chance we are not able to deal with the clauses within the time allotted for that stage, some more time from the third reading stage may be availed of for the clause by clause consideration. If the House agrees with this, I will enforce this allotment.

Shri Kamath (Hoshangabad): Under the Business Advisory Committee's Report, which was accepted by the House, the Speaker is empowered to extend the time beyond 35 hours, if considered necessary. This is an important measure.

Shri Altekar (North Satara): I think that two hours will be sufficient for the third reading stage and 13 hours may be allotted for general discussion stage.

The Minister of Legal Affairs (Shri Pataskar): I would suggest 10 hours for general discussion, 20 hours for the clauses and 5 hours for the third reading. I think the matter has been discussed several times, but, of course, it is a Bill which does contain important clauses and so I would like more attention to be paid to the clauses. The third reading stage is only a sort of a general discussion.

An Hon. Member: We may go up to 40 hours (*Interruption*).

Mr. Speaker: Let us strike something between 10 and 15 hours, let us have 13 hours for the general discussion. If we take more time on the clauses, we shall try, if necessary, to extend it; otherwise we shall conclude within the time allotted. Let us put it as 13 hours for general discussion. After all, we have to say the same thing over again, the same thing which we have been saying all along.

Shri Altekar: When the clause by clause consideration is over, there is very little of importance in the third reading, because if any important suggestions

* Published in the Gazette of India Extraordinary, Part II, Section 2, dated 30-4-56, pp. (309-329)

are to be made, they will be made only at the general discussion stage.

Mr. Speaker : All right. Let us proceed now.

श्री बी० जी० देशपांडे (गुना) : मैं विधेयक का विरोध करने के लिये लड़ा हुआ हूँ। विरोध करने से पूर्व मैं इस सदन के सदस्यों से हृदय से प्रार्थना करता चाहता हूँ कि वे इस विधेयक की तरफ बड़ी गम्भीरता से देखें। सवाल यह है कि भारत के करोड़ों लोगों पर इस विधेयक का दूरवर्ती प्रभाव होने वाला है। मेरी समझ में सदन के बहुत से सदस्यों ने यह नहीं सोचा कि इस का परिणाम करोड़ों लोगों के सम्बन्ध में क्या होने वाला है। जब मैं किताबों को देखता हूँ तो पाता हूँ कि उन में लिखा है कि भारत की ६० प्रतिशत जनता आज कृषि व्यवसाय में सग्न है। इस ७० फी सदी जनता में पूरे देश की ५० प्रतिशत जनता, अर्थात् साढ़े सत्तरह करोड़ आदमी इस प्रकार के हैं जो की पार्ट ओनर (प्राचिक मालिक) हैं, या फल ओनर (पूरे मालिक) हैं और कलिंगेशन (खेती) करते हैं। अर्थात् भारत के १७ और १८ करोड़ के बीच में ऐसे लोग हैं जो कृषि सम्पत्ति हैं और देहातों में रहने वाले हैं। यह १८ करोड़ लोग अधिकतर अशिक्षित हैं। उन पर इस विधेयक का बड़ा अच्छा प्रभाव पड़े ऐसा परिणाम होने वाला नहीं है। मैं समझता हूँ कि इससे वहां की समाज रचना बदलने वाली है, हमारी गृह रचना बदलने वाली है, हमारी अर्थ व्यवस्था बदलने वाली है। जो इस प्रकार का दरगामी विधेयक है उसकी तरफ भावाना प्रधान दृष्टि से देखना, काव्यमय दृष्टि से देखना, रोमांटिक दृष्टि से देखना, मैं समझता हूँ, उचित नहीं होगा।

इस देश में दस वर्ष से इस विधेयक के सम्बन्ध में प्रयत्न हो रहा है। परन्तु मेरी समझ में केवल तीन बर्गों के लोग हैं जो इस विधेयक का समर्थन करने वाले हैं। एक वर्ग तो इस प्रकार का है जो केवल प्रगति के नाम के पीछे चलने वाला है और यह सोचते हैं कि प्रगतिशील हैं। लेकिन वे यह नहीं सोचते हैं कि प्रगति का तरीका क्या है। उनके अनुसार स्त्री को अधिकार देना बड़ी प्रगति की बात है। चूंकि मन दो हृजार साल पुराने हैं, चार हृजार साल पुराने हैं, इस लिये मन, याज्ञवल्क्य या जीमूतवाहन अब पुराने हो गये हैं। जो वे लोग कर रहे हैं वही अच्छा है। आज चूंकि लोग पुरानी चीजों को

छोड़ कर नई चीजें लाना चाहते हैं इस लिये अपने को समझते हैं कि वडे प्रगतिशील हैं। तो इस प्रगतिशीलता के पीछे चलने वाला एक वर्ग है।

दूसरा वर्ग वह है जैसे कि अंग्रेजी सिस्टम (प्रथा) में नाइट्स हुआ करते हैं जिन को हमेशा विपत्ति में पड़ी हुई स्त्रियों की सहायता करने की पड़ी रहती है। डैमसेल इन डिस्ट्रेस (विपत्ति में पड़ी महिला) के आसू पौछने वाला वर्ग है। यह मनुष्य के हृदय के एक कमज़ोरी है कि जब स्त्री का प्रश्न आता है तो वह कहता है कि चाहे मेरा जीवन समाप्त हो जाये लेकिन स्त्री के आसू पौछने चाहिये। तो यह रोमांटिक एप्रोच (काव्यमय दृष्टिकोण) वाला वर्ग है। एक और वर्ग है जो कि माड़नं (आधुनिक) एमेजन को देख कर बैंबूज़िल हो जाता (चकमे में आ जाता) है और डर के कारण कहने लगता है कि हमारे साथ स्त्रियों को भी समान अधिकार मिलने चाहिये। यह उनसे दबने वाला वर्ग है तो ये तीन वर्ग इस समय सामने आ रहे हैं। मेरी समझ में इस प्रकार रोमांटिक या डर का एप्रोच इस विषय की ओर न होकर वास्तविकता के आधार पर इस विषय पर विचार करना चाहिये। जैसा कि हमारे प्रधान मंत्री जी कहते हैं हमको केवल नारों के पीछे लगकर किसी विषय को नहीं देखना चाहिये।

लोग कहते हैं कि पुरानी बातें छोड़ दो। मैं कहता हूँ कि पुरानी बातों का समर्थन करने वाले मजबूत जर्मीन पर हैं। हजारों वर्षों के इन पुराने कानूनों के अनुसार हमारी समाज व्यवस्था चली आ रही है। मनु, याज्ञवल्क्य, विज्ञानेश्वर और जीमूतवाहन के बनाये कानूनों के अनुसार हमारी समाज व्यवस्था बहुत समय से चल रही है। इसलिये मैं कह सकता हूँ कि इन शास्त्रों के प्रति जो अन्विष्वासी हैं वह मजबूत जर्मीन पर है। लेकिन नया अन्विष्वासी इतनी मजबूत जर्मीन पर नहीं है जो कि यह कहता है कि मनु अच्छा नहीं था, स्त्रियों को समान अधिकार न देने से अब तक समाज की क्या हानि हुई है और किस तरह से समाज की सम्पत्ति समाप्त हो रही है। आज हम अपने देश में एक नया समाजवादी ढंग ले कर समाने आ रहे हैं। कहा जाता है कि क्यों कि लड़की को समान अधिकार नहीं दिया जाता इसलिये समाजवादी ढंग नहीं आ सकता। लेकिन मैं कहता हूँ कि

[श्री बी० जी० देशपांडे]

आप फिरसे (आंकडे) लाइये कि किस प्रकार वर्तमान व्यवस्था में समाज को हानि हो रही है या समाज की सम्पत्ति नष्ट हो रही है। आपको यह बताना चाहिये कि किस प्रकार यह व्यवस्था हमारे देश में समानता लाने में वाक नहीं है। मैं देखता हूँ कि इस प्रश्न के प्रति लोगों की साइंटिफिक (वैज्ञानिक) और रियलिस्टिक (वास्तविक) एप्रोच नहीं है। खाली पुराने लोगों को गाली देने से काम नहीं चल सकता। मैंने पुराने शास्त्रों पर पूर्ण विश्वास है और मैं समझता हूँ कि शास्त्रों को समझने की योग्यता न होने के कारण इस प्रकार की बातें आज कहीं जा रही हैं। पुराने शास्त्रों का एप्रोच ठोस होते हुए भी उसकी ओर नहीं देखते और उसके विपरीत जाने का प्रयास कर रहे हैं। मैं पूछता चाहता हूँ कि यह कौन से अध्येशास्त्र के आधार पर कहा जा रहा है, और कौनसी समाज रचना के अनुसार आप यह क्रान्तिकारी परिवर्तन हमारे सामने ला रहे हैं।

इस विवेक पर दस पन्द्रह साल से चर्चा चल रही है। आज आप इसमें अन्त में एक क्रान्तिकारी परिवर्तन करने जा रहे हैं। मैं आपसे आज भी अन्तरोष कहनगा कि थहरिये और सोचिये और देहातों में रहने वाले करोड़ों लोगों की अर्थ व्यवस्था पर कुठाराधात करने के पहले इस कुल्हाड़ी को जरा संभाल कर रखिये। मूँझे स्मरण आता है कि जब वाशिंगटन को उसके पिता ने एक कुल्हाड़ी दी तो उसने उस कुल्हाड़ी से सबसे पहले अपने पिता के बगीचे के बूँझों पर ही चोट करना शुरू कर दिया। हमको स्वराज्य मिला है। लेकिन इस सुन्दर कुल्हाड़ी के हाथ में आते हीं हम सबसे पहले उस बगीचे पर प्रहार कर रहे हैं कि जिसको हमारे शास्त्रों ने बनाया था, हम सबसे पहले उस कुल्हाड़ी से अपनी समाज रचना के बगीचे पर ही प्रहार करते लगे हैं। वाशिंगटन ने तो पश्चात् अपने पिता के कहा था कि “मैं सजा के लिये तैयार हूँ” पर पता नहीं कि यह वाशिंगटन इस प्रकार का प्रायश्चित करेगा या नहीं। जो हमारे शास्त्र द्वारा स्थापित समाज व्यवस्था के उद्यान पर कुठाराधात करना चाहते हैं उनसे मैं दो तीन प्रश्न पूछता चाहता हूँ। आप समानता का नारा लेकर सामने आये हैं। समानता अच्छी बात है। मैं भी मानता हूँ कि स्त्री और पुरुष में कोई भेद न किया जाय परन्तु दुनिया जिन देशों में स्त्रीयों को समानता

के आधार पर अधिकार मिले हुए हैं, वहां भी न्यायाधीशों ने कहा है कि समानता का अर्थ हम यह नहीं समझते कि उनके कार्यक्षेत्र में भेद होते हुए भी उनके लिये सम्पत्ति का वितरण समान है। उनका कहना है कि : If the functions and social needs demand that there should be discrimination, discrimination will have to be made. यदि बहिनओर भाई की, स्त्री और पुरुष की सामाजिक आवश्यकताओं और कार्यक्षेत्र में भिन्नता है तो सम्पत्ति के वितरण में आपको उनके बीच भिन्नता करनी पड़ेगी। स्त्री और पुरुष की लड़ाई पाकिस्तान और हिन्दुस्तान की लड़ाई, या पुतुंगाल और हिन्दुस्तान की लड़ाई है, ऐसा मानने के लिये मैं तैयार नहीं हूँ। स्त्री और पुरुष मिलकर कोई अलग वर्ग नहीं बनता। मैं माताओं से एक प्रश्न पूछता चाहता हूँ। अगर किसी माता के एक लड़का है और दूर के किसी की लड़की है, तो क्या माता यह समझकर उस पुरुष जाति का है यह चाहेगी कि उसकी संपत्ति इसके लड़के को न मिले बल्कि उस लड़की को मिले। मैं समझता हूँ कि कोई भी माता यह नहीं चाहेगी कि उसके लड़के के बजाय उस दूर रहने वाली स्त्री को सम्पत्ति मिले। हर एक माता चाहती है कि उसका लड़का इस योग्य हो कि वह अपनी बहिन को अपने घर लाया करे, और बड़ा होकर अपने माता पिता का पालन पोषण करे, लेकिन यह कोई माता नहीं चाहती कि उसके लड़के का इस प्रकार नुकसान हो। आज से पहले श्रीमती शिवराज-वती नेहरू जी ने ही इसी प्रकार के उद्गार प्रकट किये थे जिससे प्रकट होना था कि यह जो आप भाई का नुकसान करके बहिन को सम्पत्ति में हिस्सा देना चाहते हैं, यह माताओं को मात्य नहीं है। मैं समझता हूँ कि आज जमाना बदल गया है लेकिन फिर भी मैं कहता हूँ कि यदि आप देहातों में रहने वाली माताओं की आवाज सुने तो आपको मालूम होगा कि सोशल नेसिसिटीज (समाजिक आवश्यकताएं) और फंक्शन्स (कार्य) को देखते हुए वे भी आपके पक्ष में नहीं हैं। मैं मानता हूँ कि पहले जो हमारी सम्मिलित कुटुम्ब व्यवस्था थी उसमें फर्क पड़ गया है, उसका डिसइंटीग्रेशन (विभटन) हो रहा है। लेकिन फिर भी देहातों में रहने वाले करोड़ों लोग आज भी उसी प्रकार से रह रहे हैं। आज भी शादी होने पर लड़की लड़के के घर आती है, लड़का लड़की के घर नहीं जाता। आज भी कुटुम्ब में पुरुष मुख्य माना जाता है। यदि बाप मर है जाता तो सारे

कुटुम्ब की जिम्मेवारी आज भी लड़के पर ही आती है। परिवार वालों का पेट पालने की जिम्मेवारी लड़के पर ही आती है। इस प्रकार की समाज रचना में कोई परिवर्तन हुआ है ऐसा में नहीं मानता। आज आप स्त्रियों की उन्नति करना चाहते हैं। मैं समझता हूँ कि यह चीज आज उनकी उन्नति के मार्ग में बाधक नहीं है। वे पुरुषों के बराबर नहीं कमाती या उनको सम्पत्ति में समान अधिकार नहीं मिलता। अनेक ऐसी सामाजिक परिस्थितियाँ हैं जिनके कारण स्त्रियों की उन्नति रुकी हुई है। सम्पत्ति के बारे में भी जो ज्ञान दूर है वह यही है, कछ कहते हैं कि दामाद को मिले और कुछ कहते हैं कि लड़के को मिले। यह लड़ाई स्त्री और पुरुष की नहीं है। इस ज्ञान के न कोई सवाल पुरुष का आता है और न स्त्री का आता है।

दूसरी बात मझे यह कहनी है कि जब प्रारम्भ में यह विधेयक हमारे सामने आया था तो हमारे लिए एकमात्र (विधि कार्यों) के मंत्री ने कहा था कि मिताक्षरा कैमिली (परिवार) है उसको यह कानून लागू नहीं होगा। परन्तु प्रब्रह्म समिति में जाने के बाद इस बिल में अनेक क्रान्तिकारी परिवर्तन किये गये। कभी कहा गया कि लड़के और लड़की को आधा आधा मिले, कभी कहा गया कि पूरा लड़की को मिले, फिर कहने लगे कि दूसरों की लड़की को भी मिले इससे भी सन्तोष नहीं हुआ तो कहा गया कि अवैधानिक लड़के को भी क्यों न मिले। मैं तो कहता हूँ कि एक समाजवादी समाज के लिए तो यह बात कहना रिएक्शनरीपन है कि अपने लड़के और अपनी लड़की को ही दिया जाये। उस समाज में तो ऐसा कानून बनाया जाये तो वहत अच्छा हो कि दूसरों के लड़कों को ही मिले। वहाँ पर यह बेसिर पेर के परिवर्तन किये गये कि स्त्रियों को पुरा अधिकार मिले। इनको क्रान्तिकारी परिवर्तन कहा जाता है। यह मैं आपसे फिर कहना चाहता हूँ कि इस विधान की हम बड़ी जल्दवाली में बना रहे हैं और जिस शान्ति और सोचविचार के साथ इस तरह के सामाजिक विधेयक बनाये जाने चाहिये, उस प्रकार से नहीं बनाया जा रहा है। आप जो यह कहते हैं कि यह विधेयक दस माल या पन्द्रह साल से जनता के सामने है तो मेरा कहना है कि जनता के सामने तो यही सवाल रखता गया कि स्त्रियों के साथ न्याय होना चाहिये कि नहीं होना चाहिये और इस सवाल का तो जबाब जनता से यही मिलना था कि

न्याय होना चाहिये। मुझे बतलाया गया कि कोई किंग आर्थर के नाइट हैं जो स्त्रियों के आंसू नहीं देख सकते उन्होंने सब को इकट्ठा करके एक इस तरह का बिल ले आये और हालांकि लोग इसके कुछ प्राविजंस (उपबन्धों) से संतुष्ट नहीं हैं और उसके विशद हैं लेकिन पंडित जी के नेतृत्व के कारण यहाँ आते आते जो उनका विरोध होता है वह विरोध लुप्त हो जाता है।

मैं समझता हूँ कि यह विधेयक प्राप्त ली डाफटेड (उचित बनाया गया) नहीं है और इसका फल आगे चल कर कनफ्यूजन (आंति) और लिटिगेशन (मुकदमेवाजी) के सिवा और कुछ होने वाला नहीं है। क्या आपने यह भी सोचा है कि इस विधेयक का जनता के ऊपर क्या प्रभाव पड़ेगा? जब यह बिल संयुक्त प्रब्रह्म समिति को विचाराय सौंपा गया और इस प्रकार के सामाजिक विधेयक पर यथोष्ट समय लगना जरूरी था तो इस कानून को जल्दी पास कराने के लिये स्त्रियों के डेपुटेशन (प्रतिनिधि मंडल) जाने लगे और यह सोचा गया कि अगर कहीं १५ दिन की इसमें देर लग जायेगी तो इस अधिवेशन में नहीं आ पायेगा और इस कारण उन्होंने डेपुटेशन के डर के मारे एक तिथि निश्चित कर दी कि उमके अन्दर अन्दर रिपोर्ट तैयार कर दी जाय जिसका कि नतीजा यह हुआ कि जल्दी जल्दी उसने इस बिल की शब्द रचना की और इस तरह की शब्द रचना हुई कि हमारे वैधानिक अफैयर्स (कार्यों) के मंत्री महोदय जब राज्य सभा में इस विधेयक पर बोलने के लिये लड़े हुए तो उन्होंने उस अवसर पर स्वयं इसको स्वीकार किया। कि इस बिल में कुछ कमियाँ रह गई हैं जैसे कि इलेक्ट्रिमेट सन (अवैधानिक पत्र) के अगर हिस्सा मिलता है तो पोलेंगेमी (बहु विवाह) बढ़ती है और राज्य सभा में जब संयुक्त प्रब्रह्म समिति की रिपोर्ट लेकर पहुँचते हैं तो वे स्वयं इस बात को स्वीकार करते हैं कि इस विधेयक की शब्द रचना ठीक नहीं हुई। उसके बाद जो कमेटी नियुक्त हुई उसने उसकी शब्द रचना को मुधाने का प्रयास किया लेकिन वह भी विशेष इसमें सुधार नहीं क्योंकि फिर दुबारा स्त्रियों के डेपुटेशन जाने लगे कि बिना कुछ चेंज (परिवर्तन) किये हुए जल्दी से जल्दी इस विधेयक को पास किया जाय। जल्दी जल्दी बिना पूरी तरह विचार विनिमय किये और शब्द रचना किये विधेयक को

[श्री बी० जी० देशपांडे]

पास करना प्रगति का चिन्ह माना जा रहा है जो कि वास्तव में प्रगति का चिन्ह नहीं है। और उचित तो यह था कि इस प्रकार का क्रान्तिकारी सामाजिक विवेयक जिसका कि असर करोड़ों देशवासियों के जीवन पर पहने वाला है, उस पर सूब अच्छी तरह से विचार किया जाता और जनता के सब वर्गों की राय ली जाती और सोसाइटी (समाज) के डिफेंट क्लासेज (विभिन्न स्लंडों) जसे व्यापारी लोग, प्रोफेशनल क्लासेज (व्यवसायिक स्लंड) और एप्रीकल-चरिस्ट्स (कृषकों) का अलग अलग इस बिल के असर के बारे में कंसल्ट (परामर्श) किया जाता। इस बिल के अन्तर्गत जो नीति है वह तो मुझे बहुत रिवोल्टिंग (विद्रोहात्मक) मालूम होती है। मैं समझता हूँ कि यह जो सुधार इस बिल के द्वारा करने का प्रयत्न किया जा रहा है, यह हमारे तथाकथित प्रगतिशील पुरुषों की सेंटिमेंटल वीकेनेस (भावनात्मक कमज़ोरी) के कारण है और मैं चेतावनी देना चाहता हूँ कि फेरवर सेक्स (स्त्रियों) के साथ इस तरह जो एक्सेसिव फैवर्स (अत्यधिक पक्षपाता) किये जाते हैं, आगे चल कर इस बिल के सपोर्टर्स (समर्थकों) को पछताना पड़ेगा। आप यह समझ कर कि बेचारे मन और याज्ञवल्य का जमाना तो चला गया और सामाजिक परिवर्तन इस प्रकार के किये जाने जरूरी है, इस तरह का बिल जल्दी से ड्राफ्ट (तयार) करके ला रहे हैं जो कि किन्तु ही स्थानों पर ठीक नहीं है ऐसा करना आप प्रगतिवाद समझते हैं जो कि आपकी सरासर भूल है क्योंकि हर पुरानी चीज़ ज़रूरी तौर पर बुरी नहीं होती है। मैं समझता हूँ कि आज जो हम सामाजिक परिवर्तन करने जा रहे हैं उसका दुष्परिणाम शीघ्र ही हमारे सामने आने वाला है और उस बक्त हम समझ जायेंगे कि सिर्फ परिवर्तन ही प्रगति और धर्म नहीं है जैसा कि आजकल हम में से कुछ लोग मान बैठे हैं।

सक्षेपण (उत्तराधिकार) के बारे में मेरा यह कहना है कि पहले यह होता था कि बाप के मर जाने पर उसका लड़का उत्तराधिकारी बनता था और उसका लड़का यदि मर गया हो तो उस लड़के का लड़का उत्तराधिकारी बनता था, यह दो तीन से ज्यादा को हमारे बहां पहले उत्तराधिकार का अधिकार नहीं पहुँचता था लेकिन सक्षेपण की जो फेरिस्त दी गई है वह तो इतनी लम्बी और न खत्म होने वाली है कि मैं उसको पढ़कर हरान रह जाता हूँ।

son; daughter; widow; son of a predeceased son; daughter of a predeceased son; son of a predeceased daughter; daughter of a predeceased daughter; widow of a predeceased son; son of a predeceased son of a predeceased son; daughter of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son.

इतने उत्तराधिकारी इसमें रख दिये गये हैं जो म समझता हूँ उचित नहीं है। इसमें जो विडोड डाटर-इन-ला (विधवा बहू) को शमिल किया गया ह वह और किसी ला में नहीं है, इडियन सक्सेशन एक (भारतीय उत्तराधिकार अधिनियम) में भी नहीं है। विडोड डाटर-इन-ला (विधवा बहू) का जहां तक सम्बन्ध ह, इस्टर्ट (सम्पत्ति) को लिमिटेड (सीमित) रखना चाहिये या और इस तरह का हमला हिन्दू ला पर नहीं करना चाहिये था। लिमिटेड प्रापरटी (सीमित सम्पत्ति) की जगह एल्बैलट प्रापरटी (कुल सम्पत्ति) कर दी गई है। लिमिटेड प्रापरटी का अर्थ यह कि प्रापरटी यानी सम्पत्ति समाज की होनी चाहिये, नियंत्रित होनी चाहिये, जब कि हमारा यह कानून व्यक्तिवाद की तरफ और अनियंत्रित संपत्ति की तरफ जा रहा है। मिताक्षर की पद्धति हमने इस देश में निर्माण की थी कि केवल स्त्री को ही नहीं बल्कि पुरुष को भी यह अधिकार नहीं था कि वह अपनी सम्पत्ति किसी को बेच दे या किसी को दे दे, वह केवल एक मर्यादित उसका मालिक होता था, पूरे कुटुम्ब की वह सम्पत्ति होती थी और हमारे कानून में तो स्त्री को पुरुष की अपेक्षा अधिक अधिकार हासिल था। उसके अनुसार लड़की को पति से सम्पत्ति मिलती है वह उसका जैसे चाहे डिस्पोज शाफ (विक्रय) कर सकती है लेकिन लड़के को वास से जो सम्पत्ति मिलती है उसका वह मर्यादित मालिक बनता था, स्त्री को अनियंत्रित अधिकार और पुरुष को नियंत्रित अधिकार प्राप्त था लेकिन इस बिल को लाने के पश्चात् मिताक्षर ज्वाइट फैमिली प्रापरटी (संयुक्त परिवार सम्पत्ति) जो कि इस ला (कानून) के आपरेशन (कार्यकरण) से अभी तक बची हुई थी, उसको भी इसके अन्दर ले आये हैं और ऐसा करके कनफ्यूजन वर्स कनफाउडेड (भ्राति और अधिक भ्राति-पर्ण) हो गया है। डा० अम्बेडकर का जो विवेयक था वह पूरा गला काटने वाला था। और उनका रेजर शार्प था लेकिन यहां तो गठ्ठल रेजर जो कि सैन्टिक (जहरिल) है

उससे गला काटने का प्रयत्न किया जा रहा है जिसका कि नतीजा यह होगा कि गला तो कट नहीं पायेगा लेकिन आदमी जरूर मर जायेगा । इस तरह की कनफ्यूज़ड विडिंग (ध्राति पूर्ण शब्दावली) को लेकर भिताक्षर ला के बारे में छठवां सेक्शन (धारा) बनाया गया है कि कोई ठिकाना नहीं । जब राज्य सभा में यह बिल लाया गया तब लोगों ने बतलाया कि इसका अर्थ तो यह होगा कि डिसीज़ड डाटर्स डाटर को तो उत्तराधिकार मिलेगा लेकिन डिसीज़ड डाटर्स सन को हक नहीं मिलेगा । पहले बिल में ऐसा लिखा हुआ था :

"Provided that, if the deceased had left him surviving a female relative specified in class I of the Schedule".

उसके बाद यह संशोधन किया गया :

"Or a male relative specified in that class who claims through female relative."

इस प्रकार की कम से कम उसमें एनामली (विरोधाभास) नहीं और असम्बद्धता नहीं थी ।

Explanation—for the purpose of the proviso to this section, the interest of every one of his undivided male descendants in the coparcenary property, and the female relative shall be entitled to have her share in the coparcenary property computed and allotted to her accordingly.

1 P.M.

मैं तो इस पूरे कलाज ६ के विष्टद्वारा वैसे इसमें एक एस्पार्टेंट एक्सेप्शन है कि यह एक फीमेल हेयर को कोपासनरी प्राप्तर्टी (समाशी सम्पत्ति) में शेयर देता है । यह जो एक्सस्लेनेशन ऊपर मैंने पढ़ा है इससे मैं समझता हूँ कि it would lead to hardship and injustice and will make unsafe the title of a coparcenary even after the partition.

यानी अगर मेल रिलेटिव (पुरुष रिलेटेदार) है, लड़की का लड़का है और उसका हिस्सा देना है तो सन (पत्र) का हिसाब कम्प्यूट (लगाया) नहीं किया जायेगा । आखिर क्यों दिया

जायेगा ? आज स्त्रियों को मदद की दरकार है, पूर्णों को नहीं । तो अगर लड़के का लड़का होगा तो हिसाब नहीं कम्प्यूट होगा लेकिन अगर लड़की का लड़का होगा तो डिवाइडेड सन्स (विभाजित पुत्रों) का हिस्सा कम्प्यूट किया जायेगा । मैं बता रहा था कि इस तरह की गड़बड़ी आपने जल्दाजी में कर दी है । इस की फैहरित इस बक्त का समय नहीं है, कलाज बाई कलाज (खंड प्रति खंड) डिस्केशन (पाठ्य) में देखना पड़ेगा । फिर जल्द बाजी में जो यह बुराई आप को मालूम हुई तो आप समझे कि इस से तो बड़ी खराबी आ जायेगी । जब आप ने उस को सुधारने की कोशिश की तो बिल्कुल ही गला काट दिया । सेक्शन ३२ में आप ने इस के बारे में रखता है ।

"32. Testamentary succession : Any Hindu may dispose of by will or other testamentary disposition any property, which is capable of being so disposed of by him, in accordance with the provisions of the Indian Succession Act, 1925, or any other law for the time being in force and applicable to Hindus.

Explanation.— Notwithstanding anything contained in section 6, the interest of a male Hindu in a Mitakshara coparcenary property shall be deemed to be property capable of being disposed of by him within the meaning of this section."

यह दुधारी तत्वावार है । पहले हमारे मिताक्षर पद्धति में किसी को मृतपत्र से इस बात की इजाजत नहीं थी कि वह किसी को सम्पत्ति दे दे । लेकिन अब हर एक पिता जो लड़की को जायदाद देना नहीं चाहता, यह कोशिश करेगा कि सब से पहले वह इस कलाज के अनुसार उस को जायदाद से बंचित कर दे । मान लीजिये पिता पुराने ख्यालात का है और लड़की को जायदाद में हिस्सा नहीं देना चाहता है तो वह मृतपत्र की आड़ में नहीं देना । इस के साथ ही साथ यदि लड़के की पत्नी को भी न देने की इच्छा हो तो वह भी वह कर सकता है । मान लीजिये कि पति पत्नी के साथ बुरा बताव करता है, शारब पीता है, दुराचार करता है कर्जा करता है, तो उस के मरने के पश्चात ऐसा हो सकता है कि उस की विवाह और बच्चों को कुछ न मिले क्योंकि पहले तो यह नियम था कि उस की जायदाद को बिना विवाह पत्नी और बच्चों की सहमती क

[स्त्री बी० जी० देशपांडे]

बचा नहीं जा सकता था, लेकिन आप वह मृत-पत्र लिख कर जायदाद पर पूरा अधिकार अपने पास रख सकेगा। हमें उसकी विधवा और बच्चों के इन्टरेस्ट (हित) को समझना है। लड़के के इन्टरेस्ट को समझ बढ़ा कर ही पार्टिशन (बटवारा) होने के बाद जो पति का इन्टरेस्ट रहेगा वही उस को देना है। यह भी बहुत बात इस में साफ नहीं की गई है। मैं समझता हूँ कि इस विवेयक में इस प्रकार के क्लारेज रखने के पश्चात् यह समझ कर कि स्त्रियों को जूहर अधिकार मिलेगा और उस को जल्दी से पास कर लें, तो उन का उद्देश्य पूरा नहीं होगा। मैं नहीं समझता लड़कियों को सम्पत्ति इस प्रकार से मिल सकेगी।

आगे चल कर मैं एक ही प्लाइंट (बात) पर और बोलंगा क्योंकि वह बहुत महत्वपूर्ण विषय है। इस देश के अन्दर जो कृषि विषयक सम्पत्ति है उस के बारे में लोग कहते हैं कि भाई, इस देश में सत्तरह करोड़ आदमी खेती में लगे हुए हैं। उन के यहाँ की बहनों को और विडोज (विधवाओं) इन सब को अधिकार मिलेगा कि वह शादी कर लें। मान लीजिये कि एक ग्रैंडसन (पोता) की विडो है जो कि ४ या १६ साल की है। उस का पति ५० साल का था और वह मर गया। कहा जाता है कि अगर उसको दबारा शादी करने को अधिकार न हो तो हमारे सोशलिस्ट पैटर्न (समाजशादी ढांचे) के अनुसार वह दुरा होगा। प्रतिशील प्रवृत्ति में विधवा विवाह जूहर होना चाहिये। अब लड़के को तो मिलेगा १/७ हिस्सा जायदाद का और विधवा को मिलेगा ६/७ हिस्सा। शादी करने के बाद विधवा उस जायदाद को अपने घर ले जायेगी। इस प्रकार की बात आप इस विवेयक में ला रहे हैं। इस प्रकार से जिस के पास खेत है उसके टुकड़े टुकड़े हो जायेंगे। मैं शहरों की बात तो नहीं कहता लेकिन आप देहातों में देखिये। आज आपके यहाँ लड़के की स्त्री आती है तो पंद्रह मील पर दो एकड़ जयीन आप के पास आ जायेगी, लेकिन जब आप की लड़की की शादी होगी तो आप की तीन एकड़ जयीन दूसरे के पास चली जायेगी। इस प्रकार आप समाज को समय से उठते चलाना चाहते हैं। मेरी समझ में इस प्रकार की जीजों से कोई फायदा नहीं होगा और यह सारी बातें आप अवैज्ञानिक कर रहे हैं। आज प्रान्तीय पुनर्वचना के प्रश्न को

ले कर आप कहते हैं कि हम प्राविशल रिपार्ट-नाइजेशन (प्रावेशिक पुनर्गठन) कर रहे हैं लेकिन दूसरी तरफ आप फैमिली (परिवार) का डिसइन्ट्रेशन (विघटन) कर रहे हैं।

इस के सम्बन्ध में आप एक दलील देते हैं कि जैसे ₹० पी० में है कि जो पर्सनल प्राप्टी (व्यक्तिगत सम्पत्ति) है उस को ही इस में लिया जायेगा, जो टेनेन्सी प्राप्टी है उस पर यह कानून लागू नहीं होगा। न यह लड़की को भिलेगी न विधवा को भिलेगी। ₹० पी० शायद बहुत भाग्यशाली है और उसके पास बहुत सी सम्पत्ति है जिस के लिये टेनेन्सी लाज बन है। पर मुझे इसके सम्बन्ध मालूम नहीं। हमारे पास्टर्कर साहब कहते हैं कि हर एक प्रान्त को यह अधिकार होगा कि वह अपने यहाँ के खेतों के लिये कानून बना लें। मुझे पता नहीं है कि यह सक्सेशन कानून हमारे बनाने के पश्चात् प्रान्तीय विधान सभायें इस प्रकार का अलग कानून बना सकेंगी या नहीं। और यदि वह बना सकती हैं तो क्या यही आप की यूनिफॉर्मिटी आप ला (विधी की समानता) है। देश के सत्तरह करोड़ आदमियों की सम्पत्ति के लिये हर एक प्रान्त अपने लिये भिन्न भिन्न प्रकार के उत्तराधिकारी के कानून बनाये और लड़की को जायदाद न देने का रास्ता निकालें तो वह यूनिफॉर्मिटी कहाँ रह जाती है। आज मन्त्री महोदय ने बताया दिया कि मस्तू सम्पत्ति देश की कृषि विषयक सम्पत्ति है। और उसको लड़कियों को न देने के लिये प्रान्त कानून बना सकते हैं। आज इस प्रकार की बातें इस कानून में रखती जा रही हैं। इन बातों पर बोलना तो मुझे बहुत है लेकिन जब क्लाज बाई क्लाज डिस्क-शन होगा उस बक्त में इस पर कहूँगा।

भाषण समाप्त करने से पूर्व मैं सदन से एक ही प्रार्थना करूँगा कि जब आप समाज का इस प्रकार विघटन करने जा रहे हैं तो क्रान्तिकारी परिवर्तन करने के पूर्व आप सोचें कि इस विवेयक के कानून बन जाने के परिणाम कितने दूरवर्ती होने वाले हैं। साथ ही साथ यह भी सोचें कि किसी निर्णय पर पहुँचने के पश्चात् जिस प्रकार की शब्द रचना इस विवेयक में रखती गई है उसे न रखता जाय, उस को तीक से सुधारा जाय। आप निर्णय करने के पूर्व हर क्लाज पर विचार कीजिये। हम से यह न कहा जाय कि चांकि दो दिन में यह बिल पास होने वाला है, इस लिये हम जल्दी से यह लेजिस्लेशन (विधान) करेंगे। आज देहातों में लोग मारे मारे फिरते हैं। आज बहनों

और भाइयों में झगड़े होते हैं। अगर उनको खत्म करना है तो इस प्रकार से क्रान्तिकारी परिवर्तन करके काम नहीं चलेगा। समाज परिवर्तन और क्रान्ति शान्ति के साथ, और बुद्धिमत्ता के साथ होता है। केवल भावना प्रधान और रोमांटिक बन कर कि स्त्रियों के लिये कुछ करना है, काम नहीं चलता है। हम को यह सोच कर चलना चाहिये कि क्रान्तिकारी परिवर्तन किस प्रकार किये जाते हैं। यहीं मेरी प्रार्थना है।

श्रीमती धनुषयादवाई बोरकर (भंडारा-रक्षित-अनुसूचित जातियां): हमारे सदन में जो विल पेश किया गया है उस के बारे में सदन में और उसके बाहर भी बहुत विरोध किया जा रहा है। मेरी समझ में नहीं आता है कि स्वतंत्र भारत का संविधान जब यह कहता है कि सामाजिक, आर्थिक और कानून की दृष्टि से स्त्री को भी समानाधिकार दिया जाना चाहिये, साथ ही साथ आज की परिस्थिति में यह भी कहा जाता है कि, स्त्री और पुरुष को संपत्ति में भी समानाधिकार देना चाहिये तब क्या कारण है कि संपत्ति में ही स्त्री को समानाधिकार देने में हिचकिचाहट होती है। माता पिता का यह फैस होता है कि वह जिस प्रकार पुत्र को प्यार करते हैं उसी प्रकार पुत्री को भी करें। लेकिन यहां पर जो बाद विवाद होते हैं उन से स्पष्ट मालूम होता है कि वे पुत्री को उतना प्यार नहीं करते जितना कि पुत्र को करते हैं क्योंकि पुत्र तो घर पर ही रहता है परं पुत्री दूसरे के घर में चली जाती है। पुत्री तो संसुराल चली जाती है जब कि लड़का माता पिता के पास ही रहता है।

दूसरा मेरा कहना है कि हमारी स्त्री जाति को लक्ष्यी का अवतार माना जाता है। गांवों में जब लड़की पैदा होती है तो उस के पांव भी पड़े जाते हैं। लेकिन नारी को लक्ष्यीस्वरूप माने जाने के बाद भी उस को अधिकारों से वंचित रखना कहां तक उचित है?

कुछ भाई इस विषेयक विरोध में दलीलें पेश करते हैं और कहते हैं कि भाई बहन का जो है प्रेम है वह खत्म हो जायेगा, संयुक्त परिवार जो वह टूट जायेगा। मैं कहना चाही हूँ कि आज की परिस्थिति में, संयुक्त परिवार स्वयम् ही टूटता जाता है, लेकिन भाई बहन का प्रेम एक शुद्ध प्रेम है, वह खून का प्रेम है जो कभी भी टूट नहीं सकता है। आज भारतीय संस्कृति इतनी

नहीं विगड़ गई है कि भाई और बहन का प्रेम केवल रुपये पैसे के लिये ही हो। अगर इस तथ्य पर भाई बहन का प्रेम निभ सकता है, तो मैं कहूँगी कि जितनी जल्दी यह प्रणाली टूट जाये उतना ही अच्छा होगा।

इसके बाद यह भी कहा जाता है कि लड़की के पालन पोषणमें कितना स्वर्च होता है, उसकी शादी में कितना स्वर्च होता है और उसको कितना दहेज दिया जाता है। तो जिस प्रकार लड़की के पालन पोषण और शादी विवाह पर स्वर्च होता है उसी तरह लड़के के पालन पोषण और शादी विवाह पर भी तो स्वर्च होता है। जहां तक दहेज का सम्बन्ध है हिन्दु समाज में कन्यादान को महादान मानते हैं और पुरुष कमाने के लिये ही उसके साथ दहेज दिया जाता है। आज की परिस्थितियों में लोग इस दहेज की प्रथा से परेशान हैं और हम यह चाहते भी हैं कि यह दहेज की प्रथा समाप्त हो जाये। अगर लड़की को सम्पत्ति में हिस्सा दिया जायेगा तो यह प्रथा अपने आप समाप्त हो जायेगी।

इसके अलावा जो दहेज लड़की को दिया जाता है वह संसुराल में जाने पर उसका नहीं रह जाता है। उस पर संसुराल वालों का हक रहता है और लड़की को आर्थिक दृष्टि से संसुराल पर निभर रहना पड़ता है। उसकी स्थिति बड़ी हीन हो जाती है। हमने अक्सर देखा है कि समाज में उन स्त्रियों का ज्यादा आदर होता है जो अपने पतियों के साथ कमाती हैं और जो केवल अपने संसुराल वालों पर निभर रहती हैं उनका उतना आदर नहीं होता। यदि उनको सम्पत्ति में हिस्सा मिलने लगे तो उनकी हीन दशा समाप्त हो जायेगी। परिवार में उनका सम्मान होने लगेगा।

यह भी कहा जाता है कि यदि स्त्रियों को सम्पत्ति में अधिकार दे दिया जायेगा तो वे सब कुछ फैसल में स्वर्च कर देंगी। मैं समझती हूँ कि सभी स्त्रियों को इस कर्तृती पर नहीं कसा जा सकता। हमने देखा है कि पुरुष भी बहुत ऐसे होते हैं कि अपनी आय का अधिकतर हिस्सा बाहर स्वर्च कर देते हैं और संकट के समय में स्त्रीयां जो कुछ पहले बचा लेती हैं, वही काम आता है और स्त्रियों के आगे ऐसे समय पुरुष को हाथ फलाना पड़ता है। मैं समझती हूँ कि यह बात निराधार है कि अगर स्त्रियों को सम्पत्ति मिल जायेगी तो वे उसे फैसल में स्वर्च कर देंगी।

(श्रीमती अनुसया बाई बोरकर)

इसके अतिरिक्त उस दिन एक बहन ने यह भी कहा था कि पिता के लेन देन का बोझ लड़के पर होता है लड़की पर नहीं होता परिवार की दूसरी सारी जिम्मेदारी लड़के को लेनी पड़ती है। आज आप देखते हैं कि कितनी ही लड़कियां विवाह के पहले ही अपने माता पिता को कमाकर देती हैं। और जहां तक लेन देन के बोझ का सम्बन्ध है, लड़का चाहे तो दे और चाहे न दे। उससे जबरदस्ती नहीं की जा सकी। फिर यह बात लड़की के विरुद्ध नहीं कही जानी चाहिये।

इसके अलावा आज हम देखते हैं कि पिता की मृत्यु के बाद अगर उसके चार बेटे हैं तो उनमें चार बराबर हिस्से बाप की सम्पत्ति के हो जाते हैं, पर बेटा माँ को कुछ नहीं मिलता। उसकी हालत खराब हो जाती है। उसको सर्वथा अपने बेटों पर निर्भर रहना पड़ता है। अगर बेटे अच्छे हुए तो माँ का आदर करते हैं। पर कहीं कहीं तो यह देखा जाता है कि माँ की ऐसी अवस्था हो जाती है कि बेटे उसकी ओर देखते भी नहीं। अगर कोई लड़की विवाह होकर ससुराल से अपने पिता के पर चली आती है तो जब तक उसके माँ बाप जीवित रहते हैं उस समय तक तो उसका आदर रहता है लेकिन बादमें भावजै असर उसको ताने दिया करती है। यदि सम्पत्ति में उसका हिस्सा हो जायेगा तो उसको इन कठिनाइयों का सामना करना नहीं पड़ेगा।

फिर यह कहा गया कि वर्तमान कानून मादायभाग के अनुसार तो पुत्र को पुत्री के बराबर मिल सकता है पर मिताक्षरा कानून के अनुसार नहीं मिल सकता। हम चाहते हैं कि जन्मजात अधिकार हटा दिया जाये। या तो यह नियम पुत्री के लिये भी लागू किया या उसको भी पुत्री के बराबर हिस्सा मिले।

Shri K. P. Gounder (Erode): I am glad to see that there is going to be a codified law of succession. Till now, whenever any question of the law of succession arose we have had to go to the ancient *smritis*. There were various commentaries upon them, and they were not always uniform. They were not also easily available. Again, there were these two schools of thought—Dayabhaga and Mitakshara. The commentators like Yagnavalkya and Manu were not always definite. They did not make any distinction between moral obligation and legal obli-

gation. This led to great uncertainty in the enforcement of the law.

Moreover, recently there is a tendency or desire in the community for making some change in the Hindu law. We want to make some provision for females and to give them some share in the family property. In these circumstances, it became absolutely necessary that there should be a codified law. I therefore welcome this measure that has now been introduced.

I would like to make one or two suggestions as regards the improvement of the Bill. I want to tell the House how it could be improved. Take the case of the coparcenary property. There are arguments either in favour of retaining the coparcenary property or for abolishing it. You cannot have coparcenary property and yet, at the same time, provide for survivorship. The two things are absolutely inconsistent, but what the law now provides is to allot a portion of the property for survivorship, and for the rest there will be succession. The fundamental principle of coparcenary property is that there should be survivorship. Clause 6 of the Bill establishes survivorship, but then it makes a proviso saying that in certain cases there should be a succession.

Take the ordinary case of a father leaving a son and two daughters. As soon as the father dies, what happens? If the father leaves a widow, a son and two daughters, then the property is divided into four parts. The widow gets one share, and the two daughters get two shares, so that for three-fourth of the property there is succession and for the one-fourth there will be survivorship. As far as the son's share is concerned, there will be survivorship. But as far as the other shares—the three shares—are concerned, there will be succession. Again, under clause 32, we say that there will also be testamentary disposition. For the coparceners, we give testamentary disposition as well as succession, to a major portion of the property. Then there is very little in favour of the coparcener. Considering these aspects, the Government might have taken these strong views so as to abolish the Mitakshara joint family altogether. Perhaps there may be very good arguments in its favour. But retaining the coparcenary property and still giving a right of succession to the major portion of the property, and also having a testamentary disposition of the property, this will take away all that is left in the Mitakshara joint family property.

Moreover, there is no provision for ascertaining the rights and obligations at the time of partition. Suppose you retain the coparcenary and give right of succession also for the members. Are we going to do that in respect of the joint family property? There may be so many obligations and there may be so many liabilities. Unless you split away the family property, you cannot have both. Therefore, having coparcenary property as regards certain portions and giving the right of succession to certain other parts of the property is absolutely inconsistent with the fundamental notions of a joint Hindu family.

I will take another case. Under the explanation, it is said that whenever we consider succession, we also consider the son's share. This will be taking away the whole of the property. Look at what it leads to. Suppose there is a father, a son and two daughters. The son's share is half the property. He can do anything with half the property. He can sell it away, or do anything with it. As soon as the father dies, the son and the two daughters divide the property. Originally the son was entitled to half share; but now, his share is reduced to one-third by the death of the father. I do not know how far this is consistent with the provisions in the Constitution. Let me make myself clear. At present, if a father dies leaving a son and two daughters, the son's share is half and he can do anything he likes with his share after the father's death. But now, according to this Bill, his share is reduced to one-third, because he has to share the property with his two sisters. This will certainly upset the son. His right to half the property is there by birth under the Hindu Law; it is not given to him by this Bill. If another man dies—although he is the father—how can this man's share be reduced? That is beyond my comprehension. We want to provide for joint families and also provide for survivorship at the same time. The trouble arises because we want to satisfy both the parties.

I will now deal with the order of succession to property. As has been referred to by the previous speaker, we give rights to various people, but the father and mother are reduced to a much lower position. Under the old Hindu Law, after the son and daughter, father and mother came in. But now according to this Bill, father and mother come in after providing for son's daughters, daughter's daughters, son of a predeceased son etc.

All these people come in before the father and mother. I think even the Hindu Law Committee, when they made their recommendations, gave a very high place to the father and mother. I do not know why father and mother are excluded by such people as the son of a predeceased son or the daughter of a predeceased son. The fundamental basis of our Hindu notions is that the father and mother should be given a high place.

Another inconsistency is that the cognates come after the agnates. I do not know on what principle it is based. If, as I understand it to be, the basis of the Bill, the underlying principle of the Bill, is to give equal rights to men and women, what is there to distinguish between agnates and cognates? In the Bill, agnates come in before cognates.

Mr. Speaker: Is it not so even according to the present law?

Shri K. P. Gounder: The old Hindu Law was based on the principle that always the male was to be given the preference. Now, the fundamental basis is to abolish the distinction between male and female. If that is so, why should there be any distinction between cognates and agnates?

Shri Pataskar: Even under this Bill, the rights are not exactly equal.

Shri K. P. Gounder: I only say that if the Bill is based on the principle of equality of sexes, you should not make a distinction between agnates and cognates. Why should the predeceased son's daughter be given preference over the father and mother? I fail to see the principle on which the whole thing is based.

In Class II of the Schedule daughter's son's son is excluded by son's daughter's daughter. I do not know how she comes in before the daughter's son's son. There must be some principle on which these things must be based. The old Hindu Law was based on some principle. Whether it is old law or new law, it must be based on some principle. Under the new Bill, unless you get by heart the order of succession, you cannot say who comes after whom.

There are some other inconsistencies in the Bill which must be removed. The Bill does not clearly say whether in agnates and cognates, females also come in. Under the old Hindu Law, only males are given the right of succession. I do not know

[Shri K. P. Gounder]

what the view of the hon. Minister is, but in the definition given in the Bill, only the word "person" is used. It is not clear whether "person" includes females also or whether it refers only to males.

Let us turn to the definition at page 3. It says, "son" includes an adopted son. Whether it is necessary or not, it has been given. When "son" has been mentioned, we should also say that "father" includes an adopted father and that "mother" includes an adopted mother. What is the use of defining one and leaving the others? Either you define all of them or you do not define any of them and simply have a general clause saying that whenever a person is adopted, he should be considered as if he has been actually born. There is no use making it ambiguous. There has been some hasty drafting in this Bill.

There is a proviso to clause 25 which says that if the female heir is a daughter, she shall be entitled to a right of residence in certain cases. But in the order of succession, you have included not only the daughter, but also the son's daughter and son's son's daughter. Certainly, it is better to include son's daughter and son's son's daughter also here. Instead of that, you say merely "daughter". This is a statute which will be strictly construed by the courts. Therefore, there must be much more clear drafting than what is found here. I have got so many other amendments, but I do not want to weary the House with them. I have mentioned about 10 or 12 cases, and I will request the hon. Minister to give his sympathetic consideration to them.

There is one provision in the Bill, which I heartily welcome. That is the provision which gives the right of absolute property to the females. In the past this has been a great source of litigation. Because it was considered that females could not carefully manage their property, they were given only limited ownership. Under this Bill, absolute right of property has been given to the females and I welcome this modification.

I am entirely in agreement with the usefulness of the Bill and subject to what I have said, I support the motion that has been moved.

पंडित ठाकुरदास भारतीय (गुडगांव) : जनाब स्पीकर साहब, पेश्तर इसके कि मैं अपना भावण इस बिल पर शुरू कर्ण मैं आपकी तवज्ज्ञह (प्यान)

एक खास मामले की तरफ दिलाना चाहता हूँ और वह यह है कि जिस बृक्त यह बिल ज्वाइंट सेलेक्ट कमेटी के सिपुद किया गया उस बृक्त इस बिल की जो शक्ति थी अब उस बिल से जो अब जनाब के रूबरू मीजबूद है उससे बिलकुल मुहूर्तिलिक थी। आज जो बिल की शक्ति है, उसमें और जो शुरू में बिल आया था उसमें बड़ा अन्तर है। जनाब को याद होगा कि मैंने एक मोशन भी पेश किया था कि इसको सेलेक्ट कमेटी को वापिस भेजा जाय और इसको सर्कुलेट किया जाए जिसको कि हमारे उस समय के प्रीसाइडिंग आकिसरने डायलेटरी मोशन (विलंबकारी प्रस्ताव) करार दे दिया था और उस मोशन की इजाजत नहीं दी।

मेरी अदब से गुजारिश है कि जो ज्वाइंट आफ आर्डर (प्रौद्योगिकी प्रश्न) है वह इस मोशन से कोई ताल्लुक नहीं रखता। मैं यह ज्वाइंट आफ आर्डर उठाना चाहता हूँ और वह यह है कि पहले बिल की जो दफा ५ थी उसमें एसा लिखा हुआ था :

"Act not to apply to certain properties.—This Act shall not apply to—

(i) any joint family property or any interest therein which devolves by survivorship on the surviving members of a coparcenary in accordance with the law for the time being in force relating to devolution of property by survivorship among Hindus;

(ii) any property succession to which is regulated by the Indian Succession Act, 1925 . . . etc.

(iii) any property succession to which is regulated by the Madras Marumakkattayam Act, 1932 etc.

You will be pleased to see that the share of the daughter was also one half. Now, this Bill, as it has now emerged is totally different from the Bill as it was originally presented to the House.

When the Joint Committee report was made, some Members took exception to it. You will be pleased to find that one Member took specific exceptions. On page 29 of the report, the objection is stated in these words in the eleventh minute of dissent, by one of the Members of the Rajya Sabha.

"The Bill as it was circulated for eliciting public opinion contained the following main provisions :—

1, 2, 3.

Further on, it is stated:

"The public opinion as has been received by the Law Ministry on the whole, supports the measure as had been placed before it. The Joint Committee, appointed to consider the Bill, has completely changed the Bill in all the three above-mentioned aspects inasmuch as it has now made the Bill applicable to joint co-parcenary properties, even though to the limited extent of the interest of a father and his sons in such property. The Committee has also extended the application of the Bill to those governed by the South Indian Act. i.e. Marumakkattayam, Aliyasantana, Namibudri and the Cochin Acts. The Joint Committee has considered it reasonable to increase the share of the daughter from a half to a full share, that, is to say equivalent to that of the son."

The name of the Member is Sham Sunder Narain Tankha.

उनके नोट में सरीही बात यह उठाई गई है। मैं जनाब की तवज्ज्ञह में पार्लियामेंट्री प्रेक्षित्स के सफा ५०७ की तरफ दिलाना चाहता हूँ जिन में बहुत से कानूनों के हवालाजात दिये गये हैं और उन का मरहला दिया गया है कि अगर बिल शुरू में एक ही और सेलेक्ट कमेटी में वह बाद में तब्दील हो जाये और इतना तब्दील हो जाये कि जो तब्दीली की गई हो वह सरीही उस बिल के स्कोप के बाहर हो जाय तो वह बिल हाउस में कसिडर नहीं हो सकता। इस नामले में जनाब की तवज्ज्ञह..

Mr. Speaker: What is the object of canvassing it? The ruling has already been given on that motion.

Pandit Thakur Das Bhargava: That motion is finished. I am raising a point of order. The point of order is not finished.

Mr. Speaker: What is the point of order?

Pandit Thakur Das Bhargava: The point of order is this. According to the ruling of the Speaker as it was given at the time when the motion for reference to Select Committee was considered and you had permitted that you were pleased to observe that it is very difficult to say whether the scope could be widened. When the hon. Minister was proceeding, I raised the point that the scope could not be extended by any Select Committee.

The question is whether we can now consider the Bill as its scope has been substantially extended. It has gone totally outside the scope. The point of order is whether we can go on. You have to give your ruling. On pages 506 and 507 of May's Parliamentary Practice, a number of rulings have been given in which the Government took up this attitude. As soon as they found that the Bill was a changed one, they withdrew the Bill and brought in another. I can understand that. This Bill has come up in an extended form. The only course is to withdraw this Bill and bring in another and proceed with that. You cannot proceed with this Bill. That is the point of order. If you require, Sir, I shall read out all the cases. They are 20 in number. In the rulings that have been given, this principle is an accepted one. If you like, Sir, you may take your own time to give a ruling and I shall proceed. But, the point is there. It cannot extend the scope of the Bill. It is not a question relating to this Bill alone. This question is of constitutional importance. I would beg of you to give your ruling. The point is there. You have got to consider this point. The Bill has emerged in a form in which it was not brought in this House, it was not sent to the country. You can imagine, when the Bill came, its operation was confined to new mitakshara family properties. Ultimately, as it has emerged, it just proceeds on the basis that joint mitakshara family properties is included therein. It is quite clear that the country was not aware that such a Bill was coming up. The people could not make their representations to the Government or to the Joint Committee or anywhere else. They were always under the impression that the Bill, as a matter of fact, did not relate to this kind of property. Moreover, so far as the other laws are concerned, the Marumakkattayam and Aliyasantana Acts, it was said that these properties will not be included. Now, all these have been included. Even the trumpeted uniformity is not to be found in the Bill.

Mr. Speaker: Your point is that the original Bill was altered in the Joint Committee without any specific instruction to that effect.

Pandit Thakur Das Bhargava: The simple point is this. The Bill as it was presented to the House, as it was sent to the country, and the Bill which has now come before the House are entirely different. The scope could not be extended without your permission or the

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permission of the House. It is not as if this point was not taken. I raised an objection and you were pleased to express your opinion. After that, the Joint Committee could not extend the scope of the Bill. Nor can the other House extend the scope of the Bill. With your permission or with the permission of the House, the scope could be extended. That has not been done. My humble submission is that the Bill as such cannot be proceeded with. This point has to be gone into. I do not want to take the time of the House by stressing the point further.

Shri S. V. L. Narasimham (Guntur): The question before the House, which the hon. Member Pandit Thakur Das Bhargava has raised is whether the Joint Committee had gone beyond its scope. If that is to be answered in the affirmative, this objection holds. If it does not hold, we can proceed with the discussion. We know that the Bill, as it was presented to the House, in fact, excepted certain properties from the operation of the Bill. It is also true that the share of the daughter was fixed at a half of that of the son. The question naturally arises whether the Joint Committee has got the power to scrutinise every part of the Bill and make recommendations. Suppose the Bill as it was sent to the Joint Committee contained a clause that certain properties are excepted from the operation of the Bill. Is it not competent for the Joint Committee, if it so considers, to direct to go on exception shall not be allowed to go on the statute book? Whether the Joint Committee has got the power to suggest amendments to the Bill as it was presented to it or not is the question. If the Joint Committee has got the power to suggest an amendment to that particular Bill, then, it cannot be said that it is not within the competence of the Joint Committee. The position may have been different if there were no clause about properties. Suppose, certain categories are mentioned. Is it not open to the Joint Committee to add some more properties? Is it not open to the Joint Committee to suggest that a particular clause in the original Bill should be altered altogether? When the Joint Committee, after due consideration of the entire picture came to the conclusion that it is not proper that this property shall be excepted from the operation of the Act, naturally, they have to go a step further and suggest the inclusion of these properties. Under the circumstances, I would

respectfully submit that the Joint Committee practically exercised its discretion consistent with the jurisdiction that has been conferred upon it. As such, it can never be suggested that it has gone beyond jurisdiction. I would submit that the point of order has absolutely no substance.

Pandit C. N. Malviya (Raisen): Sir, the question is whether the Joint Committee has widened the scope of the Bill and whether the Bill as presented to the House is different from the original Bill. So far as the scope of the Bill is concerned, my submission is that the scope of the Bill was to give right of succession to women. Formerly, there were no rights of succession. This right of succession was given and there are other provisions pertaining to the details as to how succession takes place. This distinction has to be made. If this distinction is made, it will be seen that the scope of the Bill is to give the right of succession to women and not the details. Therefore, the Joint Committee was entitled to amend the Bill. The Joint Committee has not changed the scope. This restriction has to be borne in mind. I think there is no ground for the point of order. The Bill is quite all right. We can proceed with it.

Shri Bogawat (Ahmednagar South): We find from the very speech that the Minister of Legal Affairs made on 1st October, 1955, that he said the following:

"When the Bill was first introduced in this House, in clause 5 of the Bill it was mentioned that the Bill would not apply to the joint family properties or any interest therein which devolved by survivorship on the surviving members of the coparcenary."

It was specifically mentioned in the Bill and it was the understanding of the whole House that this was not to be made applicable to the coparcenary property, and such a Bill was referred to the Joint Committee. The Joint Committee did not possess the power and had no right to decide upon a question which was not referred to it. This is an indirect way, a far-fetched way, a dangerous method, not to include and give the right to the Joint Committee and then bring out a decision and put it before the Rajya Sabha and enforce it upon the vested rights of the coparceners. This is defeating justice. This is a point of law which the Joint Committee had no right to decide as this question was not referred to them. This Bill is *ultra vires*.

Shrimati Jayashri (Bombay suburban): I am speaking on the point of order. I entirely agree with Pandit C. N. Malviya. When the Hindu Code Bill was introduced in the House it was thought that this Succession Bill and the Marriage Bill should be brought in parts. We all know that the first part, namely the Marriage Bill, was passed in this House and the remaining part, the Succession Bill was introduced. In the original Bill which the Rau Committee had drafted, we all know that succession was according to the Dayabhaga and not Mitakshara. It was afterwards inserted in the Bill, and many of the Members in this House opposed this saying that the original draft was changed. And then when it was sent to the Joint Committee, the Law Minister also had said that he would see that justice was done.

The idea of bringing the Succession Bill was to remove the disabilities of women. The Law Minister had said that by having this clause 5, injustice would be continued. We wanted to do away with this and unless this clause was changed, we could not give a share to the daughters. That was the idea in sending the Bill to the Joint Committee, to remove the clause and make a change according to the present draft. So, I agree with Pandit C. N. Malviya when he said that the original Bill was not according to the draft which was meant to be passed by this House. I would request the Law Minister to explain that the Joint Committee was entitled to make the change that it has made.

Pandit K. C. Sharma (Meerut Distt.—South): My respectful submission is that the fundamental idea underlying the Bill was that social legislation should be in conformity with the principle laid down in the Constitution. The fundamental principle in the Constitution is that there should be no disability whatsoever on account of sex in any sphere of life. Inheritance of property makes a large difference to the development of a person in such a way that it is a distinct disability in the growth and development of a person, if in relation to certain other persons, on account of sex, that person is differentiated. Therefore, this Bill was brought in so that the law of inheritance might be in conformity with the Constitution of the land.

The second point was that the evolutionary process is moving towards uniformity of laws to ensure uniformity of the structure of society as a

preceding factor in unifying world governmental structure. That is, the legislative process, precedent to the political process, should be ensured.

These two were the underlying principles of this Bill. When the Bill was brought, it was thought that the joint family system was of very long standing and was working satisfactorily, and any interference with it would bring in certain disturbing factors. The Joint Committee in its wisdom thought that there should be uniformity with regard to succession to property, whether governed by the Dayabhaga law or the Mitakshara law. It is a quantitative extension, not a qualitative extension. Therefore, the Joint Committee was within its power to extend the scope of the property with regard to inheritance, and has not exceeded the power given to it.

The rulings that my friend has referred to qualitative differences, that is something which was not the underlying principle of the Bill, but there is much scope of development, of extension. I beg to submit that qualitatively the shape of the Bill has not altered, and therefore it was within the right and the scope of the Joint Committee to have extended the application of the Bill to the Joint Hindu family or the Mitakshara system of law.

Then, this Bill has been passed and accepted by the Rajya Sabha and now it comes here for conforming to the principle accepted by one House. Therefore, this question does not arise at all.

Shri Bogawat: It is binding.

Pandit K. C. Sharma: Not binding.

Shri Sadhan Gupta (Calcutta South-East): Regarding the scope of the Bill and the competence of the Joint Committee to make the amendments, I submit what we are concerned with is the objects of the Bill. Such amendments as are ancillary to those objects can be made by the Joint Committee. I submit that the object of the Bill was to confer the right of succession on women. At present women have no right of succession when other preferential male heirs are there. Now, obviously the Bill wanted to make an exception. To what extent the exception should proceed would be a matter of detail, not a matter of principle. It proposed that the succession would be to the extent of half the property and would not apply to joint family property, nor to Marumakkattayam and other properties. In accordance with the

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volume of opinion that was voiced in this House and the other House during the debate on the reference to the Joint Committee, the Joint Committee found that the right of succession that should be given to women should be absolutely equal to that enjoyed by men, and made that provision. In order to make that provision, obviously application to the joint family property had to be brought in and the application of Marumakkattayam law had to be omitted because Marumakkattayam, I think gives a preference to women as against men. If you restrict its application to properties other than joint family properties, then women are deprived of a considerable part of their right to succession. Therefore, I submit that as those were matters of detail, the Joint Committee was competent to make those amendments. Now whatever the competence of the Joint Committee may be, the Bill has been passed by the Rajya Sabha and has been sent on to us. Are we entitled in this House to question the competence of the Rajya Sabha to pass this Bill in this form and to overrule the Rajya Sabha and say, this Bill should not have been passed in this form, it was not competent for the Rajya Sabha to have passed this Bill in this form, so we are not going to consider it, and we cannot consider it? I think that would be both illegal and improper.

These are my submissions on the point of order.

Shri C. C. Shah (Gohilwad—Sorath): Whatever may be one's views regarding the wisdom or otherwise of extending the provisions of this Bill to joint family property, my submission is that there can be no doubt that the Joint Committee was within its competence in extending the provisions to joint family property. From the very title of the Bill we find that it is a Bill which is meant to amend and codify the law relating to intestate succession amongst Hindus, which means all laws relating to succession amongst Hindus.

Clause 5 of the Bill as introduced excluded joint family property from the operation of the Bill. All that the Joint Committee has done is to omit the exclusion which was made, so that expressly joint family property was brought within the purview of the Bill. The Bill as introduced said that it should be excluded. Then, the volume of opinion in the House and the joint Committee thought

that that exclusion should be omitted. Whatever may be the wisdom of doing so—I am not arguing on the merits; my hon. friend Pandit Thakur Das Bhargava is perfectly within his rights and is entitled to say that the Bill has radically altered as it has come from the Joint Committee, and that the extension which has been made is of a very great and radical character, but—technically speaking, so far as the competence of the Joint Committee was concerned, I submit that it was within the competence of the Joint Committee.

As regards the last argument that merely because it has been passed by the Rajya Sabha, therefore, we are not entitled to raise the point here, I submit that there is no substance in that point of view. The Rajya Sabha may have passed the Bill or may not have passed it, a point of order may have been raised there or may not have been raised there, but it is perfectly open to us to raise that point of order here, if it is valid. But I submit that that is not valid.

Shri Pataskar: First of all, I have to say that this point should be considered, apart from the likes or dislikes regarding certain matters contained in the Bill. The simple facts are as follows. As the title of the Bill goes, this is a Bill which is meant to amend and codify the law relating to intestate succession amongst Hindus. That is the scope of the Bill. Clause 5 of the Bill as introduced laid down that its provisions shall not apply to any joint family property and to certain other properties governed by certain specific laws. I fail to understand how it would not be open to a Joint Committee to consider the matter further and say that the Bill should apply to them or should not apply to them. The original provision was that it should not apply. Now, was it not open to the Joint Committee to consider this provision along with other provisions—as they are entitled to consider—and then come to a different conclusion altogether? How can it be argued that such a thing could not come within the scope of the Bill? The scope of the Bill is not clause 5 only. The scope of the Bill is to amend and codify the law relating to intestate succession amongst Hindus.

Pandit Thakur Das Bhargava: Clause 5 of the original Bill did only apply to non-Mitakshara properties.

Shri Pataskar: My hon. friend may not be able to grasp it. I would request him and the other Members not to concentrate on this point as to whether they

like a particular provision or not. The point here is simple enough to understand. This is a Bill which is meant to amend and codify the law relating to intestate succession amongst Hindus. When specifically it is provided in the Bill that it should not apply to joint family properties, I think it would be open to the Joint Committee to consider the matter and come to the conclusion that it should apply. What is there to prevent them from coming to such conclusion, either in May's Parliamentary Practice or anything else? I really am unable to understand. Apart from that, I should like to draw your attention to another very important fact, namely that this has got a precedent of its own. For instance, when the original Hindu Code Bill was introduced in this House, it contained clause 1 to the following effect, as you, Sir, would probably be aware:

"Act not to apply to any property of a Hindu governed by the Marumakkattayam, Aliyasantana or Nambudri law of inheritance."

It ran almost exactly like the provision in clause 5 of the original Bill. That Bill was referred to a Select Committee, of which, you, Sir, were a distinguished member. At that time, you and all the other members of the Select Committee thought that it was open to the Select Committee to consider whether the Bill should or should not apply to those properties, and then you came to the conclusion that it should apply. And your conclusion was what was contained in clause 94. You had stated:

"We have omitted by a majority the exception in respect of succession to the property of a Hindu governed by the Marumakkattayam, the Aliyasantana or the Nambudri law of inheritance, because in our opinion, when uniformity is aimed at, there is no reason why an exception should be made in respect of persons governed by these systems of law."

Pandit Thakur Das Bhargava: May I know whether this point was taken up at that time, and any decision given on it at that time? There is nothing of that kind.

Mr. Speaker: If necessary, I shall ask the hon. Member later on. Now, the Minister may be allowed to proceed.

Shri Pataskar: My point is that even that Select Committee—of course, whatever was passed ultimately is a different

matter—thought that it was within its scope to come to the conclusion that notwithstanding the fact that the original Bill had said that it shall not apply to Aliyasantana properties and so on, it shall apply to them also. So far as these facts are concerned, they are beyond doubt. As a matter of fact, when the Select Committee made their report, they had introduced this in clause 94, and they had omitted the exclusion. I believe that in the same way, it was perfectly open to the Joint Committee in this case to have done a similar thing in regard to this Bill.

The original Bill had said that it shall not apply to joint family properties. Then, the Bill was referred to a Joint Committee, and the Joint Committee were entitled to consider whether or not it shall apply. I cannot understand how it could be argued by any stretch of imagination that it was beyond the scope of the Joint Committee to have made a provision of the present nature, and that the Joint Committee had done something which they were not authorised or warranted to do.

There are some other special factors which have also to be taken into account. This Bill was introduced in the Rajya Sabha. The Rajya Sabha made a recommendation for the appointment of a Joint Committee. Then, a Joint Committee of both the Houses was appointed, and that Joint Committee by a majority came to certain conclusions, and they made their recommendations. Those recommendations were naturally taken up in the other House in which the Bill had originated. I am not talking here on the merits and demerits and the rivalries of the claims and their inferiority or superiority.

When the report of the Joint Committee had come up for consideration in the other House, one of the hon. Members there—as some hon. Member have done here—raised just the very objection that has been raised here. And the Chairman of the other House, as he was authorised to rule, ruled that that point of view was not proper, and that the Joint Committee were entitled to make such a recommendation. It is after that, that the Bill has come to this House.

Shri V. G. Deshpande: No such ruling was given.

Shri Pataskar: I have already argued on the merits. Even on the propriety of it, I would say that when we have appointed a Joint Committee of both the

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Houses, a stage has been reached now, and a ruling has already been given on this matter—I do not question your authority to give a different ruling....

Shri U. M. Trivedi (Chittor): There was no ruling given.

Shri Pataskar: The point of order was raised, and it was disallowed.

Mr. Speaker: I do not remember that portion.

Shri Pataskar: That was in the other House. I am not referring to the old thing now. I am referring to what happened in the other House.

Pandit Thakur Das Bhargava: About the point raised in the Rajya Sabha, we do not know. Here, you were pleased to declare that the question whether it is....

Mr. Speaker: We are concerned now with the point of order raised in this House.

Shri Pataskar: If Members have a little more patience with me, they will realise the significance of what I am going to say. I have already argued on the merits. What I am pointing out now is on the propriety of the whole thing. I am entitled to argue on that basis also.

Shri Bhagwat Jha Azad (Purnea cum Santal Paraganas): We are having patience with you for so many years.

Mr. Speaker: Order, order. Let the Minister go on.

Shri Pataskar: After all, I have been here in Government only for about a year and a half.

Shri Bhagwat Jha Azad: I mean, your Government.

2 P.M.

Shri Pataskar: So I believed that so far as that House is concerned, this point was raised there and it was decided, and there is no case for reopening it unless for every strong reasons you uphold the point of order. That is a different matter; I do not question the authority of the Chair. But I am interested in pointing out what has happened there. I should think that this is a very simple matter and if considered dispassionately, it should be acceptable, apart from what some Members might ask whether it was or was not open to the Joint Committee to make the change.

Pandit Thakur Das Bhargava: Could it be applied to Mussalmans though it was only meant for Hindus. Now they have included people governed by the Marumakkattayam, Aliyasantana and Nam-budri law though the bill specifically said it will not apply to them.

Shri Pataskar: I am surprised at the argument of the hon. Member because this Bill is meant to amend and codify the law relating to intestate succession of Hindus. This is how people lose their balance.

Shri V. G. Deshpande: May I know from the hon. Minister of Legal Affairs what was the ruling given last time when that change was made by the Joint Committee? Was that point raised by anybody?

Pandit Thakur Das Bhargava: No.

Shri V. G. Deshpande: Was any ruling given?

Pandit Thakur Das Bhargava: Never.

Shri Pataskar: Unfortunately, I do not remember. He knows it much better.

Mr. Speaker: After the hon. Minister has spoken, I could not allow another hon. Member to raise the point. If he was here, earlier, I would have heard him. Anyhow, I have heard sufficiently.

A point of order has been raised in this House that the Bill, as it has emerged from the Joint Committee, is substantially different from the Bill that was originally introduced or, at any rate, at the time of the motion for concurrence to join the Joint Committee before this House, particularly with respect to joint family property. It is contended that though it is an intestate succession Bill, the classification of property is of material importance and therefore, it alters the nature of the Bill itself. It is not contended by anyone here that it is not within the jurisdiction of the Joint Committee to alter the scope of the Bill if in advance any specifications were given to the Joint Committee to take up other matters also and modify the Bill as it thought proper. I distinctly remember that at the time the motion for concurrence to join the Joint Committee was before this House it was suggested by the hon. Minister of Legal Affairs that this also might be considered by the Joint Committee. It is not as if it is governed by any particular rule. This matter is one of substance. It is true many things might be discussed, for example, joint

family property vs. other property. The main object of the Bill is to provide a share to the daughter or to make the woman's right equal to the man's right. But joint family property, non-joint family property or other property is of such vital importance that it has got a specific significance under the Hindu law. Therefore, I even expected that the hon. Minister would try to add by way of an amendment, a particular direction to the Joint Committee, that this also might be taken into consideration. By way of abundant caution, he might have done so. But he did not do so. He wanted to take the chance as to what might happen in the Joint Committee. On the other hand, if on a prior occasion, the *nam-budri*, *marumakkattayam* and *aliyasanta* were excluded and were later included by the Joint Committee, and the question was raised as to whether the Committee could do so without the express authority of the House, it is a different matter. I am not called upon to deal with that. But the matter was not brought to the notice of the House and no objection was taken. Under the circumstances, I feel that this, being a matter of such vital importance, the Joint Committee ought not to have altered the very nature of it. But this is not a Bill introduced in this House. This Bill was introduced in the other House. We were merely asked to concur with the motion for reference to a Joint Committee. It has gone to the Joint Committee and come back from the Joint Committee which altered it. The other House has accepted it. I do not say that what the other House has accepted is binding upon me.

But the main point is whether we are committed to whatever has happened. So far as this House is concerned, we may ignore all that has happened in the Joint Committee. We were not committed to the principle of the Bill at the time we referred it to the Joint Committee. If we had committed ourselves to the principle of the Bill, then the question would have arisen: what is the principle of the Bill which has been altered? We did not commit ourselves to the principle of the Bill. We will assume that it had not gone to the Joint Committee. We will assume that the Bill originated in that House and has come to this House with some amendments and modifications; therefore, we may ignore the joint Committee. We will now start as if there is some Bill which has come from the other House. We may accept it or reject it.

Therefore, I do not think there is any point of order in this matter. It is not for the reason that this inclusion of other property does not make it different. I do agree it is one of substance. If it had originated in this House, I would certainly agree that there will be a difference. But it did not originate in this House. I may refer, for the information of hon. Members here, to a precedent. I gave the ruling then, on the 17th December 1953 when the House was considering a motion for reference to a Joint Committee, the Special Marriage Bill proposed by the Council of State. The question arose as to whether, by agreeing to motion, the House would be committing itself to the principle underlying the Bill. The Deputy-Speaker then observed as follows:

"There is no commitment of this House. This Resolution is a Resolution placed before the House asking this House to send some Members to associate themselves with the deliberations of the Joint Committee. But that does not involve any commitment of this House, so far as the principle of this Bill is concerned".

Following this ruling, we have not committed ourselves to any principle of the Bill. We start with the Bill as if we are starting it for the first time. It is open to us to do so. This is for the reason that we have not committed ourselves and, therefore, we did not give any specific directions to the Joint Committee. We will look at the Bill on the basis of it having emanated in, and having been passed by, the Rajya Sabha. We can look into it, and we can, if necessary, throw out the Bill. This will be our first consideration of the Bill. Under these circumstances, I do not agree with the point of order.

Shri B. S. Murthy (Eluru): May I seek a clarification? When the Bill had come here and we agreed to the motion for reference to a Joint Committee, was this House not in possession of the Bill and did we not commit ourselves to the principle of the Bill? Therefore, if any principle has been changed, are we to reject it or accept it?

Mr. Speaker: If we had committed ourselves to the principle of the Bill, and any change was made later, that ought not to be allowed without the consent of this House. But we did not commit

[Mr. Speaker]

ourselves to any principle; they asked us to join the Joint Committee.

Shri S. S. More (Sholapur): Can we join the Joint Committee without accepting the principle?

Mr. Speaker: I have already given a ruling. We have had no opportunity to go through all the essentials of the Bill here. It will be dangerous to commit ourselves without our considering it in its essentials. On a prior occasion, a question arose whether we should go into a Joint Committee by committing ourselves and we were—I think the then Speaker also agreed with us—very chary. We did not want to commit ourselves to the principle of the Bill. That was because this House wanted to have absolute freedom to go into that matter. We had no control over it. It was introduced in the other House, and the point might have been raised in the other House. I understand from the hon. Minister that it was raised and the other House overruled it.

Pandit Thakur Das Bhargava: I am not raising this objection on that ground. I accept your ruling and the previous ruling that we are not committed to the principle of the Bill. I am not concerned with commitment of any principle. I am only concerned with this point that when a Bill is introduced in this House or that House the scope of the Bill cannot be extended by a Joint Committee or Select Committee. It can only be extended by you, by this House or by the other House. I am not concerned with the principle of commitment as a result of acceptance of motion of reference to a Select Committee.

Mr. Speaker: This Bill was introduced there.

Shri U. M. Trivedi: One point requires clarification.

Mr. Speaker: I have already said that I do not agree with the point of order raised. I have given certain reasons.

Shri U. M. Trivedi: May I make a little submission, Sir? You have tried to draw a distinction between the consideration of a motion for reference to Joint Committee in the House in which the Bill is introduced and the consideration of such a motion in the other House. What happens in both the Houses is the same. Once a Bill is introduced in the other House, they also make a motion

for reference to a select committee or a Joint Committee of the two Houses. Nothing further is discussed there and nothing further is discussed here also. If that House is said to have agreed to the principle underlying the Bill as introduced in that House, the same proceedings having been gone through here also, it stands to reason that we are also agreeing to the principle underlying the Bill. On that basis, we agreed to a reference to a Joint Committee. Therefore, my contention would be that when we have referred the Bill to a Joint Committee, this House also stands committed to accepting the principle underlying that particular Bill. It may not stand committed to it, as you have put it, however what happens in either House is a repetition of what happens in the other House and both Houses agree that it may be referred to a Joint Committee. If that Bill is changed substantially—when that committee was not authorised to do that—we should not allow it; otherwise they will repeat it.

Shri R. D. Misra (Bulandshahr-Distt.) *rose*—

Mr. Speaker: I do not want further arguments on this matter.

Shri V. G. Deshpande *rose*

Mr. Speaker: The hon. Member, Shri Trivedi, in his desire to see that this point of order is accepted, is trying to throw overboard many wholesome things which have been decided already. In his opinion, once the Bill is introduced there and it comes here for concurrence in the reference to the Joint Committee, we are committed to the principle immediately. We have more than one ruling on that. Repeatedly objections had been raised that we cannot be considered to have committed ourselves to the principle underlying the Bill. We must discuss the principles leisurely. We have to decide on it leisurely when it comes to this House. Unless we commit ourselves to the principle, we shall not be bound by what the Joint Committee does. That is my considered view and I have already given rulings in this regard. It may be convenient to agree with the opinion of a few Members but, in the larger interests, I am not prepared to change my ruling given twice or thrice before. It is wholesome to say that concurrence in a motion for reference to a Joint Committee ought not to commit this House permanently to the principle underlying the Bill. We

must be able either to accept or reject it. Therefore, we start with the Bill as it has come from the Rajya Sabha.

Shri V. G. Deshpande: In the light of the ruling just now given by the Speaker, I want to raise another point of order. The decision of the Speaker has accepted that this Bill has fundamentally changed in its scope. Whether this House is, therefore, within its rights to commit it because of so many changes was a point that was raised on the 27th—and I submit that there are drastic changes. The Deputy-Speaker then declared that it was a dilatory motion. Now, the Speaker himself admits that there are very drastic changes. Therefore, our request for a recommitment must be reconsidered by the Chair.

Shri Bhakti Das: जिस बबत यह बिल सिलेक्ट कमेटी को भेजने के लिए हमारे सामने आया था तो जो बिल हमारे सामने था उससे हम यह समझते थे कि इस बिल के मुतालिक हमको ऊवाइंट सिलेक्ट कमेटी बनानी है और वह बैठी। लेकिन वह कमेटी अपने स्कोप से बाहर चली गयी और उसके बाद जो बिल आया उसको राज्य सभा ने मान लिया है। अब हम न इस बिल को सकूलेट कर सकते हैं और न सिलेक्ट कमेटी को भेज सकते हैं। इस तरह से यह एक इल्लीगल कार्यवाही हो गई है। अब हमारे सामने यही रास्ता रह जाता है कि जो कछ उस हाउस ने हमारे सामने भेजा है उसे हम भंजूर करलें। जब बिल आया था उस बबत इसमें यह था कि यह मिताक्षरा फैमिलीज को एप्लाई नहीं करेगा। किसी ने इस पर व्याप नहीं दिया। यहाँ भी हमने नहीं सोचा कि हमको एप्लाई करता है या नहीं। राज्य सभा के मेंबरों ने इसको पास कर दिया। शायद वह इसे ठीक समझते हों। अगर हाउस के बाहर का मामला होता तो सुप्रीम कोर्ट में इसकी रमेडी हो सकती थी लेकिन जब हाउस के राइट्स पर एनकोचर्चमेंट होता है तो स्पीकर साहब हमारे राइट्स को प्रोटेक्ट करें।

Shri Sadhan Gupta rose—

Mr. Speaker: I have heard hon. Members enough.

Shri Sadhan Gupta: Shri Deshpande's new point, Sir,

Mr. Speaker: So far as Shri Deshpande's point of view is concerned, it has already been ruled by the Deputy-Speaker that it is a dilatory motion. I am not prepared to go behind it.

So far as the other point is concerned,

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it is not as if the House is helpless. If it finds that fundamental changes have been made, it can throw it out. There are several ways open to the House without inviting the Speaker to give a decision. Therefore, the ruling will stand that we have not committed ourselves. If the House does not agree with any particular provision or portion, it can eliminate or remove that.

The hon. Member may go on.

Pandit Thakur Das Bhargava (गुडगांव): जनाब वाला ने जो रूलिंग दिया है उसको मैं एक्सेप्ट (स्वीकार) करता हूँ। मैं ने जो सफा ५०७ का हवाला दिया था उसमें वही लिखा है जो जनाब वाला ने कहा कि हाउस चाहूँ तो इसे द्वो आउट (टुकरा) कर सकता है। लेकिन कास्ट-द्युशनल पोजिशन (वैद्यानिक स्थिति) यह है कि गवर्नरमेंट को अब यह हक नहीं है कि वह इस बिल को चलावे। मैं ने जनाब की ओर पार्टस्कर साहब की तवज्ज्ञह दिलाई थी कि अब गवर्नरमेंट के लिए रास्ता यही रह गया है कि वह इसे विद्वा (वापस) कर ले।

Shri R. D. Mishra: We must also know what are those pages and what are the rulings. The hon. Member is quoting pages. We have to decide it.

Mr. Speaker: We have disposed of the question of law. The question now is whether the House is agreeable or not agreeable. It is open to the House to take any view.

Pandit Thakur Das Bhargava: This is what appears in May's *Parliamentary Practice*. . . .

Shri Pataskar: Is it a point of order?

Pandit Thakur Das Bhargava: It is not a point of order at all now. It is a piece of advice on constitutional practice; if you want to follow it, you may; otherwise you need not.

Shri Pataskar: May I humbly know on what point I am being advised?

Pandit Thakur Das Bhargava: Unless you hear me, you cannot know the point.

Shri B. S. Murthy: I rise on a point of order, Sir. A point of order was raised and you, Sir, have been pleased to give your ruling. The same point is being brought again in some other form. Is it in order?

Pandit Thakur Das Bhargava: My friend has not heard what I have been saying.

Mr. Speaker: So far as the matter which has been objected to and can be raised by a point of order, is concerned, it has been decided by the Speaker. I am looking at the clock to see if the hon. Member has utilised his fifteen minutes' time. Instead of spending his time to convince the House on this point that the Select Committee ought not to have done this or done that, he can use those arguments not to convince the mind of the House on this point, but to ask the House that in view of what they did—they thought of one thing and did something else—the Bill should be thrown out. May's *Parliamentary Practice* also need not come in now. My fear is that in view of the point of order he may spend away his time on it without speaking on the substantive part of the Bill. Therefore, there is no question of point of order in this. Any hon. Member can refer to any point of law to convince the mind of hon. Members here.

Pandit Thakur Das Bhargava: I do not know whether I have only 15 minutes' time on this. I know there is a rule that in a Bill of this nature, any Member can go on till he exhausts his arguments. There is no rule that only 15 minutes' time can be allowed for a speech on a Bill, particularly of this nature.

Mr. Speaker: After all, the Business Advisory Committee has fixed a particular time limit of 35 hours for this Bill. It may not be 15 minutes, but it cannot be 5 hours for any Member. Therefore, there must be a limit which we will observe. If the hon. Member is not satisfied with 15 minutes, he may be given 20 or 25 or at the most 30 minutes. If the original practice of not limiting the number of hours in allocating time had been adopted, that would be another matter, and one hon. Member could be in possession of the House for any length of time. But we have changed the rules and been adopting a different practice.

Pandit Thakur Das Bhargava: The original rule has not been changed.

Mr. Speaker: For the whole Bill, the time allotted is 35 hours. Is it the desire of the House that I should allow any hon. Member unrestricted time—2 hours, 3 hours and so on?

Some Hon. Members: No, no.

Mr. Speaker: Because this is a Bill. I am prepared to give any hon. Member anything up to 30 minutes, and nothing more than 30 minutes. Is it the general acceptance of the House . . .

Pandit Thakur Das Bhargava: So far as I am concerned, I rely on the wording of a particular rule. If the interpretation of the rule is that it is capable of being relaxed or not relaxed, or is not being observed or going to be observed, it is a different matter. So far as the particular matter of time restriction is concerned, I do not think it is right to ask the House to agree to or opine whether any Member should be given so much time. It is entirely at your discretion. At the same time, I request you, Sir, to change your rule. I will abide by it. If you make a rule, you should interpret it in a consistent manner. The Business Advisory Committee is there; it has given full discretion to you to extend the time; it has not limited your discretion in the matter.

Mr. Speaker: Therefore, it is reasonable for the Speaker and the House to expect how much time the hon. Member would take.

Pandit Thakur Das Bhargava: The hon. Member will only do what you and the House will desire him to do. I am not going to defy your decision or the decision of the House.

Mr. Speaker: When I said 15 minutes, the hon. Member may have said one hour or 30 minutes or 45 minutes. I am yet in the dark as to what time the hon. Member wants.

Shri S. S. More: May I in this very context know whether there is any list of speakers previously prepared? Or are we expected to catch the eye of the Chair? I put this question because there has been no uniform practice observed here.

Mr. Speaker: Again and again, this question is put to me. I have got a sheaf of chits just now handed and being handed from time to time, and I have been noting them. In addition, I am also trying to regulate the time accordingly. If one Member wants to speak from the Opposition Benches, I am trying to locate which hon. Member can meet his arguments—either on account of his status or the State from which he comes, or of his particular interest in labour or industry and so on. All those are things which weigh with me. It is only for my information that I am having this list.

Shri S. S. More: In this particular measure, there is no distinction between the party in power and the party in opposition. This is a social measure. Some

of us are prepared to support the Government, though some may oppose it. We should be given a chance without our having to send any chits.

Mr. Speaker: Hon. Members need not send chits to me.

Shri Bansal (Jhajjar-Rewari): May I know if this one hour or so which has been utilised on this point of order and incidental points will be added on to the time that has been allotted for this Bill?

Mr. Speaker: All this will be included in the 35 hours.

Pandit Thakur Das Bhargava: I was submitting that—I want the hon. Minister of Legal Affairs to listen to me—to be consistent with the practices in Great Britain, if a Bill comes back to this House very different in its scope, the House is perfectly at liberty to throw it out, but at the same time the constitutional practice is that when the Speaker expresses himself in this way namely, that the Bill is a quite different one, the only course open to the Government is to withdraw the Bill and bring in another Bill.

Shri Pataskar: The Speaker has not decided it.

[MR. DEPUTY-SPEAKER in the Chair]

Mr. Deputy-Speaker: The Speaker's advice may be heard.

Shri Pataskar: He said that it was a thing that the Speaker had decided, but I do not find his decision.

Pandit Thakur Das Bhargava: The Speaker has stated that the Bill is a different one.

Shri Pataskar: I do not think that is his opinion.

Pandit Thakur Das Bhargava: Even if the Speaker did not say so, I am reading from page 507 of this book. I am not going to take my time in reading it—because my time is limited—and I will leave the Members to go through that page. The only course open to the Government is to withdraw the Bill and to bring in another Bill. If the Government wants to proceed with this Bill, it is going against constitutional practices and conventions of the House of Commons.

अनाब डिटी स्पीकर, मैं आपकी लिदमत में अर्जन कर रहा था कि यह जो बिल आप हमारे सामने

आया है यह उस बिल से बिलकुल मुख्यालिक (भिन्न) है जो कि पहले हाऊस में आया था।

अब मैं इस बिल की मेरिट्स (गुणों) पर आता हूँ कि यह बिल हमारे बास्ते क्या नक्षा पेश करता है। जब यह बिल पहले हाऊस में आया था तो मैं ने यह कहा था कि यह बिलकुल दुर्लक्षित है कि तकरीबन् ८० फीस दी मेम्बरों ने इस बिल की मुख्यालिकता की थी। इस बिल की मुख्यालिकता करते करते और एक के बाद दूसरी बजूहात देते हुए यहां हाऊस में श्री चिनारिया दम तोड़ गये। जब हमारे आनंदेबल भिन्स्टर ने अपनी जवाबी तकरीबर फरमाई तो उस हादसे का जिक्र किया जो यहां पर पेश आया और उनकी मेमोरी के बास्ते ट्रिब्यूट अदा किया लेकिन उन बजूहात की कोई पवाह नहीं की जो निहायत मालूम थे और जिनको यहां हाऊस में कहते कहते एक आनंदेबल मेम्बर ने अपना दम तोड़ दिया। उनको तो सिफं एक बात की चिन्ता दामनगोर थी कि किसी तरह से जैसे भी हो यह बिल जल्दी पास हो जाय। मैं हाऊस की लिदमत में अदब से अर्जन करना चाहता हूँ कि हाऊस के अन्दर जब एक मेम्बर एक तरह से आखिरी अलाज़ कहते कहते गुज़र जाय तो उसकी स्पीच की तरफ पूरा ध्यान दिया जाना चाहिये था।

अब मैं बिल की मेरिट्स की तरफ आता हूँ। मैं जनाब की लिदमत में अर्जन कर रहा हूँ कि बिल क्या कहता है और क्या चीज़ बनाता है? इस बिल के अन्दर जो एक लिस्ट है शैडूल की उसकी तरफ में तवज्ज्ञ ह दिलाना चाहता हूँ। वह इतना लम्बा शैडूल है कि मैं उस सारी लिस्ट को यहां पर पढ़ कर के अपना बक्त जाय करना नहीं चाहता.....

Shrimati Ammu Swaminadhan (Dindigul): I should very much like to know what the hon. Member says on this important measure. Would he kindly speak in English?

Shri Bansal: The hon. Member should learn Hindi.

Shrimati Ammu Swaminadhan: I can learn, but I do not know now.

पंडित ठाकर दास भारती : मुझे अंदेजी लेने में कर्तव्य कोई इकार नहीं है लेकिन आपको भालूम है कि मेरी जबान हिन्दी है और उसमें मैं आसानी से और काफी जल्दी बोल सकता हूँ।

[पंडित ठाकुर दास भार्गव]

लेकिन अगर आप डिप्डी स्पीकर साहब से यह दरखास्त करें कि मेरा टाइम वे और अधिक बड़ा है और अगर ऐसा हो जाय तो मुझे अप्रेंजी में बोलने में कोई दृतराज नहीं है।

उपाध्यक्ष महोदय : नियम जो है वह तो यही है कि माननीय सदस्य जिस में जावे उस में बोलें, कोई उनके ऊपर प्रतिबन्ध नहीं है।

पंडित ठाकुर दास भार्गव : मेरी अदब से गुजारिया यह है कि मैं ऐसी बात बोलूँगा जो मेरी बहन के बिलकुल समझ में आ जाये।

Shri S. S. More: Ask her whether she has followed this.

पंडित ठाकुर दास भार्गव : मैं मिं ० मोरे से भी इजाजत चाहूँगा कि वह मुझ को बोलने वें और अपने गेर मामूली इन्टरव्यून (अंत्कावाचार्ये) थोड़ी देर के लिये बन्द कर दें।

जनाब बाला, आज का बिल एक ऐसा बड़ा बिल है जिस के बास्ते मुझे यह शिकायत है कि हाउस में यह बहस होती है कि मेरेमोरों को पूरे तौर से अपना दिल खोलने की इजाजत न हो। यह बिल हिन्दुस्तान के करोड़ों बिल्क मध्ये कहना चाहिये कि ३५ करोड़ आदमियों की जायदाद से, और उनकी जो अन्दरूनी स्वाहिशात है और जबात है, उनसे ताल्लुक रखता है इस चीज के होते हुए इस बिल को इस कदर तेजी से पास करना, बिना सब बातों पर गैर किये पास कर देना, बिलकुल उस्तूल और इन्साक के खिलाफ है।

अगर आज आप जा कर किसी पंजाब के गांव में पूछें कि यह बिल क्या है, तो मेरी दख्खस्त है कि आप को एक ही जवाब मिलेगा कि हम को कुछ भी पता नहीं है। मगर हाउस के अन्दर बैठ कर जनाब बाला ने मेरे एक मोशन को डाइलेटरी करार दे दिया और सारी चीजों का जो मैंने रखा उन को डाइलेटरी करार दिया, कि यह पंद्रह साल से चल रहा है और सब इसको जानते हैं। लेकिन बाका यह है कि अगर आप किसी भी गांव में जा कर पूछें कि यह बिल क्या है तो किसी के भी मुंह से नहीं निकलेगा कि उस को इसका इत्म है। अगर इसका इत्म होता तो जो मुख्यालिफत मैं चार पांच बरस से करता आ रहा हूँ, वह न करता। सन १९५० में मैंने दो घंटे तक इसकी मुख्यालिफत की, इस उस्तूल पर कि शादीशुदा लड़की को बाप के स्थानदान की जायदाद को

लड़कों के साथ इन्हेंट करने की इजाजत दे दी जाय। मैं उस बक्त से लेकर अब तक इस की मुख्यालिफत करता आ रहा हूँ। लेकिन मैं औरतों को जायदाद में मरदों के बराबर हक मिलने का विरोधी नहीं हूँ बल्कि ऐसे दावे का मददगार हूँ।

आप के कास्टिट्यूशन में लिखा है कि सेक्स की बिना पर कोई तकरीक न की जाय। जहाँ तक इस चीज के कास्टिट्यूशन में मौजूद होने का ताल्लुक है, मैं उस का एहतराम करता हूँ। लेकिन इस में ऐनोमली यह है कि एक तरफ से हमारी बहनों की आवाज आती है हम को हक्क दो, इधर मिनिस्टर साहब की आवाज आती है कि हम को चाहिये कि कास्टिट्यूशन में जो सेक्स के अल्फाज लिखे हैं उन के खिलाफ म जायें। मैं पूछना चाहता हूँ कि आखिर आप की इन्वालिटी क्या है? आखिर, अगर एक बहन को ससुर की जायदाद में हिस्सा मिलता है तो क्या वजह है कि भाई को ससुर की जायदाद में हिस्सा न मिले, क्या यह इनई-व्हालिटी नहीं है कि बहन को ससुर की जायदाद में हिस्सा मिले और भाई को न मिले? कहाँ गया आप का कास्टिट्यूशन? आप ऐसी बातें करते हैं कि कास्टिट्यूशन का हवाला दे कर जो कि बिलकुल गलत है। अगर आप आप की जायदाद में लड़की और लड़के दोनों का बराबर का हक देते हैं तो ससुर की जायदाद में भी दोनों को बराबर हिस्सा मिलना चाहिये। आप का जो बिल है वह इनईव्हालिटीज से भरा पड़ा है। अगर मेरे पास बक्त होता तो मैं आप को दिखलाता कि इस बिल के एक एक लफ्ज में सिवा आदमियों की इनईव्हालिटीज के और कुछ नहीं है। यह जरूर है कि जीसी हालत आज है, जिस दुनिया में हम रह रहे हैं, उस को छोड़ नहीं सकते, दुनिया के अन्दर जो हालत हैं उनको ही अन्दर हमें रहना होगा, मगर इस चीज को हम भूल नहीं सकते कि लड़की एक ऐसे स्थानदान में जाती है जो कि बिलकुल जुदा होती है, उस नये स्थानदान में जा कर एक नई फैमिली बनाकर बैठती है, सारी उम्म उस स्थानदान के पीछे रहती है, बाप के मरने की खबर आती है, उधर उसका अपना बेटा बीमार है, तो वह बीमार बेटे को छोड़कर बाप के घर नहीं जा सकती है। हमारे देश का प्राइडियल ही ऐसा है कि एक औरत अपने स्थानिक दो बड़ी चीजें समझती है। मैं कहता हूँ कि छोड़ दीजिये पुराने रिवाजात को जिस में औरत अपने स्थानिक

को गाड और साड़े समझती थी, लेकिन इस बक्त भी वह उस को अपना आइडियल कम्प्रेचियन समझती है। अगर आप को आज सीता व सावित्री के आइडियल (आदर्श) पर लेकर दिया जाय तो शायद आपको कुछ ऐतराज हो, लेकिन मैं नहीं चाहता कि इस देश के अन्दर हमारे सारे पुराने आइडियल का और हमारी रामायण का जनाजा निकाल दिया जाय। आप ने रामायण का जनाजा इस बिल के जरिये निकाल दिया है, इस देश में सन सेन्टर पालिटिस है (इस देश में पुत्र को अधिक महत्व देने की नीति है)। आज हमारे यहां जो हजारों सालों से सिस्टम चला आ रहा है उस हम भूल नहीं सकते। लड़का बाप की जगह होता है, स्वान्दन का बड़ा होता है, सारे स्वान्दन बाले उस की लिंदमत करते हैं।

Shrimati Subhadra Joshi (Karnal): I think the hon. Member should withdraw the words

“रामायण का जनाजा निकाल दिया।”

पंडित ठाकुर दास भार्या : मैं चाहता था कि जो हुक्क की बात की जाती है तो उस के साथ मैं हमकी अपनी पुरानी बातों को भूल न जाना चाहिये।

श्रीमती सुभद्रा जोशी : यह शब्द वापस लिये जाने चाहिये।

Mr. Deputy-Speaker: The hon. Member may continue.

पंडित ठाकुर दास भार्या : राम चन्द्र जी के साथ चौंदह साल के लिये सीता के बन जाने का सवाल पैदा होता है, राम चंद्र कहते हैं कि तुम अपने बाप के घर चली जाओ, तुम्हारा बाप राजा है, तुम्हें क्या तकलीफ है? वहां पर काफी आराम होगा, लेकिन सीता क्या जवाब देती है? वह कहती है कि मैं बाप के घर नहीं जाऊंगी।

श्री किरोज गांधी (जिला प्रतापगढ़—पश्चिम व जिला राय बरेली—पूर्व): कैनाट प्लेस में पूर्णगी।

पंडित ठाकुर दास भार्या : कहती हैं कि बाप के घर का जिक न करो। मैं अर्जन करता हूँ कि हमारी एक प्रांत बाप की जायदाद पर है और दूसरी घर की जायदाद पर। बाप मालदार है, वह लड़की को जब तक बाहे, रक्खेगा उस के दुःख सुख में शरीक होगा। लेकिन इस बिल

को पास करके आप इस देश के आइडियल को तबाह कर रहे हैं। मैं पूछता हूँ कि किस भाइ का वह आइडियल होगा दुनिया में कि वह चौंदह बरस भाई के साथ बनवास करे, और अगर राज करेगा तो बड़े भाई के सड़ाऊं रख कर? जो पालिटी आज हजारों बरसों से चली आ रही है उस को आज आप बरबाद कर रहे हैं। मैं नहीं चाहता हूँ कि हमारी बहनों को हम से शिकायत हो। मेरी बहन यह समझती है कि मैं औरतों के हुक्क का हाथी नहीं हूँ। गरीब-नेवज, एक ही निट्टी से बने हुए पुतले, एक मां से पैदा हुये, क्या आप कभी यकीन कर सकते हैं कि वह चाहेंगे कि उस की मां को, उस की बेटी को, उस की बीची को हुक्क न मिले। मैं उन लोगों में से हूँ जो चाहते हैं कि उन को पुरे हुक्क मिलें, जो उनका हक है उसको मैं कम नहीं करना चाहता, लेकिन सवाल रास्ते का है, किस रास्ते से हम जायें। मैं बहुत दफा इस चीज को हात से मैं पेश कर चुका हूँ लेकिन मझे अफसोस है कि पिछले चार पाँच सालों में मेरी आवाज विल्डर-नेस की आवाज सावित हुई, वह मेरी आवाज नहीं समझी गई। जनाब बाला ने भी अपना जगह से उसको सपोर्ट किया, मेरे पास किंतु मौजद है जिसमें आपकी तजवीज थी। बक्की टेक चन्द्र साहब, श्री पटटाभी ने उसको प्रसन्न किया था। श्री विस्वास के सामने जिस बक्त अर्जन किया गया उस पर उन्होंने गौर किया। हमारे पाटस्कर साहब ने भी कहा कि मैं एजामिन कराऊंगा। मुझे याद है कि सेलेक्ट कमेटी में पाटस्कर साहब ने चन्द्र ऐतराज किये, मैं उनका जवाब देता, लेकिन मुझे से पूछा नहीं गया। उन्होंने लुढ़ भी उन पर गौर नहीं किया। वह हिन्दुस्तान के सभी लोगों के नुकते निगाह के साथ मैल लाते थे। मैंने सन् १९५० में कहा था कि अगर हिन्दुस्तान में रहने वालों को यह पता चल जाय कि आप क्या करने जा रहे हैं तो हिन्दुस्तान के अन्दर एक रिवर्ट्यूशन हो जाय। आज भी वह चीज दुरुस्त है, मगर उनको मालूम नहीं है आज वह इतने पोलिटिकल-मार्गिंडेड नहीं है कि वह मिनिस्टर साहब की बातों को समझ सके। आज एक एक जिले में जो सैकड़ों गांव बसे हुए हैं उनकी हालत को हमारे मिनिस्टर साहब नहीं जानते। आज भी हालत यह है कि मांव के गांव एक ही गोत्र के हैं और theory इन में कूट कूट कर भरी है। मुझे पता नहीं है कि मिनिस्टर साहब को उन गांवों की हालत का पता है या बहीं। वहां पर इस बिल के मुतालिक मालूम होने पर फीमेल इन्फॉर्मेंटिस इड तक हो जाने की नीत आ सकती है। जनाब बाला

[पंडित ठाकरदास भार्गव] को मालूम है कि पंजाब के अन्दर किस तरह से कोई बाहर का स्ट्रेजर भा जाय तो उसको वहां पर कितने दिन रहने दिया जाता है। मझे अफसोस है कि ऐसे उन दोस्त ने जिन्होंने पहले स्पीच दी उन्होंने क्यों जिकर नहीं किया। मैं कहना चाहता हूँ कि हिन्दुस्तान के गांवों में इस कानून के पहुँचत ही फीसेल इफैटिसाइड होने लगेगा, लड़कियों के मंडर होने लगेंगे, अपनी जायदाद बचाने के लिये। मैं नहीं जानता हूँ कि क्यों सरकार इस चीज को अपने स्वायल में नहीं लाती है। मैं नहीं कहता कि इस तरह की रिफार्म सरकार न करे, लेकिन ऐसी चीज लाये जो कि अपनी जगह पर जरूरी व मनासिब हो। आज सरकार इस चीज के पीछे पड़ी हुई है कि जल्दी से जल्दी इस बिल को पास कर दें। लेकिन इस बिल के अन्दर इतनी जबर्दस्त सामियां हैं कि उस से पंजाब, बिहार और यू० पी० के अन्दर बेइन्तहा मुकदमेयाजी शुरू हो जायेगी। फर्जीजिये कि हम यह बिल पास कर देते हैं तो यह होगा कि मां बाप लड़ेंगे, बाप बेटे लड़ेंगे, भाई भाई लड़ेंगे और बेटे लड़ेंगे व बहन भाई दो टक हो जावेंगे। और हमारे जो शीराजा (धारणा) सोसाइटी का है वह बिन्कुल बिलर जायेगा। भाई और बहन का जहां तक प्रेम का सबाल है उस के ऊपर मैं इस बक्त तुक कहता नहीं चाहता। हिन्दू ला का जो कंसेप्शन आफ सोसाइटी या कि कोपासनीय प्रापर्टी में कोई कोपासनीय इन्टकाल नहीं करा सकता, कोई प्रापर्टी का मैनेजर उस को इन्टकाल नहीं करा सकता, उस को आप ने एक स्ट्रोक आफ पेंस से खत्म कर दिया और हर एक आदमी जिस तरह चाहे आप जायदाद को बिल अबे (वसीयत कर) सकता है।

हमारे इन्हिनान के कोसं मे एक किताब थी "मैन्स एंशेट ला" जिस में "स्टेट्स टू कॉटेक्ट" का जिक था। वह बात सही सवित हो रही है। हम इस मैड परस्टू में चल रहे हैं कि हिन्दू ज्वाइंट फैमिली (सम्मिलित परिवार) खत्म हो जाये। अगर आप ऐसा करना चाहते हैं तो आप डा। अर्बेंडकर का बिल लाइये। मैं समझता हूँ कि आप वैसा करना नहीं चाहते, आप दोनों फरीक को राजी रखना चाहते हैं लेकिन मैं कह देना चाहता हूँ कि यह किसी को कबूल नहीं हो सकता। अगर आप ज्वाइंट हिन्दू फैमिली को नहीं रखना चाहते तो न रखें कोई दूसरी तरह की सोसाइटी बन जायेगी। बुनिया में सब जगह ज्वाइंट फैमिली नहीं है, लेकिन अगर आप ज्वाइंट हिन्दू फैमिली को खत्म नहीं करना चाहते तो इस कानून में यह प्रावीजन

कर्ये रखा जा रहा है। जो कुछ आपने इस बिल में रखा है वह हमको हजम होना मुश्किल है।

T W

मैं एक और चीज की तरफ आपकी तबज्जह दिलाना चाहता हूँ। हिन्दुस्तान में यह देवीशन है कि अगर किसी स्थानदान में जायदाद है तो उस स्थानदान के लड़ेगे या लड़कियां भूले नहीं मर सकते। मैं तो चाहता हूँ कि आप डा० अर्बेंडकर के बिल के मेनटिनेन्स (पोषण) क्लाइंजर को कानून की शक्ति दें। मैं उम्मीद करता हूँ कि पाट्स्कर साहब उनको कानून की शक्ति में लावेंगे। वे क्लाइंजर ज्वाइंट प्रापर्टी के लिए बहुत जरूरी हैं। मैं अपनी बहिनों से और श्री पाट्स्कर साहब से पूछता चाहता हूँ जो कि सैक्स डिस्ट्रिमिनेशन के बहुत ज्यादा कायल हैं, कि क्या लड़की की यह जिम्मेदारी है कि वह बड़े मां बाप को मेनटेन करे। लेकिन आप देखिये कि एक लड़के पर क्या क्या जिम्मेवारियां हैं। अगर मां बाप बड़े हैं तो उसे उनको मेनटेन करना होता है, अगर विषवा बहिन है तो उसे मेनटेन करना होता है, अगर फैमिली में कोई बिड़ो है तो उसे मेनटेन करना होता है, अगर कोई डेजरटेड (परिव्यक्त) है तो उसे मेनटेन करना होता है, अगर कोई इंडीजेंट है तो उसे मेनटेन करना होता है। जो जायदाद को लेता है उसका यह जिम्मा है कि अपाहिजों को, या ऐसे संघों को जिनको कि प्रापर्टी में हिस्सा नहीं मिलता, पर जो मेनटिनेन्स के हकदार है उनको प्रोवाइड किया जावे, हिन्दू ला गिवर्स अकलमद थे और उन्होंने हर चीज के लिये प्रावीजन किया था। या तो आप बड़े और अपाहिजों के लिये कोई प्रावीजन कीजिये या जो हमारे पूर्वजों ने उनके लिये प्रावीजन किया था उसको कायम रहने दीजिये। हम इस मेनटिनेन्स ला को तो यहां पास करेंगे क्योंकि यही तो हिन्दू ला का सब से ज्यादा सुन्दर पोर्न है। इस मेनटिनेन्स ला के जरिये हमारे ला गिवर्स ने फैमिली में सबके लिये कोई न कोई प्रावीजन किया है। जब तक यह प्रावीजन मौजूद है आपको जायदाद या रुपया लड़कों को देना चाहिये क्योंकि जायदाद के साथ राइट आफ मेनटिनेन्स जाता है। क्या हमारी बहिनें इस जिम्मेवारी को लेंगी। बहिनें तो शायद लेने को तैयार हो जायें क्योंकि हमारी बहिनें बहादुर हैं। यहां पर हिन्दू मेरिज एंड डाइवोर्स ला (हिन्दू विवाह तथा तलाक कानून) में रख दिया गया था कि औरतें स्वाक्षर्दों को मेनटेन करें, लेकिन उस पर भी बहिनों की तरफ से बहुत एतराज नहीं किया गया था। हमने ही कहा था कि यह नालाकी की बात है कि

आदमी स्त्रियों के ऊपर निर्भर रहे। मैं बहिनों के जिस्मे मेनटिनेन्स का बार नहीं डालता चाहता। उनकी जो हालत अभी समाज में है और जो कि अभी बहुत बचों तक रहने वाली है, उसमें वे इस जिस्मेवारी को लेने के काबिल नहीं हो सकती। इसलिये मैं अर्जन करना चाहता हूँ कि जब तक यह मेनटिनेन्स का ला कायम है कोई बजह नहीं है कि मर्द को प्राप्ती का हक न दिया जाय।

अभी कल ही हमारी बहिन श्रीमती शिवराज-बती नेहरू ने और जब यह बिल पहले आया था तो सुभद्रा जी ने भी यह फरमाया था कि आप जो यह कानून पास करने जा रहे हैं उसमें जो बहिनों मांगती थीं उससे भी आप उनको ज्यादा दे रहे हैं। यह मैंने कल ही पढ़ा है।

श्रीमती सूभद्रा जोशी (करनाल) : मैंने नहीं कहा।

पंडित ठाकुर दास भार्गव : मैं आपकी स्पीच मंगाकर हाऊस में पढ़ सकता हूँ। उस बक्ता आपने जो कहा था वह दुसरा था। लेकिन अगर आपने नहीं भी कहा तो मैं कहता हूँ कि आप देखें कि बाप की जायदाद में औरत को हिस्सा, संसुर की जायदाद में उसको हिस्सा, खाविन्द की जायदाद में उसको हिस्सा यह कहां तक ठीक है? क्या इतनी साफ़ जीव के लिये भी किसी आर्म्फूर्मेट की जरूरत है कि The father-in-law is not equal to father and husband is not equal to wife. क्या अजीब बात है कि औरतें अगर कहती हैं कि आप हमें १०० परसेंट दें तो आप कहते हैं कि हम तुमको पीने दो सौ परसेंट देंगे। मैं अदब वे अर्जन करना चाहता हूँ कि यह जो मैनेस चली आ रही है इसके उतार फेंकना चाहिये। टैनिसन ने अपनी एक किताब में बहुत अच्छे ढंग से लिखा है कि आदमी और औरत दो पक्ष हैं और जब तक वे अच्छी तरह से चलते हैं गाढ़ी ठीक चलती है तब तक यह कहना कि दोनों बराबर हैं यह गलत होगा। मैं अदब से अर्जन करना चाहता हूँ कि आप फैक्ट्स आफ नेचर को दूर नहीं ले जा सकते। इसलिये मैं चाहता हूँ कि बहिनों को फाइनेन्शली इंडिपेंडेन्ट बनाया जाय।

श्री पाटस्कर : उनको मेनटिनेन्स देना नहीं चाहते हैं।

पंडित ठाकुर दास भार्गव : मेनटिनेन्स तो अलाहिदा देना चाहता हूँ। इस बजत तो

मैं आपकी इक्वालिटी की बात का जवाब दे रहा था। मैं कहता हूँ कि बहिनों को पूरा मौका मिले। लड़का अपनी बर्थ से खानदान की जायदाद में हक हासिल करता है। औरत अपनी शादी की बजह से दूसरे खानदान में ट्रांसफर हो जाती है। वह उस बक्ता से उस खानदान में हक रखती है। इसलिये मैं कहता हूँ कि जो हिस्सा आप सन को दें वही सन्त वाइक को दीजिये। मैं नहीं चाहता कि कोई औरत बतौर बीवी के भी अपने खाविन्द की दस्तानिगर रहे। आपने डाइवोस का कानून पास किया है, लेकिन अगर आप उसको फाइनेन्शल पावर संन्हीं देंगे तो उसको हालत और भी खराब हो जायेगी। इसलिये मैं चाहता हूँ कि फाइरइला की जायदाद में सन एंड सन्स वाइक दोनों हकदार हों। और अगर उसका खाविन्द अपने बाप से पहले भर गया है तो उसकी बिडों को हिस्सा दिया जाये। मैं इसके खिलाफ नहीं हूँ कि वह अपने फाइरइला की जायदाद में हकदार हो। यहां पर हमारे बहुत से हिन्दू भाई बैठे हैं। मैं पूछता हूँ कि कौन नहीं चाहता कि अपनी बहिन या बेटी को उसका हिस्सा दिया जाये। जब भी लड़की के बच्चा होता है, या उसके बच्चों की शादी होती है तो बाप या भाई भात बौरह की शक्ल में उसको बराबर उसका हक देते हैं।

श्री बोगाबत (ग्रहमदनगर—दक्षिण) : लड़के के बेटों बेटियों की शादी में भी देते हैं।

पंडित ठाकुर दास भार्गव : यह सही है कि पहले के मुकाबले में यह चीजें कम होती जा रही हैं। मैं जनाब के सामने अपनी ही एक मिस्स रखना चाहता हूँ। मेरी शादी हूई थी एक जगह जिसको आज ५५ बरस होते हैं। उस के दो तीन बरस बाद मेरी बीवी का इल्टकाल हो गया। लेकिन वे लोग अभी तक बैसा ही रिश्ता कायब रखे हुए हैं। हर शादी में हर त्योहार में वे बराबर बैसा ही सलक कर रहे हैं और ऐसी हम भी अपनी बहिनों के लिये करते हैं जिपने इलेक्शन के जमाने में देखा होगा कि अगर हम किसी ऐसे गांव में जाते हैं जहा हमारे गांव की कोई लड़की हो तो हमको तब तक तसली नहीं होती जब तक हम उसको शपथ नहीं देते। कोई हिन्दू अपनी लड़की के गांव में पानी तक पीना पसन्द नहीं करता, उसकी जायजाद कसे ले सकता है। लेकिन आपने कानून बनाया है कि लड़की की जायजाद उस के मां बाप को दे दी जाये। मैं नहीं समझता

[पंडित ठाकुर दास भार्गव]
कि इस कानून को बनाने वाले हिन्दुस्तान के रहने वाले हैं या किसी दूसरे मुक्त से आये हैं उनको यह भी पता नहीं कि इस मुक्त में ऐसा नहीं होता कि लोग अपनी लड़की की जायदाद ने ले। मालूम नहीं किसने यह कानून बनाया है।

इसके इस बिल में दो चीजें और जोर से कही गयी हैं। लेकिन जब से दामी साहब ने और दूसरे भाइयों ने यह कहा कि हमारे देश में ७५ फी सदी एप्रीकल्परल होलिंग ५ एकड़ से कम हैं तब से पाटस्कर साहब के दिल में गूदगुदी सी होने लगी। एक कच्चे मकान में जिसमें कि केवल एक कमरा हो, यह जानकर पाटस्कर साहब को दुख हुआ कि कैसे वहां पर लड़कीका साहिव जो दूसरे गांव या शहर का होगा, यह कैसे वहां पर रह सकेगा और गजारा कर सकेगा हमारी तसलीकी के लिये उन्होंने फरमाया कि हमने इसके अन्दर दो नये किस्म के श्रीएम्पशन प्रोवाइड कर दिये हैं ता कि यह तकलीफ दूर हो सके और उनमें जो अल्कोज लिखे हुए हैं उनको जरा मुलाहिजा फरमाये कि क्या ही बूटीफुल भनडायिंग वर्ड्स लिखे गये हैं:

"24. Where, after the commencement of this Act, an interest in any immovable property of an intestate or in any business carried on by him or her, whether solely or in conjunction with others, devolves upon two or more heirs specified in Class I of the Schedule, and any one of such heirs proposes to transfer his or her interest in the property or business, the other heirs shall have a preferential right to acquire the interest proposed to be transferred."

यह श्रीएम्पशन नहीं है कि सेल हो जाय और और सेल का ट्रान्सफर कर दिया जाय। यह सारा का सारा ऐसा अनवकेंबुल और अनबोट प्राविजन है कि इसके ऊपर नामकिन है कि अमल हो सके। इसके प्रन्दर बीसियों नुस्खे हैं। अब इसमें जो लिखा है कि

"to acquire the interests proposed to be transferred."

अब यह बिलकुल अनवकेंबुल है और इस पर अमल नहीं हों सकेगा।

अब एक दूसरी चीज लीजिये। किस अर्थात् के पास जो पांच एकड़ की खेती करता होगा उसके पास जेब में एक हजार रुपया नहीं होगा मकान की खरीद के

लिये और इसका नतीजा यह होने वाला है कि हर एक मकान गांवों के अन्दर नीलाम किया जायेगा और घरों से बाल-बच्चे निकाल दिये जायेंगे और इसका नतीजा यह होगा कि शूठी शहादतें पुलीस बनायेगी और इनकैन्टिसाइड बड़गी और आपस की मोहब्बत कतई खत्म हो जायगी और हर एक घर के अन्दर मुक्कदमेवाजी होने लगेगी। मैं तो जब इस बिल के असरत के बारे में सोचता हूँ कि इसका हमारे लोगों पर क्या असर पड़ेगा तो मैं शॉडर करने लगता हूँ। मैं पंजाब का रहने वाला हूँ और अगर ज्यादा नहीं तो करीब ४७, ४८ वर्ष मध्ये प्रैक्टिस करते हो गये हैं और मैं इस की जो मुख्यालिकत करता हूँ उसकी असली बजह यह है कि मुझे दिखाई दे रहा है कि इसके जरिये आप हर एक घर में लिटिंगशन भेज रहे हैं। यह जो आप का फस्ट फाइब इयर प्लान और सेंकेंड फाइब इयर प्लान है वह सब एक तरफ है और दूसरी तरफ श्री पाटस्कर का यह अतिया है जो कि आपके इन तमाम नतीजों पर पानी फेर देगा, जो आप यहा पर पेदा करना चाहते हैं दूसरा हिस्सा जिसका कि दफा २५ में आया है वह पहले से भी अचीब है जो असली चीज है और असली प्राविजन्स है जो आप नजदीक नहीं जाना चाहते हैं। आप चाहते हैं कि दुनिया को यह दिखलायें कि हिन्दुस्तान इन चीजों में बहुत बढ़ रहा है जब कि हालत यह है कि हिन्दुस्तान ने हजारहा वे तजुबे करके हिन्दुस्तान के एक हिस्से में आप की जायदाद के हक में तजुबे हुए जब कि साउथ में मां की जायदाद पर तजुबे हुए उन सब को आपने ब्राश एसाइड कर दिया है। आप का यह कहता था कि हम इस मामले में युनिकारमिटी लाना चाहते हैं लेकिन मैं पूछता चाहता हूँ कि क्या यह यूनिकारमिटी है कि वहां तो आपने मां को हिस्सा दे दिया और यहां आपने उसको निकाल दिया? मैं पूछता हूँ कि जब दो मुख्यालिक सिस्टम हैं तो आप क्यों उनके साथ खेलते हैं? मैं अदब से अर्ज करता कि जो सिस्टम डेवलप हुए हैं उनको उसी तरीके से रहने दिया जाय। आपने एक भैरव ला बनाया और उस समय कहा कि हम यनिकाम चीजें देश में लाना चाहते हैं लेकिन हमने देखा कि डाइवोर्स को एक हिस्से के बास्ते तो आपने कस्टम करार दिया और दूसरे हिस्से के बास्ते उसके लिये ला बना दिया। आप इसी तरह की चीज इस बिल में भी करना चाहते हैं और यह कोई आप युनिकारमिटी नहीं ला रहे हैं। वैसे मैं अदब से अर्ज कर दूँ कि मैं इस युनिकारमिटी का इतना

कायल नहीं कि इसकी लातिर लोगों की स्वाहिष-शात, जज्बात, लोगों के आपस के ताल्लुकात, भाई बहन के ताल्लुकात और मां, बाप के ताल्लुकात को बिगड़ने नहीं देना है। अब इस सक्षेषन के अपने को लेकर जब लड़की का खांचिद और खांचिद ही क्यों लड़की के समुर और देवर जब उसके मायके के मकान या जमीन पर बैठने की कोशिश करेंगे तो कैसे उसके मायके वाले उसके खांचिद, समुर और देवर को अपने साथ रहने देंगे, कैसे उनका गुजारा चलेगा और कैसे उनका जमीन पर गुजारा होगा? इस भौजूदा सक्षेषन के प्राविजन के बारे में हमें बतलाया गया कि इसके करने से कई फायदे होंगे, मुम्किन है कि किसी एक लास हिस्से में इससे कोई फायदा हो, लेकिन पंजाब के बारे में जहां के हालात से मैं खुब वाकिफ़ हूँ, वहां के बारे में मैं दावे के साथ कह सकता हूँ कि इससे मुकद्दमेवाजी और टंटवाजी बढ़गी और तरह तरह की विक्रतें पेश आयेंगी। पंजाब में जो शादियां होती हैं, वह बड़ी उम्र में होती हैं और जाहिर है कि जब एक आदमी लाइफ़ में इंटर होता है तो उसके सिर पर नई नई जिम्मेदारियां आ जाती हैं। उस मौके पर लड़की को जो जायदाद दी जाती है वह छोटी मोटी नहीं होती है, हजार, दो हजार की नहीं दी जाती बल्कि हमारे पंजाब में शादी के मौके पर लड़की को ५० हजार और १,००,००० रुपये की डाउरी देते हैं और यह रकम उसको और उसके खांचिद को अपना नया धर और नई जिन्दगी को शुरू करने के लिये मिलती है और लड़की और उसका पति जो दोनों एक नये कुन्ब की बुनियाद डालते हैं, उनको अच्छी तरह से आबाद करने के लिये यह रकम दी जाती है और इसमें बाप और भाइयों के अलावा मामा और नाना का भी कटिव्यशन होता है और भात के अन्दर दूर दूर के रिश्तेदार उसमें अपना अपना सहयोग देते हैं। शादी ही जाने के बाद लड़की दूसरे धर की एक मुस्तकिल मेम्बर बन जाती है और वहां पर अपनी नई जिन्दगी शुरू करती है। इस सारे बिल को मैंने देखा, इसमें कादर की प्रापरटी की तो जिक्र है लेकिन समुर का कहीं नाम नहीं है। अब उदाहरण के तौर पर मैं आपको बतलाऊं कि एक बिजनेस करने हैं जहां कि फ़र्ज़ कीजिये कि एक बड़ा बाप रिटायर हो चुका है और उसके चार बेटे बिजनेस करते हैं, बड़े बाप की जो २, या ४ हजार की हैसियत थी उसको उसके बेटों ने कलकत्ता और बम्बई में आकर लाखों की हैसियत पैदा कर ली, बाप के भरने पर तो कहते हैं कि बड़के जुदा नहीं है, उनके हिस्से में से लड़की को

हिस्सा दे दिया जाय और जिन्होंने की सारी जायदाद पैदा की उनको अलग हटा दिया जाय, मैं पक्ष्मा चाहता हूँ कि आखिर यह आपका कहां का इंसाफ़ है? कल मेरे पास एक शस्त्र आया जो कि पंजाब का रहने वाला है और जिसने मझे बतलाया कि मैंने तमाम अपनी जायदाद खुद अपने हाथों से पैदा की है। उसका बूढ़ा बाप भौजूद है। मेरी चार बहनें हैं, अब आप बतलाइये कि मैं क्या करूँ? जनाब को मालम है कि पंजाब के अन्दर कट्टम की रूप से बेटे को बाप की जिन्दगी में बंदवारा करने का हक्क हासिल नहीं है, चुनाचें उसके मुतालिक मैंने काइनेंस एक्ट में एक दफा यह बढ़वाई जिसके किंवदर यह लिखा गया कि—

"In every Hindu undivided family governed by Mitakshara a son shall be deemed entitled to claim partition in the life time of the father notwithstanding any custom to the contrary."

वह भाई मुझे से कहने लगे कि मूझे बतलाइये कि मेरे वास्ते क्या थाटा है? मैंने उनको कहा कि पास्कर साहब की लिदमत में जाइये वही आपको कोई रास्ता बतला सकेंगे, मैं कुछ नहीं कह सकता

श्री पाटस्कर : आप उनको मेरे पास भेज दीजिये, मैं उनको सलाह दे दूंगा।

पंडित ठाकर बास भागवंश : आप मुझे ही बतला दीजिये में आपकी सलाह को उनको बतला दूंगा लेकिन वाक्या यह है कि अपके पास कोई इसके लिये सलाह ही भौजूद नहीं है। मैं जनाब की लिदमत में यह अर्जु करूँगा कि बे सारे माहौल पर खुब अच्छी तरह से गौर करें। मैं मानता हूँ कि यह जल्दी नहीं है कि हर एक केस में कोई बेटे ही जायदाद पैदा करें हों लेकिन कुछ ऐसे केसें जरूर हैं जहां कि बाप या बेटे की मुश्तरका कोशिशों के फलस्वरूप जायदाद बनी है या जहां बाप बड़ा हो गया हो और बेटों ने अपनी मेहनत के अन्दर एक नये आप स्तर के शस्त्र को दाखिल करना बाज़ब नहीं है। अभी जैसा कि मेरे एक भाई ने बहस के दौरान बतलाया था कि एक शस्त्र की बहन के खांचिद को एक दूसरे गांव में लड़की के भाई की जायदाद में या जमीन में बीचे दो बीचे का हिस्सा दिलवाया जाय और जो उस भाई की बीबी आये उसको एक दूसरे गांव में उसके भाई की जमीन में बीचे या दो बीचे का हिस्सा दिलाया जाय, मैं नहीं समझता कि इसमें क्या मंतक़ है?

[पंडित ठाकर दास भार्गव]

आखिर किसी की बीवी हो, किसी की बहन हो, अगर यहां से जायदाद ले जायेगी तो दूसरी जगह से दूसरी औरत ले भी तो आयेगी। मैं कहता हूँ कि कहों कांगड़े में पड़ते हो, हजारों बरसों से तो कायदा चला आया है जिस में हिन्दू-स्ताद के अन्दर जो खान्दान है, जो ज्वायेट फैमिली है, उन में मियां के ताल्लकात बहुत अच्छे रहे हैं। वह अमरीका और बिलायत के डाइवर्सेज नहीं सूखे हैं। आप इस सारे सिस्टम को क्यों डिस्टर्ब करना चाहते हैं? आज आप इसलिये उनको डिस्टर्ब करने जा रहे हैं जिस के लिये कोई बजह नहीं है। आखिर जब पछां गया कि बजह तो बतलाइये, तो कहा गया कि युनिफार-मिटी लाने के लिये हम यह सब कुछ कर रहे हैं। युनिफारमिटी (एक्सप्लान) के बारे में अदब से अर्ज करना चाहता हूँ कि Uniformity is a virtue of a very doubtful nature as compared to the vested interests of the people. यह कोई जबाब नहीं है कि हम सब कुछ युनिफारमिटी के लिये कर रहे हैं। एक के बाद दूसरे ऐट यहां पर लाये जाते हैं और यह क्यों किया जाता है? मैं जनाब की तबज्ज्ञ दफा १७ की तरफ दिलाना चाहता हूँ, उस में लिखा है:

"The property of a female Hindu dying intestate shall devolve according to the rules set out in section 18, — — —"

गरीब नवाज, वह आपका इक्वलिटी आफ सेक्स कहां है? मर्द की प्राप्ती का डिवाल्यूशन (प्रकान्ति) आप देते हैं दफा ८ में और उसका डिवाल्यूशन देते हैं दफा १७ में। आखिर सेक्स के बिना पर यह तकरीक क्यों? क्या यह आपका डिस्ट्रिमिशन नहीं है? जनाब मुलाहजा करमाये किस तरह पर दिया गया है:

"Firstly, upon the sons and daughters (including the children of any predeceased son or daughter) and the husband; secondly, upon the mother and father."

और बिलकूल आखिर में है:

"upon the heirs of the husband"

मैं पछां चाहता हूँ आखिर कासिस्टेसी भी दिलाया में कोई चीज़ है। डा० अम्बेडकर जब बिल लाये तो फर्स्ट शेड्यूल में सिर्फ़ छः या सात आदमियों के नाम थे, जाज ११ नाम हैं

और अगर दो तीन बरस भीर हो गये तो जायद १५ या २० आदमियों के नाम आजायेंगे। इसी तरह से जब पहले ऐट आया हिन्दू ला का तो ७ नाम थे, दूसरी बार जब बी नवाज रखता तो उस में लिखा गया एवर्स आफ दि हस्टेन्ड (पति के उत्तराधिकारी) अब हस्टेन्ड (पति) भी रख दिया। किर एवर्स आफ बी मदर (माता के उत्तराधिकारी) आया। मैं हाउस में बरबार कहता रहा हूँ कि आप अनमीरिड डाटर्स (अविवाहित पुनियों) को जरूर भाईयों के बराबर का हिस्सा दीजिये बाप की जायदाद में और जब उसकी शादी हो जाय तो हस्टेन्ड की जायदाद में हिस्सा दीजिये जब तक कि वह खान्दान में रहे। अगर कोई औरत डाइवर्स कर जाय तो उस को हक है कि वह जायदाद को अपने साथ ले जाय, लेकिन अगर वह रिमेरेज करे तो उस का हक जायदाद में जाता रहेगा। लेकिन अब हम क्या देखते हैं कि १७ (२) में मर्दों के वास्ते नहीं हैं औरतों के वास्ते हैं।

"(2) Notwithstanding anything contained in sub-section (1),—(a) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband."

यह बिलकूल ऐसा उसूल है जो कि भोस्ट अन-बक्सल इन प्रैक्टिस (अव्यवहारिक) है। जायदाद मूवेबल और इम्मवेबल सभी को दी गई, बीस बरस बाद वह कहां होगी? किर अगला नमूना जनाब मुलाहजा करमाये:

"(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein but upon the heirs of the husband."

मेरी गुजारिश यह है कि अगर फादर इन लासे कोई जायदाद मिली, फादर इन लासीयत के जरिये—खालिद जिन्दा है औरत के मरने पर जायदाद बच्चों को जायेगी जाविन्द को हिस्सा

नहीं मिलेगा । वी की रु से क्यों साहब, हस्तैंड ने क्या कुसूर किया ? यह तो दो क्षेत्र हुए । अगर आई या बहन से जायदाद आई तो उस के लिये कोई प्राविजन ही नहीं है । इस लिये मे कहना चाहता हूँ कि दफा १७ मोस्ट अनवर्केबुल है और लोगों के ख्यालात के बिल्कुल सिलाफ है, उन के फिल्फेंस में जाता है और उस के अन्दर जो तरीका दिया हुआ है वह बिल्कुल गलत है ।

इस के अलावा जनाब मुलाहजा फरमायें

उपाध्यक्ष महोदय : अब आनंदेबुल मेस्मर साहब इस को कंडेन्स करने की कोशिश करें ।

पंडित ठाकुर दास भार्गव : जी हाँ । मैं जल्दी सत्तम करूँगा । दफा ६ है । उस के अन्दर यह करार पाया ।

Shri C. C. Shah: We will have clause by clause consideration later.

Shrimati Subhadra Joshi: Is there no time-limit ?

पंडित ठाकुर दास भार्गव : दफा ६ के अन्दर एक्स्लेनेशन दिया हुआ है, उस की तरफ में तबज्जह लिलाना चाहता हूँ । पहले यह लिखा कि जहां तक कोपासनर का ताल्लुक है, इस बिल का कोई असर नहीं होगा, दूसरे यह लिखा कि प्राविजन यह है कि फीमल रिलेटिव (स्त्री सम्बन्धी) हो । और वह कौन हो ? उन की तदाद ११ है सिवा सन्स को छोड़ कर सब औरतों के लिये ही है, मसलन विडो, डाटर, डाटस डाटर, सन्स डाटर, सन्स सन्स विडो, सन्स सन्स डाटर । अगर इन में से कोई हो तो क्या होगा ?

“such a female relative or male relative shall be entitled to succeed to the interest of the deceased to the same extent as she or he would have done had the interest of the deceased in the coparcenary property been allotted to him on a partition made immediately before his death.”

अगर एक आदमी के चार बेटे हैं और उन में से दो जदा हो गये तो उन को जायदाद में हक होगा, लेकिन जो दो ऐसे लड़के हैं जो बाप की लिदमत करते हैं, बाप से जुदा नहीं होना चाहते, उन को जायदाद नहीं मिलेगी । बेस्टेड राइट जो है वे उसके अन्दर दिये हुए हैं जिन में अगर बहन को हक दिया जाता है बाप की जायदाद में तो अनन्डिवाइडेड सन की जो जायदाद है उस को भी उस में शामिल कर लिया जायेगा । या तो बाप यह कह दीजिये कि लड़कों को हक नहीं है, जो इसने दिन से हमारा सिस्टम बल आ रहा है

उस को आप चाहें तो सत्तम कर दीजिये ताकि रोजमरा का लगड़ा सत्तम हो, लेकिन अगर आप उसका हक रखना चाहते हैं तो कम से कम लाजिकली भी रखिये । जिस के बेस्टेड राइट्स हैं उसके अन्दर उनको आप कैसे हटा सकते हैं ? क्या मैं पूछ सकता हूँ कि दफा ३२ में, जो आप ने एक्स्लेनेशन रखा है दफा ६ में, वह भी लागू होगा ?

Mr. Deputy-Speaker: For the past 30 minutes hon. Members are indulging in talks louder and louder. I will request hon. Members to exercise some kind of restraint and be slow at least, if talk they must.

पंडित ठाकुर दास भार्गव : मैं अजं कर्ना चाहता हूँ कि लाजिकली यह एक्स्लेनेशन कायम नहीं रह सकता । या तो जैसा आप ने पहले किया था कि जो सेपरेट लड़के हों उन की जायदाद बाप की जायदाद करार दी जाये वह फिर कर दीजिये, लेकिन इस को आप कूल नहीं करते क्योंकि यह एक्स्टेंड है, इस को आप रख नहीं सकते ।

अब मैं दफा ४ की तरफ आप की तबज्जह दिलाना चाहता हूँ । दफा ४ जो अब मौजूद है उस पर पहले भी बहम होती रही । मेरे पास वह किताब मौजूद है जिस के अन्दर मैं ने और जनाब वाला ने बहुत ज्यादा हिस्सा लिया था । जहां तक कस्टम का क्वैश्चन है, जनाब को मालूम है कि पंजाब में custom is the rule of decision—Hindu, Musalman and Sikh.

हाउस में १८७२ एक्ट नं. १ की दफा ५ कोट की गई । आज तक वह वहां पर मौजूद है । सिखों और हिन्दुओं के रिवाजात एक तरह के हैं और वह सकुलर बेसिस पर मर्बनी है । ऐप्लाइंटेंट आप वि एम्प (उत्तराखण्डी की नियुक्ति) का सवाल है, ऐटेंटेशन का मामला है, आपने सब को खेतराद कह कर, सारी पुरानी जीजों को सत्तम कर के एक नई प्रथा कायम कर दी । अब जहां तक लोगों को समझाने का सवाल है, उनको योड़ी सी तसल्ली देने के बास्ते हमारे पाटस्कर साहब ने दफा ४(२) में एक नया इन्चेशन किया है और वह यह है :

“(2) For the removal of doubts, it is hereby declared that nothing contained in this Act shall be deemed to effect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings

[पंडित ठाकुरदास भार्गव]

or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings."

जनाब वाला, कोई आदमी समझाने चले कि लैंड का झगड़ा सत्य हो गया वे उस के फैदे से निकल गये, डा० अम्बेडकर साहब का जो विल आया था, उस में से लैंड को निकाल दिया गया था। हम जानते हैं कि सारा ला आप का इस किस्म का है जिसे मुल्तन नहीं मानेगा। अगर आप चाहते हैं कि उस का असर बहुत ज्यादा न हो तो लैंडस को आप हटा दीजिये। लेकिन जो प्राविजन आप ने किया है वह लैंड को टच ही नहीं करता। मैं पंजाब के नुक्ते निगाह से देखता हूँ, उस में यह है :

"Nothing... shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings...."

शायद मेरे ख्याल में बम्बई में हो तो हो, उसका मुझे पता नहीं, मगर य० पी० और पंजाब के अन्दर फैगमेंटेशन आफ ऐधिकल्वरल होर्लिंग को रोकने का कोई कानून नहीं है।

Where is the law in the Punjab for the prevention of fragmentation of agricultural holdings? What is the use of keeping it?

फिर जनाब वाला? सरकार सीलिंग करना चाहती है। यह ला सीलिंग को कैसे एलाई करेगा? तीसरी चीज जिस पर मैं रोशनी डालना चाहता हूँ वह यह है कि इसमें यह दिया हुआ है:

"Or for the devolution of tenancy rights in respect of such holdings."

जहाँ तक पंजाब का सवाल है जनाब वाला को मालूम है कि जितने आकुपेसी राइट्स थे वे प्रोप्राइटरी राइट्स में राइपिन हो गये। अब वहाँ आकुपेसी होर्लिंग में विडो को अधिकार मिलता था लड़कों को नहीं मिलता था। अब वहाँ आकुपेसी राइट्स ही नहीं रहे। अब तो ४(२) से लोगों को मुशालता होगा। यह किस चीज को एलाई करेगा। क्या एक एक टुकड़े जायदाद के लिए बटवारा होगा? क्या एक एक थाली और गिलास के लिए भी भाई बहिन में झगड़ा होता, जैसा कि एक भाई ने यहाँ कहा था। इसलिये मैं पाटस्कर साहब की सिद्धमत में गुजारिश करता चाहता हूँ कि जिन प्राविसेज में इस तरह का कायदा असे दराज से चला आ रहा है उनको

यसकी जद से निकाल दें। पंजाब को निकाल दें ह० पी० और विहार को निकाल दें या उन सब जायदादों को निकाल दें जो कि १५ या २० एकड़ज तक की हैं। आप उनको तो कमसे कम जिन्हा रहने दीजिये जिनके, लिये कि आप रोज यहाँ आंसू बहाते हैं। यह आप ऐसी लिमिट कर दीजिये कि जो जायदाद ५० हजार तक की हो उस पर वह लागू न हो। अगर आप ऐसा नहीं करेंगे तो जिस लड़की को आप फायदा पहुँचाना चाहते हैं उसको फायदा नहीं पहुँचा सकेंगे। जो आप कर रहे हैं उसका नतीजा यह होगा कि जायदादों के विलस बन जायेंगे और न तो लड़कियों को जायदाद में हिस्सा मिलेगा और न उनको दहेज में जो मिलता है वह मिलेगा। नतीजा यह होगा कि जिनको आप प्रोटेक्शन देना चाहते हैं उनको आने वाले बीस पच्चीस साल में बहुत नुकसान पहुँचेगा।

Mr. Deputy-Speaker: I am told that Shri Damodara Menon is not well. I hope other Members would agree that he may speak first.

An Hon. Member: Sick people get priority.

Pandit K. C. Sharma: One thing I want to say. In the last debate also, some of the Members who took part in the earlier stages were given time without any limitation. Ultimately, the later Members were given five minutes or ten minutes, some of us who are not very favourably looked upon had no time whatever. Some system should be devised—a lottery system or uniform time should be given.

Mr. Deputy-Speaker: It is not fair to remark or observe here that some Members are not favourably looked upon.

When the Speaker was here he was asking Pandit Thakur Das Bhargava that he should have some limit imposed upon him. I am sure the hon. Member who is now objecting was very quiet and silent and he did not demur. When that time is over, the hon. Member is very vocal at this hour. I am very sorry for that. Let us now make it a rule that this much of time has to be given to every hon. Member. It is for the House to lay down that limit. When the Chair wanted to lay down the limit, there was the objection that this is a Bill and no limit should be placed. It should be for the House and for the Members themselves. Let them place a limit. I am here to enforce that I will enforce it equally without any partiality.

Some Hon. Members: Twenty minutes.

Mr. Deputy-Speaker: Would twenty minutes be all right for every hon. Member?

Some Hon. Members: Yes.

Shri U. M. Trivedi: Thirty minutes.

Shrimati Subhadra Joshi: I request that women Members should be given one hour.

Mr. Deputy-Speaker: Every hon. Member should not try to place all the points himself individually. Let the groups divide amongst themselves as to what points each hon. Member should put forth. I think twenty minutes would suffice.

Shri Damodara Menon (Kozhikode): Mr. Deputy-Speaker, I shall keep within the limit of twenty minutes.

The Hindu Succession Bill contains provisions of far-reaching importance. They are more or less radical in nature. That was perhaps the reason why there was so much opposition to some of the provisions in this Bill in this House, in the speeches delivered by the hon. Members before me. I was not able, because of my lack of knowledge of Hindi, to follow the learned speech of my hon. friend Pandit Thakur Das Bhargava or Shri V. G. Deshpande. But, from the vehemence of their speeches, I gathered that they were opposing the Bill.

Some Hon. Members: Yes.

Shrimati Ammu Swaminadhan: You should support it with all the vehemence.

Mr. Deputy-Speaker: The hon. Member is quite right in his guess.

Shri Damodara Menon: My hon. friend Shrimati Ammu Swaminadhan advises me to support it with vehemence. I come from a part of India where the matriarchal system is generally followed by the Hindus. Women are held in high respect and we follow in many matters their advice. I shall follow the advice of my hon. friend Shrimati Ammu Swaminadhan and vehemently, though I am not capable of vehemence, support the Bill.

There has been some discussion about the idea of equality between men and women in this particular matter of property rights. I think Shri V. G. Deshpande tried to ridicule the idea by reference to biological principles. Biological principles have very little application here. We are concerned here with the basic right of women to claim equal

status with men in civic matters, in economic matters, in social matters. That is a rightful claim. It is wrong in a modern state or society to deny that claim. Therefore, I am all in favour of the provisions of this Bill which grant equality of status and rights to women in the matter of ownership of property and to succeed to joint family property. I do not want to go into further details. I know there are many women Members who very staunchly stand for the rights of women and also support the provisions of this Bill, and especially clause 6, which grants the right to women to inherit joint family property, I mean coparcenary property. I shall confine my remarks to the provisions of the Bill regarding Marumakkattayam.

I was trying to follow Pandit Thakur Das Bhargava when he referred to uniformity. He said that uniformity was not a wholesome principle. He said that he was not standing for uniformity in this matter. He was also saying that there was little uniformity attempted in the provisions of this Bill. This is not right. In this connection, I must pay a tribute to Shri Pataskar, the Law Minister, for the infinite patience with which he tried to bring some kind of uniformity in the Hindu Law of Succession. Because, if you go from one end of India to the other you find a number of communities and sections of Hindu society which follow different patterns of succession law. In the Kerala area itself there are a number of them. It is true that the majority of the Hindus of Kerala follow the Marumakkattayam or matriarchal system, but even here there are a number of communities and castes and sub-castes which have been following different systems of law, and there have been different Acts there. I mention only a few that are now prevailing in the Kerala Area: the Madras Marumakkattayam Act, the Travancore Nayar Act, the Travancore Ezhava Act, the Nanjanad Vellalaiyah Act, the Krishnam Vaka Marumakkattayam Act, the Cochin Marumakkattayam Act, the Cochin Nayar Act, the Madras Nambudri Act, the Travancore Malayala Brahmin Act and so on. You will remember that in the original Bill which was referred to the Joint Committee, all these Acts were excluded from its purview. Today we find that this exemption has been taken away, naturally because the Joint Committee accepted the basic principle that women shall have equality of right with men in regard

[Shri Damodara Menon]

to property. When that concession was made with regard to coparcenary property, there was hardly any necessity for the people who follow the Marumakkattayam law to insist upon an exemption for their separate small bits of law. That was why some amount of uniformity was achieved in this Bill.

Clause 7 of the Bill applies particularly to Marumakkattayam law. This is an important provision which seeks to bring about some change in the laws that govern different sections of Hindu society in Kerala. The majority of the Hindus there, of course, follow the Marumakkattayam law, but during the last 50 years owing to the influence of modern social ideas and also the impact of economic forces, the ancient joint Hindu family of the Marumakkattayam system with its hoary traditions is now fast disappearing. In Malabar it has not completely disappeared, but in Travancore-Cochin it has almost disappeared. Therefore, it is not possible for us today to hold fast to the old idea of the Marumakkattayam joint family. In the number of Acts, I mentioned before, attempts have been made to bring about some kind of change in the joint family system in Travancore-Cochin and also in Malabar. It is not as if the old Marumakkattayam system is kept intact. Therefore, when this succession law was brought forward and an attempt was made by the Law Minister and also the leaders of public opinion in the Kerala area to bring about some amount of uniformity in the system of succession law, the people in Kerala area accepted this principle very easily and very readily also. Shri Pataskar recently toured the Kerala area and he consulted representative opinion in Trivandrum, Ernakulam and Malabar and I understand there was almost unanimity in the support that was offered to the provision contained in this Bill.

What does this clause say? It says.

"When a Hindu, to whom the *marumakkattayam, aliyasantana or nambudri* law would have applied if this Act had not been passed, dies after the commencement of this Act, . . . his or her interest in the property shall devolve by testamentary or intestate succession, as the case may be, under Act and not according to the *Marumakkattayam, aliyasantana or nambudri* law."

This provision is in many respects similar to clause 6 which deals with

succession to *Mitakshara* coparcenary property. But there are one or two points of difference.

In the first place, clause 7 deals with the interests of both the male and female members of the joint family, because in the *Marumakkattayam* joint family women have equal, if not superior rights to men in the matter of enjoyment and ownership and also inheritance of joint family property. Therefore, it was felt necessary that provision must be made for the intestate succession of both males and females belonging to the *Marumakkattayam* joint family.

Sub-clause (2) of clause 7 says that the interest of a Hindu in a joint Hindu family in Kerala shall be deemed to be the share in the property that would have fallen to him or her if a partition of the property *per capita* had taken place immediately before his or her death among all the members of the joint family then living whether he or she was entitled to claim such partition or not according to the existing Act. Therefore, there is a notional partition of the property on the death of any member, whether male or female. This, as you will see, is an advance on the provision of clause 6. I am glad to say that in respect of this also there is unanimity of opinion in support in the Kerala area. The only difference is in the matter of the Schedule of successors. We people, who follow the *Marumakkattayam* law, feel that mother should take her rank in Class I of the Schedule. In the Joint Committee this principle was accepted. This 'mother-right', if I may use the term, was conceded, but when the Bill went to the Rajya Sabha, the Members of the Rajya Sabha felt that mother should not take her rank in the first Class of the Schedule, and they placed her with father in the second Class. When this change was effected, of course, some alterations had to be made. Some special provision had to be indicate the line of successors of *Marumakkattayam* members, both male and female, in the joint family property. Such a provision has been incorporated in the Bill. This is to some extent at variance with the idea of uniformity, but we could not help it because we feel that our system of inheritance is in many respects better than the line of inheritance that has been embodied in the Bill and that has also been accepted by the Rajya Sabha. Therefore, we had to demand that a separate schedule in this particular matter should be provided for the followers of the *Marumakkattayam* law.

Apart from this, we find that the idea that women should have equal rights with men in the matter of ownership and also inheritance of property is a contribution of the *Marumakkattayam* system to the rest of the Hindu community. We are proud of the fact that in our own area, women enjoy such rights. I can assure hon. Members who have been so vehemently opposing this provision that in the Kerala areas there has not been any kind of disruption or unhappiness in social life because women are given equal if not superior property rights. I am also glad to state that some of the social tensions and frustrations that we find in other parts of India, especially among the Hindus who follow other systems of inheritance, are not to be found in the Kerala area. Therefore, I can with some amount of experience and authority, assure the hon. Members that they are not losing anything by granting this right to women of their own community. Daughters and sons must surely be treated equally not only in the matter of affection. It has been stated here: "Of course, we all treat the daughter equally as the son in the matter of family affection etc.", but if that is so, where is the harm in giving them also a share of the father's property equal to that of the son? You cannot have it bothways. As I stated before, it will not work for the unhappiness of the Hindu community. It will only bring more solidarity and also keep the community in tune with progress in social thought, and it will also be implementing the directive principle of our Constitution that women must be treated equally with men, that women must be treated on a par with men in all respects.

Shri V. G. Deshpande: Is matriarchal system a Directive Principle?

Shri Damodara Menon: It is not a Directive Principle. I never said that that was a Directive Principle. I only said that the Directive Principle of our Constitution says that there must be a social justice, and there must be equality of status and treatment as between men and women. That was what I said. If it so happens that under the matriarchal system, this equality has been granted, then that only shows that so far as the matriarchal system is concerned, they have been able to follow the Directive Principle and put it into practice earlier than the embodiment of that principle in the Constitution itself.

I now come to sub-clause 3 of clause 7 which deals with the *sthanamdar* of

Kerala. I do not think many of the Members here would know what a *sthanam* means. *Sthanams* are peculiar institutions existing in Kerala. They are governed by customary law. There were many chieftains in ancient Kerala, both big and small, who held sway over pieces of territory. Those chieftains were following the *Marumakkattayam* law and were members of joint matriarchal families. For the maintenance of the status and position of the eldest member of the joint family, who by survivorship became a chieftain, extensive lands and property were specially set apart. These were called *sthanam* properties and the holder of the *sthanam* had absolute right of enjoyment of those properties.

There are many such *sthanams* in Kerala. The Zamorin of Calicut is probably the biggest *sthanamdar* on the West Coast. Sub-clause (3) of clause 7 seeks to put an end to *sthanams*, after the death of the *sthanam-holder*, by saying that when a *sthanamdar* dies after the commencement of this Act, the *sthanam* property held by him shall devolve upon the members of the family to which the *sthanamdar* belonged and the heirs of the *sthanamdar* as if the *sthanam* property had been divided *per capita* immediately before the death of *sthanamdar* among himself and all the members of the joint family then living, and the shares falling to the members of the joint family and the heirs of the *sthanamdar* shall be held by them as their separate property. That is the provision of sub-clause (3) of clause 7. I am glad to say that this provision has also the support of the public opinion of Kerala, and this is a very necessary item of reform, because we do not want these large *sthanams* to continue to exist in free India today. When we are moving towards a socialistic pattern of society, it is high time that we put an end to concentration of property in the hands of a single holder. I hope, therefore, that the Bill will be passed into law without any major alterations or amendments.

ओमती सुभद्रा जोशी : उपाध्यक्ष महोदय, पहां पर सुबह से इस बिल के बारे में बात चीत हो रही है। चाहती तो मैं यह थी कि औरतों को अधिकार देने के सम्बन्ध में जो कुछ करी इस बिल में रह गई है उस पर रोशनी डालूँ, परन्तु मझको इस बात से सचमुच बड़ा अफलोस है कि जो कुछ बिल में है भी उस का भी यहां पर बहुत से भाई इस कदर विरोध कर रहे हैं। वैसे तो मैंने इस बिल को सीधा किया, उल्टा किया,

[श्रीमती सुभद्रा जोशी]

झधर पलटा, उधर पलटा, फिर भी मालम नहीं हुआ कि इस में औरतों को क्या दिया गया। उसके बावजूद भी जब में ने उसका विरोध देखा तो मेरे दिल पर बहुत सस्त चोट लगी, और ज्यादा चोट इस बात से लगी कि हमारे आनंदेबल मेम्बर (माननीय सदस्य) पंडित ठाकुर दास जी ने राम और सीता का नाम ले कर इतिहायों को अधिकार देने का विरोध किया। उन्होंने पलियों को अधिकार देने का ही विरोध नहीं किया, लड़कियों के अधिकार का भी विरोध किया। आज के बाक में राम और सीता का नाम ले कर ऐसी बातों का विरोध करना मैं समझती हूँ कि बहुत नामुनासिब है।

श्री श्री० श्री० देशपांडे : नाम लेना ही नामुनासिब है।

श्रीमती सुभद्रा जोशी : आज बक्त बहुत बदल गया है। आज सीता का नाम लेने हुए लोग उनकी जिन्दगी का दूसरा पहलू बिल्कुल भूल जाते हैं। पतिव्रता सीता हमारी बहन थीं, वह जंगल में गई।

Pandit K. C. Sharma : On a point of order. Certain historical and religious personalities are held in reverence, and they have a sacredness about them. They should not be subjected to the rational criticism of the modern world, for it injures the susceptibilities of certain Members. I would, therefore, request the Chair not to allow the mention of these sacred personalities in relation to the judgment on the provisions of this Bill.

Shri B. S. Murthy : The hon. Member said, rational criticism. Can anything be subjected to irrational criticism?

Mr. Deputy-Speaker : That is a good appeal, but that should be for the Members to decide. There is no point of order in this.

श्रीमती सुभद्रा जोशी : उपाध्यक्ष महोदय मुझे इस बात का बड़ा अफसोस है कि मेरे मित्र मैं महान सीता का नाम लेने पर एतराज किया। जिस बक्त उनका नाम ले कर दूसरी बात कही जा रही थी उस बक्त एतराज नहीं किया गया। मैं ने उस बक्त एतराज किया था।

एक माननीय सदस्य : तुम बड़ी भली हो।

श्रीमती सुभद्रा जोशी : आज उनका नाम ले कर यह सब कहा जाये और उन की जिन्दगी के दूसरे पहलू पर ध्यान न दिया जाये कि वह जंगल जंगल में मारी मारी किरी जो कि पतिव्रत और ब्रह्म में आस्तिरी सीमा थी उन की जिन्दगी में,

और जब जंगल से वह लौटी तो एक घोबी के कहने पर ही उनको फिर जंगल भेज दिया गया जो कुछ उन्होंने किया उस से उन के सामने आदर के साथ भेजा भयनक नत हो जाता है। परन्तु मैं कहांगी कि आज बक्त बहुत बदल गया है। आज अगर कोई घोबी किसी स्त्री को ऐस्यूज (दोषारोपण) करे तो वह बन जाने के लिये तैयार नहीं होती। क्या आज किसी एक घोबी के ऐस्यूज करने पर ही इतनी बेइन्साफी के साथ महान सीता को जंगल भेज दिया जाता? आज मुझ को किसी के इस तरह कहने पर ही एतराज होगा। मैं सत्य कहती हूँ, अगर जंगल जंगल मारी मारी फिरने के बाद और उस सीमा तक अपना धर्म निभाने के बाद किसी एक घोबी के कहने पर मेरा पति मुझ को जंगल भेजना चाहे तो मैं जंगल नहीं जाऊंगी, सुप्रीम कोट जाऊंगी।

उपाध्यक्ष महोदय : आप इसी बात पर क्यों सारा बक्त खचं कर रही हैं?

श्रीमती सुभद्रा जोशी : इस लिये मैं कह रही हूँ कि हमारे दिलों पर इस तरह की चीजों को कह कर चोट मारी जा रही है। कोई मार्डन (आधुनिक) कह कर, कोई आज का बक्त कह कर, को हिन्दू धर्म का नाम लेकर जो हमारी बेसिक (बुनियादी) तकलीफ हैं उन पर जोर नहीं करने देता। आज हाउस के अन्दर सीता और राम का नाम लेकर स्त्रियों के सेन्टिमेंट्स (भावना) को उभारने की कोशिश की जा रही है, इस से मुझे काफी चोट पहुँची है।

मझे कहना तो यह था कि जो प्रश्न हमारे सामने आज है वह है स्त्री को अधिकार देने की बात, लड़कियों को अधिकार देने की बात। जहां तक स्त्री को सम्पत्ति देने की बात है, मैं ने यह देखा कि किसी सदस्य को कोई खास विरोध नहीं है। विरोध सिर्फ़ इस बात पर है कि उन को ऐसोल्यूट राइट (परमाधिकार) दिया गया। इस तरह से लड़कियों को अधिकार दिये जाने का विरोध होता है। मैं चाहती हूँ कि पहले जो स्त्रियों को अधिकार दिये जाने की बात है उस पर रोशनी डालूँ। कहते हैं कि उसे अपनी सम्पत्ति पर ऐसोल्यूट अधिकार नहीं मिलना चाहिये, और इसके समर्थन में किस्म किस्म की बातें कही जाती हैं। यह भी कहा जाता है कि वह ठीक से सम्पत्ति की देख भाल नहीं कर सकती है, उन में समझ नहीं है। मैं हाउस से अर्ज करूँगी कि आप देखिये कि औरत किस प्रकार कोडी कोडी जमा करके काम चलाती है और कोडी कोडी जमा करके अपने पति का घर बनाती है।

अगर पति को ५० रु० मिलते हैं तो उनमें काम चलाती है और अगर १०० रु० मिलते हैं तो उनमें काम चलाती है। लेकिन इस पर भी कहा जाता है कि उसके पति के मर जाने के बाद जिस घर को उसने बनाया है उस पर उसका तनिक भी अधिकार न हो। अभी मेन्टेनेन्स (गुजरात) की बात कही गई मुझे इस बात पर सम्बल ऐतराज है यह वहें अफसोस की बात है कि आज यह कहा जाता है कि औरत को मिर्फ मेन्टेनेन्म दिया जाये, जायदाद पर कोई अधिकार न दिया जाये। यह भी कहा गया कि ज्वायेंट फैमिली सिस्टम (मंयुक्त परिवार प्रणाली) का क्या महत्व है। तमाम हिन्दू भाइयों को अपील कर के हमारे आनंदेवल मेम्बर पंडित ठाकुर दास जी ने कहा कि आज कौन हिन्दू है जो अपने दिल पर हाथ रख कर यह कह सके कि किसी हिन्दू ने अपनी बीवी से या अपनी मां से अच्छा सलूक नहीं किया। मैं भी कहती हूँ कि अपने दिल पर हाथ रख कर देखिये कि आप का सलूक उसके साथ क्या रहा है। मारे मुल्क में जो मलक एक विधवा के साथ होता है, उस को भी देखिये। ठीक है, कहीं बैठा कर आप एक टुकड़ा दे देते हैं, ठीक है, शायद उसके बच्चे भी कभी कभी आप की छत के नीचे पढ़े रहते हैं। लेकिन किसी समय विधवा के साथ इस से कोई दूरा सलूक किया जाता था। मैं पूछना चाहती हूँ कि क्या इसीलिये विधवाओं के लिये पुनर्वाह करने की बात नहीं है गई? यह बहुत पुराना इतिहास नहीं है, सब इस से बाकिक है। आज वक्त बदल गया है। आज लोगों के रहने का स्टॉडेंड (स्टर) बदल गया है। आज एक बेबा सिर्फ बर्तन मांजकर और घरमें गुलामी की जिन्दगी बिताकर नहीं रहना चाहती, वह चाहती है कि जिस तरह से कि आपके बच्चे खाते पीते हैं उसी तरह से उसके बच्चे भी खायें और पियें, जिस तरह से आपके बच्चे शिका पाते हैं उसी तरह से उसके बच्चे भी शिका पायें। एक समय था जब कि एक बेबा यह सोचती थी कि मेरी किस्मत में यही लिखा है। लेकिन आज वक्त बदल गया है। आज एक गरीब आदमी समझता है कि अगर वह भला मरता है तो यह उसकी किस्मत की बजह से नहीं है बल्कि यह इसलिये है कि कानून में कहीं कोई खारबी है। आज अगर आप देखते हैं कि किसी ने डाका मारा तो कहते हैं कि वह भूखों मरता था, इसमें उसका क्या दोष है। तो आज हम आपसे कोई चीज़ मारा नहीं रहे हैं। न हम औरतों और भरदों की बराबरी का सवाल ही उठा

रहे हैं। हम तो आपसे यह दरखास्त कर रहे हैं कि कानून ने जो दिक्कत पैदा की है उस दिक्कत को आप हटा दीजिये। कुछ देने का सवाल नहीं है। अगर आज कोई बाप कहता है कि मैं अपनी लड़की को कुछ नहीं देना चाहता, तो यह बात समझ में आ सकती है अगर कोई मां यह कहती है कि मैं अपनी लड़की को नहीं देना चाहती तो मैं इसे समझ सकती हूँ। पर अगर आज हूँकूपत कहे कि हम तुमको देने नहीं देंगे, अगर बाप मर गया है और उसने कुछ कहा नहीं है तो हम लड़के और लड़की में फर्क करेंगे तो यह मेरी समझ में नहीं आ सकता। हमारा स्त्री और पुरुष का कोई झगड़ा नहीं है। मैं हाउस के सदस्यों से दरखास्त करूँगी कि वे इस पर भीर करें।

इसके बाद मैं लड़की के अधिकारों के बारे में कहना चाहती हूँ। मूँझे इस बात से चोट पहुँची है कि कई सदस्यों ने बड़े जोश व खरोश के साथ लड़कियों के अधिकारों की मुख्यालिकत की। उनको यह नहीं भूलना चाहिये कि जब इस सदन में लड़कियों के अधिकारों के बारे में बात होती है तो वह सिर्फ दसरों की लड़कियों के बारे में नहीं होती, उसमें इस सदन के उन सदस्यों की लड़कियों का सवाल भी शामिल होता है, जो कि उन बीजों की मुख्यालिकत करते हैं। जब हमारे घर का इसीलिये लड़की का इस तरह का सवाल होता है तो हम चाहते हैं, और हर कोई मां बाप चाहता है कि दिनिया भर के कानून उसकी मदद करें, लेकिन जब हमारे घर की तकलीफ नहीं होती तो हमारी उस तरफ नज़र भी नहीं जाती। आज हमारे जो भाई इस सदन में बैठे हैं वे रात दिन अपनी डिमांड्स (मांग) पेश करते हैं। कहते हैं कि तनखाह ऊंची होना चाहिये, प्रावीड़े फ़ंड (भविष्य निधि) होना चाहिये और अगर उन पर भी जो कोई मुसीबत आ जाये तो उसके लिये भी इन्तजाम होना चाहिये। जब कोई आदमी चोरी करता है तो कहा जाता है कि वह इसलिये चोरी करता है कि वह भूखा है, उसका पेट नहीं भरता। तो मैं आपका व्याप इतनी बड़ी बात की ओर दिलाना चाहती हूँ कि स्त्री को कोई अधिकार नहीं है। क्या आप चाहते हैं कि वह पेसे के लिये दरबदर ठोकरें खाती फिरे। आज इस देश में त्रियों का भी बराबर का अधिकार है। आज हम सोशलिस्ट समाज को लाने की बात कर रहे हैं। क्या वह सिर्फ मर्दों के लिये ही होगा। आज माननीय सदस्यों की बहिनें पूछ सकती हैं कि क्या यह

[श्रीमती सुभद्रा जोशी]

समाजवादी ढांचा सिफ़ मर्दों के लिये ही है, क्या इस में लड़कियों का कोई अधिकार नहीं रहेगा।

तो मैं आपसे अर्ज करना चाहती हूँ कि इस चीज़ के लिये दो तीन ऐतराज किये गये हैं। एक तो यह ऐतराज किया गया है कि इससे मुकदमे बाजी बढ़ जायेगी। लेकिन मैं तो कहती हूँ कि जितनी मुकदमे बाजी ज्यादा होती है उतनी, ही ठाकर दास भार्गव को मवारक है क्योंकि उनको इससे फोस तो मिलेगा। काहे का ऐतराज है। कौन नहीं चाहता कि आज जो मुकदमेबाजी होती है वह सत्य हो जाये और कोई ऐसा तरीका निकल आवे कि अदालत के बाहर ही जगड़ों को बगैर बकाल, बैरिस्टर की मदद के फैसला हो जाया करे। लेकिन सिफ़ लड़की के लिये ही मुकदमे बाजी की जो बात कही जाती है वह मेरी समझ में नहीं आ सकती।

यह भी कहा गया कि इससे भार्ड बहन में प्रेम कम हो जायेगा। आज वह जमाना नहीं है जब कि भार्ड अपनी बहिन से यह कह सकता है कि जब कि तम अपना अधिकार न मांगो और जो मैं खुशी से दे दूँ उनी को लेलो, और अगर तुम ऐसा करोगी तभी मैं तुम्हारा आदर करूँगा। मझे वह जमाना याद आता है जब कि हम दिल्ली कलाव मिल के आगे मजदूरों को बोनस दिलाने के लिये हड्डाल करते थे। उस बक्त मिल मालिक हमसे कहते थे कि बोनस मजदूर का अधिकार नहीं है। हमारी मर्जी है कि हम बाप की तरह से अपने बेटे को चाहे कुछ दें और उसको उसे खुशी से लेना चाहिये लेकिन आज हम बाप बेटे के रिक्ते के लिये नहीं लड़ते, आज हम मजदूरों के अधिकारों के लिये लड़ते हैं। अगर आज कोई भार्ड अपनी बहिन को खुशी से देना चाहते हैं तो दें, हम उनके बारे में कुछ नहीं कहते। सबल तो उन लोगों का है जो बहिनों का हक नहीं देना चाहते हैं। आज इस सदन के माननीय सदस्य अपनी छाती पर हाथ रख कर देखें, क्या हम उनको नहीं मालूम कि आज ऐसे भार्ड हैं जो कि आराम की जिन्दगी बिताते हैं और जिनकी विवाह बहिनें दर दर की ठोकरे खाती फिरती हैं। कोई यह कह सकता है कि उसे यह नहीं मालूम कि लड़के महलों में रह रहे हैं और उनकी मां घर घर बरतन मांज कर बूजर कर रही है। मैं शहर या गांवों का नाम नहीं लेना चाहती, लेकिन क्या आज हमको यह नहीं मालूम कि हमारी हजारों बहिनें रोटी के दो टुकड़ों के लिये अपनी इज्जत बेच रही हैं।

आप दिल्ली, कलकत्ता और बम्बई जैसे बड़े शहरों में यह देख सकते हैं। हम जब उनको इस दशा में देखते हैं तो हमको सीता और सावित्री की याद नहीं आती। मैं आपसे अदब से अर्ज करना चाहती हूँ कि जब मैं इन बहिनों को इस हालत में देखती हूँ तो मेरे दिल में उनको उठाकर सीता और सावित्री जैसा बनाने की इच्छा होती है। आज मेरी समझ में यह नहीं आ सकता कि पंडित जवाहर लाल की हड्डमत में ऐसा बनाना बनाया जाये जो कि आगरतों की उन्नति में रुकावट पैदा करें।

यह भी कहा गया कि लड़की शादी के बाद दूसरे घर में चली जाती है और उसका गोत्र तक बदल जाता है। उसका नाम बदल जाता है। लेकिन मैं कहती हूँ कि ये सब कानून मर्दों के ही तो बनाये हुए हैं। इस समय मेरी मर्दों और आगरतों में कोई जंग छेड़ने की इच्छा नहीं है।

एक माननीय सदस्य : वह छिड़ जायेगी।

श्री बी० बी० देशपांडे (गुना) : मेरा एक प्लाइट आफ आडर (अधिकारी प्रश्न) है। माननीय वक्त्री महोदय ने कहा कि जब वे वैश्याओं और पतिता स्त्रियों में जाती हैं तो उनको सीता और सावित्री का स्मरण हो आता है और वे उनसे इन स्त्रियों की समानता करता चाहती हैं। मेरा अनुरोध है कि यह हिस्सा एक्सपंज (निकालना) कर दिया जाये।

उपाध्यक्ष महोदय : माननीय सदस्य अच्छी तरह से सुन नहीं रहे थे। जो वह कह रहे हैं वह नहीं कहा गया, कुछ और कहा गया है।

श्रीमती सुभद्रा जोशी : उपाध्यक्ष महोदय, कुछ माननीय सदस्यों की यह आदत है कि वे दूसरों के भाषण को ट्रिब्यून करके (तोड़ भोड़ कर) पैश करते हैं।

उपाध्यक्ष महोदय : माननीय सदस्य को ऐसा नहीं कहना चाहिये। यह बात गलत है।

श्रीमती सुभद्रा जोशी : माननीय सदस्य मेरी बात सुनते नहीं हैं और फिर अपने प्रेज़िडिट (ईव्वरी) को सामने रख कर अन्दाजा लगाते हैं।

तो मैं यह कह रही थी कि यह कहा गया है कि लड़की दूसरे घर चली जाती है और उसका गोत्र तक बदल जाता है। लेकिन मेरा यह कहना है कि यह कानून भी तो मर्दों के ही बनाये हए हैं ताकि लड़की का नामों निशान तक मिटा दिया जाय। पर हमको इस पर कोई ऐतराज नहीं

है। पर हमको उस रुक्वाट पर ऐतराज है जो कि लड़की के अधिकार में डाली जाती है, और मैं आपसे अर्जन कहन्गी कि सरकार इस बात का ध्यान रखे कि लड़की को अधिकार देना जरूरी है। यहां पर यह भी सुनने में आया कि लड़की को आधा या तीन चौथाई हिस्सा दे दिया जाये। एक अनरबुल भेद्वर ने कहा कि मैंने किसी बक्त यह कहा था कि हम स्त्रियां जितने अधिकार अपने लिये चाहती थीं, उससे ज्यादा इस बिल का द्वारा हमको भिल रहे हैं और हम अपने लिये कहा था ज्यादा अधिकार नहीं चाहती थीं, मैं भला ऐसे कुप की बात कैसे अपने मुंह से कह सकती हूँ। मैंने तो उस समय यही कहा था और आज फिर उसे दुहराना चाहती हूँ कि हम अपने लिये आपसे ज्यादा कुछ नहीं मांगते हैं, ज्यादा मांगने का सवाल नहीं है और न ही यह सवाल है कि आप हमको डेढ़ गुना दीजिये, दुगना दीजिये या चार गुना दीजिये, पर स्त्रियों के लिये हम बराबरी का अधिकार ज़रूर मांगती हैं। अब कोई यह कहे कि लड़कियों को जायदाद में से आधा दिया जाये, चौथाई दिया जाये या तीन चौथाई दिया जाये और इसके पीछे यह चीज़ छिपी भालूम पड़ती है कि लड़कियों को जायदाद में हिस्सा देना मानों सौप को दूध पिलाना है। आज हमारे हिन्दू समाज में लड़कियों की क्या दशा है? आज यह देखने में आता है कि जिस घर में लड़की पैदा हो जाती है, उस घर के मां, बाप का मुंह सूख जाता है और हमारे यहां का कुछ आर्थिक ढाढ़ा इस किस्म का है कि लड़की घर वालों पर बोझ स्वरूप देखने लगती है और उस मां बाप को नज़र में भी जो कि लड़की और लड़के को समान रूप से प्यार करते हैं, और मुहब्बत तोती है, वे मां और बाप भी लड़की को अपने दल में एक भार ही समझती है। आजकल के सामाजिक जीवन में एक लड़की को उसकी ३ या ४ वर्ष की अवस्था से ही घर का काम काज जैसे स्थान बनाना, सीना, पिरोना और दूसरे घरेलू काम धंधे सिखाये जाने लगते हैं और उसका कहा जाता है कि यह सब काम सीखना उसका फ़र्ज़ है, क्योंकि बड़ी होने पर उसे पराये घर में जाना है और अगर वह अभी से सब काम काज नहीं सीखती तो समुराल में जाकर मां, बाप का नाम बरायेंगी कि मां, बाप ने बेटी को इतना बड़ा तो कर दिया लेकिन सहूर और कामकाज लाज कुछ नहीं सिखाया। जहां तक कामकाज सिखाये जाने का ताल्लुक है, वह सब अच्छी बातें हैं और यभी उनके सिखने के बारे में कोई आपत्ति नहीं है लेकिन उसके पीछे जो एक भावना काम

करती है कि बड़ी होने पर हमारा मायके से कोई ताल्लुक नहीं रहने वाला है और बड़ी होने पर एक जानवर या गाय, बैल के समान दूसरे घर की चीज़ समझ कर सौप दिया जायेगा, मुझे इस भावना पर आपत्ति है, मानों हम कोई जानवर या जायदाद हैं जो कि दूसरे शरूस को हमेशा के लिये सौप दी जाने वाली हैं। मैं ऐसे घरों को जानती हूँ जहां कि लड़कियों को दूध नहीं दिया जाता है, और मैं ऐसे घरों की बाबत भी जानती हूँ जहां कि लड़की को धी भी देना ज़रूरी नहीं है और यह वाक्या है कि लड़कियों के पालन पोषण पर उनकी तवज्ज्ह नहीं दी जाती है जितनी कि लड़के के लिये दी जाती है। लड़की को गाय, बैल समझा जाता है जिसको कि बड़ी उम्र होने पर योग्य अथवा अयोग्य वर के साथ मैं सौप दिया जाये और दान कर दिया जाये। यह कोई नहीं देखने की पर्वती करता कि उस गरीब लड़की को जिसको कि गाय समझ कर दान किया जा रहा है, उसके दिल पर क्या असर होता है और ऐसी अपेक्षा का भाव देख कर वह लड़की यह समझती है कि मेरे जीवन का एकमात्र जो ध्येय अथवा उद्देश्य है वह शादी करना है और शादी किये बर्यर मेरा जीवन बर्याद हो जायेगा और अगर दुर्भाग्यवश उसकी शादी स्वराव हो गयी, लड़का नालायक निकल गया या दुर्भाग्य से मर गया तो वह उस लता की तरह होती है जो बर्यर पेड़ का सहारा लिये हुए अपने आप खड़ी ही नहीं रह सकती और वह तबाह हो जाती है। उस लड़की के दिल में वह आत्मविश्वास का भाव नहीं आता और उसके दिल में ऐसा भरोसा को उसके बाद ठीक तरह नहीं चला पाती है। आज पासिस्तान में जो हमारी बहुत सी बहनें पड़ी हुई हैं, उनको जब हम लोग वहां से निकालने जाते हैं, तो कभी कभी हमारे कामों में यह अवाज आती है कि हम यहां से निकलना नहीं चाहते क्योंकि वह समझती है कि मेरे मां, बाप, भाई और पति सब छूट करे हैं और मैं अब यहां से कहां जाऊंगी, यह सब सौच कर वह यह मुनासिब समझती है कि उस आदमी ने जिसने कि उसको अपने घर में रख छोड़ा है उसी का दामन वह पकड़े रहे और अपनी जिन्दगी किसी तरह गुजार दे। अब अगर उस लड़की का अपने मां और बाप के घर में अधिकार होता, उस की साइकोलाजी (मनो-विज्ञान) में कुछ फ़र्क होता और वह यह चीज़ समझती कि शादी जीवन का एक हिस्सा हो सकता है, शादी जीवन का एक काम हो सकता है पर शादी जिन्दगी के लिये एक उद्देश्य और ध्येय

[श्रीमती सुभद्रा जोशी]

नहीं हो सकता, शादी के बाल एक मीस (जरिया) हो सकती है तो उसकी हालत और ही होती। आज लोग अपनी लड़कियों के लिये अच्छे और योग्य वर की तलाश में भारे भारे फिरते हैं और जाहिर है कि हर बाप की स्वाहित्य होती है कि मेरी लड़की की शादी योग्य वर के साथ सम्पन्न हो लेकिन अगर दर्भाग्यवश वह योग्य वर तलाश करने में असमर्थ रहता है, तो घर लौट कर लड़की की माँ से और लड़की को भी मुना कर कहता है कि मेरी जिन्दगी में अगर इस लड़की के हाथ पीले हो जाये तो अच्छा है, क्योंकि कल को अगर मैं नहीं रहा तो इसका क्या होगा और इसको दाल रोटी कौन खिलायेगा? आज लड़की के बाप को यह चिन्ता नहीं है कि लड़की क्या करेगी बल्कि उसको चिन्ता इस बात की है कि मेरी आंख मुंद जाने के बाद लड़की को कोई पछ्नने वाला नहीं है और उसको कोई सहारा नहीं रहेगा और अगर कोशिश करने के बावजूद भी योग्य वर नहीं मिल पाता तो जैसा भी वर मिलता है उसके साथ उसकी शादी कर देता है और गायक समान उस परुष के हाथ में उसको दे देता है। आज लड़की उस गरीब दुकानदार का सोदा है जो अपना सोदा नहीं रख सकता है, अमीर दुकानदार तो अगर उसके सौदे की उचित कीमत न मिले तो वह उसको नहीं बेचेगा और उसको आगे के लिये रख छोड़ेगा लेकिन लड़की का सोदा उस गरीब दुकानदार के सौदे के साथ है जिसको कि अपने सौदे को जैसा भी मंहाया या सस्ता आहक भिले, दे देना ही है।

मैं पंडित ठाकूर दास भार्यव से पूछना चाहती हूँ कि किया शादी के अवसर पर इस तरह का गीत नहीं गाया जाता है कि जिसका कि यह मतलब होता है कि बेटी शादी हो जाने के बाद भायके रोज़ रोज़ आना, बाप कहता है कि बेटी कभी इस घर में आती रहना, लड़की का भाई भी सकता है कि कभी कभी मत आना, खाली जब दीज त्योहार आये तब आना और उसकी भावी कहती है कि जब तो तुम्हारी शादी हो चुकी है, इसलिये यहां फिर आने की जरूरत ही क्या है। पंजाब में यह गाना काफी प्रचलित है और शादियों के मौके पर अक्सर गाया जाता है और लड़की के मां बाप जब वह गाना गाया जाता है तो उनको रोना आ जाता है। यह भाई और बहन के प्रेम की दुहराई देने वाले अपने दिल में जानते हैं कि वास्तव में इसकी क्या

हकीकत है। मैं इसके लिये उनको दोष नहीं देती आजकल की हालत ही ऐसी है अपने कुटुम्ब के इंटरेस्ट (हित) और बीबी बच्चों की बजह से वह मजबूर हो जाते हैं और उस प्रेम की दुवाई से कांस नहीं चलता है। अगर लड़की को कोई बेसिक अधिकार प्राप्त हो तो वह चीज़ चल सकती है अन्यथा नहीं। मुझे यह बात सनकर वारा अफसोस हुआ कि लड़की को तौं पिता की सम्पत्ति में अधिकार दिलाने का केवल बहाना है, असल में लड़की के बाप की जायदाद में दामाद को अधिकार देना चाहते हैं, असल में सही बात तो यह है कि दामाद को अधिकार देने के सम्बन्ध में आपत्ति उठाकर वे लड़की को सम्पत्ति में अधिकार नहीं देना चाहते और दामाद की आड़ में लड़की को उसके अधिकार से यह शल्स व्यक्त रखना चाहते हैं। और फिर मैं पूछता चाहती हूँ कि आप दामाद से इस कदर घबराते क्यों हैं? शादी के बात लड़की का पिता उमी दामाद के पैर पूजता है और लड़की उसको दान करता है और मैं पूछता चाहती हूँ कि अगर मुमीबत पड़ने पर वह लड़की के साथ में अपने सुसाराल में रहना चाहे तो इसमें हरने ही क्या है और अगर आप उसको मुमीबत के बक्त अपने वहां नहीं रख सकते हैं तो फिर उसके हाथ में अपनी लड़की का जिन्दगी भर के लिये हाथ क्यों देते हैं? मैं यह अब ज़रूरी कहती हूँ कि यह जो आपकी दामाद की बात है, यह केवल एक बहानेबाज़ी के अतिरिक्त कुछ नहीं है। लड़की को उसके पिता की सम्पत्ति में अधिकार दिलाने की बात तो छोड़िये, उसको उसमें जाकर रहने का अधिकार भी नहीं है और पिता के घर में लड़की को रहने का अधिकार भी सिर्फ़ तभी हो सकता है जब कि या तो उसके पति ने उसको छोड़ दिया हो या उसका पति मर गया हो। अगर मुझ को मेरा भाई कहे कि मेरे घर में आकर तुमको रहने का अधिकार उसी हालत में है जब कि तुम्हारा पति मर जाए तो मैं उस घर पर थक़नी भी नहीं और उस घर की शक्ति भी मैं नहीं देखना चाहूँगी।

आज आप पतिव्रत धर्म के पालन करने की बात तो करते हैं कि इस्त्रियों को पतिव्रत धर्म का पालन करना चाहिये लेकिन आज आप पति और पत्नी में यह फ़र्क़ करते हैं। आज मैं अपने ला मिनिस्टर (विधि मंत्री) साहब से पूछना चाहती हूँ कि क्यों क्यों यह कि एक किसी बहन का पति बीमार हो गया है या अपाहिज हो गया है तो उस हालत में क्या वह बहन अपने बीमार पति के साथ अपने पिता के घर में जो कि काफी बड़ा है, आकर नहीं रह सकती

और उसको अपने पिता के घर में रह पाने के लिये इस बात का इन्तजार करे कि उसका बीमार पति मर जाये या तो उसको छोड़ जाये और तभी वह जा कर अपने पिता के घर में आश्रय पा सकती है अन्यथा नहीं। उस को क्या उसी तरह या हक या अधिकार नहीं है जिस तरह से पति का होता है। वह उसका अधिकार है कि उस को पिता के घर में जगह मिले।

आखिर में मुझे एक बात और कहनी है और मैं चाहती हूँ कि श्री देशपांडे जी उस को ध्यान से सनें, मैं एक खतरनाक बात कहने जा रही हूँ, ताकि उस को सुन कर वह उस को मिस-इंस्टरेट (गलत अर्थ लगाना) न कर ले। हमारे बिल में एक क्लाऊ था कि जो बच्चे जायज नहीं हैं उनको भी सम्पत्ति में कुछ अधिकार मिलना चाहिये। हमारी सेलेक्ट कमेटी (प्रबर समिति) में, या उस सदन में यह मनुसिंह समझा गया कि उन को जायदाद में अधिकार न दिया जाये। हमारे ला मिनिस्टर साहब ने शायद उस को मंजूर भी कर लिया। आज मुझे पुरानी कहानी दोहरानी नहीं है क्यों कि आज बक्त बहुत बदल गया है। एक बक्त ऐसा था कि कोई पैदा भी मिलता था तो उस को उठा कर अपने घर लाने की बात नहीं सोच सकते थे, पर आज परिस्थिति बदल गई है। आज दूसरे भूल्क में भी और हमारे भूल्क में भी बेशमार बच्चे ऐसे हैं जिन का कोई कुसर नहीं पैदा होने में। आज हमारा देश इतनी तरक्की कर गया है कि आज ऐसे बच्चों को लोग अपनी आती से लगाते हैं। आज वह बच्चे घर घर इस तरह से बच्के नहीं खाते जिस तरह पहले खाते थे। मैं आप को वह होम्स (घर) दिक्कां जहा से लोग आ कर और खुशामद करके उन को ले जाते हैं। हम ने इस चौंज को महसूस किया कि इन बच्चों की पूरी हिकाजत की जानी चाहिये और इस को ध्यान में रख कर बहुत से ऐसे होम्स चलाये गये। आज इतिहास बतलाता है कि इस तरह के बच्चे दरिया में हमेशा से रहे हैं। उन बच्चों में बहुत से अच्छे बच्चे भी हुए, बहुत से महापुरुष भी हुए। आज भी यह कहना मुश्किल है कि कौन बच्चा आगे चल कर क्या बनेगा। उस बच्चे को सम्पत्ति सिर्फ इस लिये न दी जाये कि उस के पैदा होने में पैदा करने वालों का कसूर था, उस को उस से महरूम कर दिया जाये, यह मेरी समझ में नहीं आता है। हमारा यह फैज होना चाहिये कि हम उस को और उसके

मां बाप की इतनी सहायता करें कि वह उन बच्चों को अपने पैरों पर लड़ा होने लायक बना सकें। आज बक्त वह आ गया है कि हम ऐसे बच्चों को सड़कों से उठा कर ले जाएं, पारें, और इस बात की कोशिश करें कि वह अपने पैरों पर लड़े हों। आज उनको जितने भी सहयोग की ज़रूरत हो वह उन को दिया जाये। मैं ऐसे बहुत से लोगों को जानती हूँ जो कि बेहतरीन लोग हैं और इन्हें बेहतर लोग हैं कि कई दफा दिमाग में यह बात आती है कि आपर सब ऐसे ही होते तो सारी दुनिया अच्छी होती। लेकिन यह बात मेरी समझ में नहीं आती कि जो आप कर सकते हैं उन के लिये, जो समाज कर सकता है उनके लिये वह भी हम और समाज न करें बल्कि ऊलटे उनके अधिकारों को छीन लें, यह कहां तक उचित है। यह बात हरिगंज नहीं होनी चाहिये। मैं ला मिनिस्टर साहब से कहूँगी कि अगर आज लड़की को जायदाद देने से कोई गड़बड़ी समाज के लिये पैदा होती है, आज अगर किसी मुसीबतजादा को अधिकार देने से समाज के लिये खतरा पैदा होता है, तो हम कानून में उस का प्राविजन (उपबन्ध) कर सकते हैं। हमारे देशपांडे जी भी बकील हैं, हमारे आनंदबल मेम्बर पंडित ठाकुर दास जी भी बकील हैं, दोनों ही लड़की को अधिकार देने का विरोध करते हैं, दोनों कहते हैं कि लड़की लड़के दोनों को जायदाद मिलने से हिन्दू धर्म, चला जायेगा, खतरा पैदा हो जायेगा तो मैं अर्ज करती हूँ कि अगर दोनों को जायदाद न मिल सके तो सिर्फ लड़की को दे दी जाये। पंजाब, दिल्ली और यू० पी० को बिल में से निकालने के बजाय लड़के के हाथ से अधिकार निकाल लिया जाये तो कोई नामुनासिब बात नहीं होगी। इसलिये मेरा यह विश्वास है कि यहां पर लड़के की बराबरी का सवाल नहीं है। लड़के के साथ मेरी कोई मुख्लिफत नहीं है, परन्तु हमारी समाजिक परिस्थितियां ऐसी नहीं हैं कि लड़के लड़की दोनों के साथ बराबरी का व्यवहार हो सके। जाहिर है कि शारीरिक ताकत में कोई बराबरी नहीं है, बहुत सी बातें में अन्तर हैं। इसलिये मैं चाहती हूँ कि दोनों में से जो ज्यादा विवश हो, जो ज्यादा मजबूर हो, जिस पर खुद अपने विवश बच्चे का ज्यादा भार रहता है उसके लिये मां बाप को ज्यादा प्राविजन करना चाहिये। आज हमारे समाज की अवस्था बड़ी खराब है, इसलिये अगर एक को ही मिलने की बात हो तो मां बाप का फर्ज है कि वह अपनी डाटस (लड़कियों) को ही दें।

Shri U. M. Trivedi: Before I proceed with the debate on the Bill, I would like to raise a point of order for decision by you, Mr. Deputy-Speaker. This Bill, as we all know and as we had a discussion today, is said to have been introduced in the Rajya Sabha.

One of the provisions of the Bill, contained in clause 31, is this:

"If an intestate has left no heir qualified to succeed to his or her property in accordance with the provisions of this Act, such property shall go to the Government: (so far it is all right) and the Government shall take the property subject to all the obligations and liabilities to which an heir would have been subject."

It will not take me long to persuade you to come to the conclusion that the use of the words "obligations and liabilities to which an heir would have been subject" is meant to convey the idea that the Government would have to discharge those liabilities, if the liabilities do exist. If the liabilities do exist, they will have to be paid out of the Consolidated Fund of India.

An Hon. Member: Not necessarily.

Shri U. M. Trivedi: It is clear from the expression itself. They will have to be met from the Consolidated Fund of India if they do exist. If the liabilities are much more, as some voice behind me speaks, than the property, then they will be met by the State. The landed property may come but the liabilities may be much more than the value of the property. In that case, the liabilities and obligations will have to be met from the Consolidated Fund of India.

The provisions in article 117 are very clear:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States."

If a payment is to be made from the Consolidated Fund of India, as I have submitted . . .

Shri Nambiar (Mayuram): It is too late.

Shri U. M. Trivedi: Everything is too late for every progressive.

Article 110(1)(d) provides like this:

"if it contains only provisions dealing with all or any of the following matters namely,

(d) the appropriation of moneys out of the Consolidated Fund of India;"

If this is out of the Consolidated Fund of India, then this, read with article 117, which I have read out before, will require that the Bill can only be moved in this House with the recommendation of the President and could not have been introduced in the Council of States.

Shri A. M. Thomas : (Ernakulam): Is that all?

Shri U. M. Trivedi : My friend, Shri Thomas, is always anxious to uphold any point of the Government, but he may try to hear me also. With all the confidence at his command, Shri Thomas would realise that all the estates which are escheat do not bring in something to you; sometimes they take out something from you. There are occasions when the properties for which people clamour have got certain obligations attached to them; even under the Transfer of Property Act, the obligations are there and they have to be discharged. When this law very clearly lays down that the obligations and liabilities will have to be paid for by the Government

An Hon. Member: Only to the extent of the value of the property.

Mr. Deputy-Speaker: The point of order has been formulated. What I understand from this is that if there is an estate and there are liabilities more than the value of it, then the liabilities should be met and nothing would escheat to the Government. There is no property left at all.

There is no question of escheat. Escheat comes in only if the liability is met and there is something to go to the Government. If there is nothing the liabilities are greater. Where is the estate and what would go to the Government? There is no point of order so far as this is concerned. I have given my ruling and now, the hon. Member may proceed to the next point.

Shri U. M. Trivedi: I am sorry I have not been able to make myself clear.

Mr. Deputy-Speaker : I am also sorry. I have been hasty in giving my ruling. But, both facts are there and let us proceed further.

श्री यू० एम० त्रिवेदी : उपाध्यक्ष महोदय, आज मुझ से फिर एक बार मेरे दोस्त ने कहा और मजबूर किया कि मैं हिन्दी में बोलूँ और मैं हिन्दी में ही इस विषय पर बोलना भी चाहता हूँ। बात ऐसी है कि यह जो बिल सदन में हमारे सामने आया है वह हमारी गलामी मनोवृत्ति का ही एक नमन है। बहुत दिनों तक हमारै यहाँ बच्चों की पढ़ाई में, लड़कों की पढ़ाई में जो पढ़ाने वाले थे वह अंग्रेजी के जरिये, पाश्चात्य ढंग की शिक्षा के जरिये, यह कहते रहे कि हिन्दू समाज का ढाँचा सामाजिक ढंग का होना चाहिये। पढ़ाने वाले ऐसे थे और छोटे बच्चों को जो पढ़ाया गया वह उसी प्रकार से उनके दिमाग में घुस गया। उसी का यह नतीजा है, जैसा कि मेरी पूर्ववक्ता श्रीमती मुमद्रा जोशी ने कहा, कि ऐसे भी घर हैं जहाँ पर लड़के भौज कर रहे हैं और उनकी मातायें दरवर बत्तन माजने के बाते फिरती हैं। मुझे यह सुनकर बड़ा अफसोस हुआ। वह ऐसे ही लड़के होंगे जिनको केवल समाजवाद की शिक्षा मिली होगी। हिन्दुस्तान के रहने वाले तो वे हो नहीं सकते। वे समाजवादी हो सकते हैं। जिनको प्रोग्रेसिव कहाँ जाना है वे ही ऐसे हो सकते हैं, बाकी तो ऐसे नहीं हो सकते।

उन्होंने एक बहुत दुःख दर्द भरी बात कही कि स्थियों को अधिकार नहीं है। उनका फिकरा यह था कि हिन्दुस्तान की स्त्री को अधिकार नहीं है। क्या हिन्दुस्तान में हिन्दू ही रहते हैं? हिन्दुस्तान में ईसाई औरतें भी रहती हैं, मुसलमान औरतें भी रहती हैं, उनका कलेजा क्यों उनकी हालत को बरदाशत कर रहा है। क्यों नहीं वह इस तरह का कानून बनवाती ताकि हमारे देश की जो भी औरतें हैं उन सब को कुछ हक दिया जाये। मैं यह बात जानता हूँ कि हमारे मंत्री महोदय एक अच्छे वकील हैं। मैं उनको एक मिसाल देता हूँ कि मुस्लिम ला में यह है कि प्रीडिसीज़ (पहिये भर गये) लड़के की विधवा को कोई अधिकार नहीं होता। उसके बाते आप के दिल में दर्द वैदा क्यों नहीं होता। हिन्दू स्त्री को आज भी अधिकार है कि वह आपसे मेनटिनेंस (निवाह भत्ता) मांग सकती है और वह आपके घर में रह सकती है और उसको इज्जत के अनसार मेनटिनेंस देना पड़ेगा। मैं पूछता हूँ कि क्या एक मुस्लिम स्त्री हिन्दुस्तान की स्त्री नहीं है। लेकिन हम मुस्लिम कानून को बदल नहीं सकते और इस बिल के पौछे पड़े हुए हैं।

उपाध्यक्ष महोदय, बड़े दर्द के साथ कहना पड़ता है कि श्री पाटस्कर जैसे आदमी जो खूब

अच्छे हिन्दू संस्कारों में पले हुए हैं, और जो कुछ दिनों हिन्दू महासभा के प्रेसीडेंट भी रहे हैं।

Shri Pataskar : That is wrong. I was never the President.

Shri B. S. Murthy : He wants everybody to be the President, including B. S. Murthy.

श्री यू० एम० त्रिवेदी : भेरे कहने का मतलब यह था कि जब हम आप जैसे संस्कारी आदमी को नहीं समझा सकते तो हम दूसरे को कैसे समझा सकेंगे। अगर हम आपको नहीं समझा सकते तो दूसरों को समझाना तो हमारे लिये बहुत कठिन समस्या हो जायेगा। आपने यह बिल लड़की को अधिकार देने के बास्ते बनाया है। इधर लड़की को बाप के पास से देते हैं, उचर पति के पास से दिलवाते हैं, समूर के पास से उसे मिलता है। उसके लिये आपने सब तरफ से "टेक टेक" (लेना) ही रखा है "गिव गिव" (देना) कहीं भी नहीं रखा है। उसके ऊपर कोई जिम्मेवारी नहीं रखी गयी है। लेकिन हमारे यहाँ सारे देश में और वासकर देहात में यही विश्वास चल रहा है कि लड़का परिवार के प्रति जिम्मेवार होगा। मैंन (Mayne) ने अपनी किताब में लिखा है :

"A Hindu may start with nothing and make a self-acquired fortune by dint of his own ability and exertions. But in a couple of generations his offspring would have ramnified into a joint family, exactly like a banyan tree which started as a single shoot. Absolute, unrestricted ownership, such as enables the owner to do anything he likes with his property, is the exception. The father is restricted by his sons, the brother by his brothers, the woman by her successors. If property is free in the hands of its acquirer, it will become fettered in the hands of his heirs. Individual property is the rule in the West; corporate property is the rule in the East".

आज आप सोशल सीक्योरिटी (समाजिक मूरखा) की बात कर रहे हैं लेकिन आप प्राप्टी के बारे में यह कानून बना रहे हैं। आप एक तरफ जहाँ पब्लिक सेक्टर (सरकारी क्षेत्र) को डेवेलप कर रहे हैं वहाँ प्राइवेट सेक्टर (गैर सरकारी क्षेत्र) को बरबाद कर रहे हैं। अब आप प्रोग्रेसिव (प्रगतिशील) हैं और चाहते हैं कि कोई प्राप्टी का मालिक ही न हो। लेकिन हमें यह देखना चाहिये कि जिस सोशल सीक्योरिटी के लिये हमारे कम्युनिस्ट और सोशलिस्ट बन्धु

[श्री य० एम० त्रिवेदी]

लोग चिल्लतां रहे हैं क्या वह हिन्दू समाज म नहीं थी । मैं चाहता हूँ कि आप इस बात पर विचार करें कि जो सोशल सीक्योरिटी हिन्दू समाज में भौजद है क्या आप आज उसे बरबाद नहीं कर रहे हैं ।

श्री नमियार (मयूरम) : कभी नहीं ।

ओ यो एम० त्रिवेदी : आप अभी समझे ही नहीं हैं कि हिन्दू समाज में कितनी सोशल सीक्योरिटी है । जो मैंने मैन की पुस्तक में स पढ़कर सुनाया है उस तरफ माननीय सदस्य ध्यान दें तो उनको वास्तविकता का पता चलेगा । यहां यह सिद्धान्त था कि सब मिल कर एक जायदाद के मालिक होते थे । यहां तक सिद्धान्त था कि बाप की जायदाद का बटे भी बटवारा नहीं करवा सकते थे । जैसा कि पंडित ठाकुर दास जी ने कहा यहां तो पहले यह उस्तूल था कि बाप के रहते लड़के एंसेस्ट्रल प्रार्प्टी (पैंटक सम्पत्ति) का बटवारा नहीं मांग सकते थे । अहं सरवाइवरशिप (उत्तर जीवित) का उस्तूल माना जाता था यानी जो जिन्हा रहे उसकी ही प्रार्प्टी होती, मरे हुए का कोई हक नहीं है । लेकिन इसमें आपने पहले ही चंचु प्रवेश कर दिया जब कि आपने एस्टेट ड्यूटी बिल (सम्पदा कुल विवेयक) बनाया । उस बत्त आपने जबरदस्ती यह उस्तूल हमारे ऊपर लाया जब बाप मर गया तो यह मान लिया जायेगा कि बटवारा हो गया । किसी ने बटवारा मांगा नहीं पर आप उसको पैदा करते हैं । हिन्दू समाज में यह सिद्धान्त मान गया है कि मरे हुए का कोई हक नहीं है । लेकिन इस उस्तूल पर आपने कुठाराधात कर दिया जब कि आपने एस्टेट ड्यूटी बिल बनाया । ऐसा मालम होता है कि आपके दिल में यह बात आ गयी है कि किसी तरह से ज्वाइंट हिन्दू फैमिली (संयुक्त हिन्दू परिवार) को तोड़ना चाहिये । अगर आप ऐसा करना चाहते हैं तो आपके सामने एक सीधा रास्ता है कि आप एक कलम लिख दीजिये कि हम ज्वाइंट हिन्दू फैमिली को नहीं चाहते । आपने इस बिल के बाने में उन्हीं लोगों की सलाह ली जिनको पाश्चात्य बुद्धि थी और जिन्होंने कर्म प्राच्य दृष्टि से इस बात को नहीं देखा था आपने यह कभी जानने की कोशिश नहीं की ज्वाइंट हिन्दू फैमिली में कितनी सोशल सीक्योरिटी है । आज इसी के कारण बुद्धे आगे भाँ का पालन पोषण लड़का करता

इसी के कारण विषवा स्त्री मेनटेनेंस बांग सकती है, भकान में रह सकती है। आप जरा इंडिलैंड में जाइये और देखिये कि वहां बूढ़ी माता पिता की क्या हालत है। उनको कोई सहारा नहीं। उनको पेशन मिलती है और वे अलग रहते हैं और टिक टिक करते फिरते हैं, कोई उनको देखने वाला नहीं है। और बाहर जाकर बेचारे कबरतखाने में बैठते हैं और उनको वहां पर कोई बच्चा नजर नहीं आता और वे ऐसा महसूस करते लगते हैं कि दुनिया की सारी जो बुज्जे जिन्दगी है वह उनके बास्ते बर्बाद हो गई है मात्र मानो वे एक जानवर के तुल्य और पशुओं के तुल्य किसी चिड़ियाखाने के अद्वार रह रहे हों, वैसा अगर आप हमारे समाज को करना चाहते हैं तो आप बेशक अप्रेजेंटों और उन पासचाय देशों का अनुकरण करिये। मैं आपको बेचाबीनी देना चाहता हूँ कि जरा आप रुक कर सोचिये तो कि आप किस बहाव में अपने को बहाये ले जा रहे हैं और उसका प्रभाव आप पर और समाज पर कितना अभिष्टकारी सिद्ध होने वाला है और हिन्दू समाज और संयुक्त परिवार सिस्टम को आप किस प्रकार तहसनहम कर डालने वाले हैं। आप यह समझ कर दि यह बड़ा प्रापेसिव (प्रगतिशील) कदम है, इसके बहाव में मात्र वह जाइये। प्रापेसिव क्या चीज़ है? मैं तो कहता हूँ कि यह प्रापेसिव नहीं बल्कि रेट्रोसिव (प्रतिगमामी) है और अप्रेजेंटों भाषा में इसके लिए एक बड़ा बुरा शब्द है जिसको कि इस्तेमाल करने के लिये मेरे दोस्त मुझे अमा करें और आशा करता हूँ कि वे नाराज नहीं होंगे और वह यह है कि It is a renegade step. It is not a progressive thing.

Shri Nambiar : The definition of both the words should be changed.

Mr. Deputy-Speaker : Retrograde or renegade?

Shri U. M. Trivedi: Renegade's action.

Mr. Deputy-Speaker : A step can only be a retrograde one.

Shri B. S. Murthy : Run-a-great step.

Shri U. M. Trivedi : That you do when you address Station Masters and not here.

उपाध्यक्ष महोदय, जब यह बिल हमारे सामने पेश किया गया था उस बदल हमसे यहां पर साफ़ कह दिया गया था कि आई यह कानून मिताक्षरवाले पर लागू नहीं होगा । यह सिर्फ़ दायभागवालों पर लागू होगा । दायभाग में पहले ही ऐसा था कि बहां पर कोई आदमी सरदाइवरशिप से मालिक नहीं होता था और उनका सामाजिक जीवन इस प्रकार का बन चुका था कि जिस पर कोई कुटुंबाधात नहीं हो सकता था लेकिन हमने देखा कि जब कानून बनाने लगे तो एकदम यह कह दिया गया कि यह कानून मिताक्षरवालों पर भी लागू होगा और मुरुमकतैय-यम पर भी लागू होगा, एक्सेप्शन क्लाउ निकाल लिया गया और सबको इसमें शामिल कर लिया गया । अगर सबके संग इक्वेलिटी (समानता) बर्ती होती और एक युनिफार्म सिविल ला (एक रूप व्यवहार विधि) बना लिया जाता जो कि हिन्दू, मुसलमान, पारसी और ईसाई सब के ऊपर लागू होता तो मैं आपकी इस युनिफार्मिटी की और इक्वेलिटी के बात को समझ सकता था लेकिन यहां पर मैं देखता हूँ कि आपकी इक्वेलिटी बहां तक नहीं जाती है और इसमें दफा 2 के अन्दर हिन्दू समाज को तोड़ने के बास्ते और छिप भिन्न करने के बास्ते आपने दफा 2 के सबक्लाउ 2 में इस तरह से लिख दिया है :

"Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs."

मैं पूछना चाहता हूँ कि इस तरह का प्राविजन (व्यवस्था) क्यों रखवा गया है ? शेड्यूल ट्राइब्स वाले हमारे पड़ोसी हैं और हजारों बर्षों से हमारे साथ रहते आये हैं और हमारे साथ उठते बैठते और खेलते आये हैं उन भी निवासियों पर आप यह कानून क्यों नहीं लागू करेंगे और आप क्या कोई कारण बता सकते हैं कि उन पर क्यों इसको लागू नहीं करना चाहिये और सिर्फ़ हिन्दू समाज के ऊपर ही इसे क्यों लागू किया जाये और आप क्या इक्वैली हर एक क्यों नहीं आगे बढ़ने देते ? लेकिन मैंने तो जैसा पहले भी कहा आपको सिर्फ़ एक ही फिर दामनगीर है और वह है डिस्ट्रिक्शन आफ़ प्रावेंट प्रापर्टी (निजी सम्पत्ति का विनाश) जिसका कि नन्दियार साहब ने ज़िक्र किया था,

उसको करने के बास्ते आप हिन्दू समाज को इस प्रकार से तोड़ना और नुकसान पहुँचा रहे हैं ।

क्या आपने कभी आपनी दफा 6 के बारे में भी गौर किया है कि क्या चीज़ आपने बनाई है ? मैं नहीं समझता कि बलाज 6 लिख कर इस तरह का प्राविज़ो (परन्तुक) यों लिखा गया कि एक हिन्दू बाप के मरने के बाद उसके फीमेल रिसेवर्स को उस कोपार्सनरी प्रापर्टी (संभाली सम्पत्ति) में शेयर मिलेगा । जैसा एक्सप्लेनेशन (व्यास्था) दिया गया है उससे हार्डीशिप और इनजिस्टिस (कठिनाई और अव्याय) बढ़ने का इमान है and it will make unsafe the title of a coparcenary even after the partition (इससे विभाजन के बाद भी समोशी का स्वत्व अमुरक्षित रहे गा) में पूछता है कि अगर लड़की भी साथ में रह सकती तो कौन सा हूँ था ? मैं नहीं जानता कि आपने हिन्दू कानून में ऐसा कौन सी खराकी देखी जिसकी कि बजह से आपको इस तरह का कानून बनाने की आवश्यकता महसूस हुई ? मेरी बहन थीमती सुभद्रा जोशी यहां से उठ कर चली गई नहीं तो मैं पूछता कि उन्हें कहां से एक गर्द इस्पेंटर की तरह से यह मालूम हो गया कि सारा का सारा हिन्दू समाज खाराब है और क्या उन्हें एक भी ऐसा आदमी देखने को नहीं मिला जिसने कि आपने बहन या अपनी बेटी को अच्छी तरह से रखा हो ? मुझे आपने गांव और मालवा, राजस्थान, मध्य भारत और गुजरात के गांवों का अनुबन्ध है और वहां के बास्ते मैं कह सकता हूँ कि वहां पर लोगों ने क़र्ज़ा ले ले कर आपनी लड़कियों को अच्छे घर में ब्याहा है और उसके कारण बीस बीस साल तक के लिये कर्जदार हो गये हैं । मैं पूछता चाहता हूँ कि इस जायदाद के बढ़वारे और टटे के बाद वह भावना कि मेरी बहन अच्छे से अच्छे घर जाये और उसके लिये वह कर्ज़ा आपने सिर पर ओढ़ लेता है, कहां रह पायेगी । आज हमारे मध्यम वर्ग वालों के पास और खेतीहर लोगों के पास कौन सी बड़ी जायदाद पड़ी है जिसका कि आप बंटवारा करवाने जा रहे हैं । मैं उन लखपतियों और करोड़पतियों की बात नहीं करता हूँ और नहीं उनके बास्ते ऐसा कानून बनाने की आवश्यकता ही है । उनके बास्ते आप यह कानून नहीं बना रहे हैं । आप क्यों ऐसा कानून बना कर उन लाखों भाई बहनों के ब्रेम सम्बन्ध को तोड़ने जा रहे हैं और मैं आपको बतलाऊं कि शादी के

[श्री यू० एम० त्रिवेदी]

बक्त तो बाप और भाई सब कुछ कर्जा तक ले कर अपनी लड़की की शादी करते ही हैं लेकिन शादी के बाद भी और बाप के मर जाने के बाद भी भाई तो जिन्दगी अपनी बहन को कुछ न कुछ देता ही रहता है और बाप के मर जाने के बाद भी भाई भात ले कर एक गांव से दूसरे गांव बहन के यहां जाता है और मैंने देखा है कि भात लेकर भाई लोग हजार हजार और पांच पांच सौ मील तक का सफर करते हैं। इसी सिलसिले में मैं आप को बतलाऊं कि एक सज्जन ये जिनकी कि आर्थिक हालत बहुत ज्यादा गिरी हुई थी लेकिन जब लड़की का मुकलावा आया तो उन्होंने अपना आधा मकान गिरवी रख करके मुकलावा दिया और मैं समझता हूं कि आपको इस हिन्दू समाज के अन्दर इस तरह के सैकड़ों और हजारों लोग मिलेंगे जिन्होंने अपने मकान और दूसरी चीजें गिरवी रख करके और कुछ लेकर कि ऐसा किया होगा और मेरी तो समझ में नहीं आता कि ऐसी हालत में आपको इस तरह का कानून बनाने की आवश्यकता क्यों महसूस हुई ? मैं तो समझता हूं कि इस कानून बनाने के पीछे आपके दिल में वही भवना काम कर रही है और उसको आपको स्पष्ट कह देना चाहिये कि जैसे भी संभव हो हमें हिन्दू समाज को तहस नहम कर डालना है और उसके टुकड़े टुकड़े कर डालना है और उसी लिये आप इस तरह का कानून बनाने के लिये उतार हो रहे हैं। मैं समझता हूं कि इसके अतिरिक्त आपके पास कोई दूसरा कारण इस कानून बनाने के लिये नहीं है। आपके दिल में यह चीज लगातार काम कर रही है कि जब तक हिन्दू समाज को तोड़ न दिया जाये और जब तक उसे गुलामी की मनोवृत्ति में न लिया जाये तब तक टीक काम नहीं बनेगा। गुलामी की मनोवृत्ति, यह शब्द में इसलिये इस्तेमाल करता है कि यहां इस मूलक पर पहले अंग्रेजों का राज्य और उससे पूर्व यहां मुसलमानों का राज्य रहा। यहां पर जब मुसलमानों का राज्य रहा तो हमने देखा कि मुसलमान के अपने बाप के मरने पर उसकी जायदाद में कुछ अधिकार प्राप्त हो जाता है, मुसलमानों के कानून के अनुसार लड़की को अपने बाप के मरने पर उसकी जायदाद में कुछ अधिकार प्राप्त हो जाता है। अब यह सबाल नहीं है कि यह चीज प्रायोसिव है कि नहीं, लेकिन यह जरूर है कि वह विचार हिन्दुस्तान का नहीं है और वह रीतिरिवाज दूसरे मूलक के हैं। इसी तरह से किश्चियन ला (ईसाई विधि) के बारे में भी

मेरा यही कहना है कि वह इस मूलक का नहीं है और एक पराये मूलक का है और वह यहां के रीतिरिवाज नहीं है। जब हमने सब प्रकार से उनकी इस मनोवृत्ति को अपने अन्दर चुसेड़ा शूँ किया तो फिर हम अपने समाज की रचना भी उसी प्रकार की करने पर उतार हो गये हैं और यह हमारी एक गुलामी की मनोवृत्ति का नमूना है कि हमारे अपने में जो अच्छापन है और जो अच्छी बातें हमारे हिन्दू समाज के अन्दर विद्यमान हैं, उनकी तरफ ध्यान नहीं देते, उधर हमारी निगाह नहीं जाती और हमारी निगाह हमेशा पाश्चात्य देशों के रहने वालों की तरफ और उनके रीतिरिवाजों की तरफ रहती है और उनकी हबून क़क़ल करते जाने में हम अपने को धन्य मानत हैं और हमारा ऐसा विश्वास हो चला है कि अगर हम ऐसा नहीं करेंगे तो हमें दुनिया के अन्दर कोई प्रायोसिव नहीं कहेगा।

उपाध्यक्ष महोदय : आप का समय खत्म हो गया।

श्री य० एम० त्रिवेदी : आप कहते हैं कि मेरा समय खत्म हो गया, लेकिन मैं चाहता था कि थोड़ा समय आप का लूँ।

उपाध्यक्ष महोदय : थोड़े समय से आप की मुराद क्या है ?

श्री य० एम० त्रिवेदी : शायद में अभी कुल दस मिनट बोला हूंगा।

उपाध्यक्ष महोदय : आप बीस मिनट बोल चुके और वह भी आने प्वाइंट आफ आर्डर के बाद।

श्री य० एम० त्रिवेदी : मैं आपसे पांच मिनट और चाहूंगा।

अब मैं आप का ध्यान इस कानून की दफा १७ की तरफ दिलाता हूं। क्या हिन्दू समाज ने आपको कोई दस्वास्ति दी थी जिस से कोई आप को यह कानून बनाने की ज़हरत पड़ी कि हिन्दू समाज में मां बाप यह कहने को तैयार न हो जाये कि अगर लड़की मर जाये तो उस की सारी जायदाद मुझे मिल जाये ? आज कोई भी कपूर बाप या मां हिन्दुस्तान के अन्दर नहीं होगी जिस ने आप को दस्वास्ति दी हो कि अपनी लड़की का धन वह ले ले। जैसा पंडित ठाकर दास जी ने कहा, हम भी ऐसा ही करते आये हैं कि अगर हम किसी गांव में पहुँच जायें और हमें पता लग जाये कि उस गांव में हमारे गांव की कोई लड़की ब्याही हुई है, उस से हमारा कोई सम्बन्ध नहीं है, सिर्फ यह पता लग जाये

कि वह हमारे गांव की है, तब भी उसको रुपया दो रुपया दे ही देंगे। उस की जायदाद उसे के मां बाप खा जायें या अपनी तरफ से मजबूर करके उस को निकाल लें, यह अनुचित बात मेरी समझ में नहीं आती। यब इस प्रापटी की बात आप के ऊपर ऐसी हावी हो गई है कि सर्वंगुण कांचनमात्रयन्ते । ऐसी चीज आप के सामने आ गई है कि कुछ भी हो प्रापटी ऐसी चीज है जिस को सब लेना चाहते हैं। आज जो भावण होते हैं, या कोई नई पार्टी बनती है तो उस पार्टी वालों से पूछते हैं कि तुम्हारा एकानन्मिक प्रोग्राम (आर्थिक कार्यक्रम) क्या है? सब चीजें तो नष्ट हो गई, सिर्फ एकानन्मिक प्रोग्राम की बात रह गई। सारी चीजों में यहीं चीज आ गई है। समाज रचना में भी पूछा जाता है कि एकानन्मिक प्रोग्राम क्या है? अगर एकानन्मिक प्रोग्राम ऐसी बड़ी चीज थी तो हिन्दुस्तान के अन्दर सिंधी भाई, पंजाबी भाई और बंगाली भाई भाग भाग कर नहीं आते। वहां पर राम सेवक से मुहम्मद अली बन गये होते। उन की एकानन्मी को डिस्टर्ब करने वाला कोई नहीं था। एकानन्मिक प्रोग्राम हो सकता है यह दूसरी चीज है, लेकिन इस जगत के अन्दर प्रधानता की चीज यह भी है कि इस लोक के अन्दर आप मनुष्य को विस भीती के मार्ग पर चलाते हैं, और वह ह धर्म, वह है उन की समाज रचना और वह है उसका संस्कार। उन संस्कारों के आधार पर मनुष्य अपना जीवन सूख से बिताता है, आज आप इस कोशिश में लगे हुए हैं कि जो हिन्दूओं का सुखी जीवन है, आज एक मात्र सुखी जीवन सारी दुनिया में अगर कोई है तो वह हिन्दूओं का है, हिन्दूओं का यह संसार जैसा सुखी है वैसा आपने दुनिया में किसी का नहीं देखा हांगा आप उरकी नींव को तोड़ देने के लिये उतार होते हैं। मैं उपाध्यक्ष महोदय से अनुरोध करूँगा कि हमारे मिनिस्टर आप लोगों आफेयर्स (विधि कार्य मंत्री) को सुझायें कि उनके हाथ से जो धातक हमला आज हिन्दू समाज पर हो रहा है उस का बन्द करने की बोकेशिया करें।

Pandit K. C. Sharma: I welcome this measure. I am pained to listen to the criticisms advanced by many of my hon. friends not because I do not find much logic or arguments in them but because there is lack of appreciation of the vast changes that the Hindu polity has undergone through centuries of human evolution and development. My learned friends must disabuse their minds of the

old ideas. I may say that the cry of the ancient system of Hindu law does not hold good now. As a matter of fact, for the information of the hon. Member who preceded me, I may tell him that the present system of Hindu society, the present way of Hindu living, is not the same as the Aryan or the Vedic system of Hindu thought and living. The present Hindu polity is the resultant of the conflict between the Greek system of thought and way of living and the Buddhist system of thought and way of living. It has very little today—except the deeply laid roots which themselves became rotten later on—of the ancient Vedic system. The prominent part or the visible colour of the system is taken from the Greeks and the Buddhist thoughts and ways of living. Therefore, forget that the present Hindu society, this present Hindu polity, has much to do with the Vedic age or the Vedic way of living. Far from it. To cling to that—good or bad—is to blind yourselves and not to look into the pages of history or of evolution of the human thought, particularly of the Hindu thought. I may remind you that both the Greek system of inheritance and the Buddhist system of inheritance give equal right to the daughter along with the sons.

I take another aspect. After the nuclear development, after so much of scientific progress, so many developments, all countries—whether Hindu, Muslim or any other—cannot remain isolated. In fact, no country today can remain isolated. You have to fall in line with what is called the civilised conceptions. Call them civilised or uncivilised, but so long as you depend for your bread on the American steel, so long as you depend for your bread and also for industrial progress on the technical development of the Russian or English steel works, you have to fall in line with ways of thinking accepted by them. I say that there is nothing more degrading for us than to be the citizens of what is called an under-developed or non-developed or backward country. I regard it as a slur on the human race. I regard it as a slur on my very existence to be called, in this age, as a citizen of a backward country. What is more contemptible than to be called, when you go about the world, "You are an inferior man; you belong to a backward country or you belong to an under-developed country?" When you depend for your development and progress on the hold of other countries, you have to take to their ways of thinking, and you have to take their ways of

[Pandit K. C. Sharma] living and act in uniformity with their lines of thinking which may be called civilised way of thinking.

An Hon. Member: I do not feel like that.

Pandit K. C. Sharma: You may not feel it. But I feel it. It is all subjective. You may go round the world and enjoy an inferior status. I refuse to enjoy an inferior status and be called that I am a citizen of a backward country, I do not want to remain in a backward country. I do not want that my country should remain backward. This is a fundamental question. To be called a citizen of a backward country is a contemptible thing and nobody worth the name will like to be called that he is a citizen of a backward country and pursue a contemptible existence. This is the first question, and all the rest comes afterwards. Whoever does not feel this, I may call him as sub-human. This is my way of thinking. Others may have other ways of thinking. Therefore, I beg to submit that we have come to a stage where we must have a legislative uniformity. We must have a uniformity in the rights as between man and woman and through that uniformity, which is a condition precedent, we must move forward for a political uniformity and towards the unification or equality of all countries of the world which may be possible. That is one aspect.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Another point is that with the rights of women, the question of population would be solved. One of the fundamental questions and the most difficult question facing this country in particular and the world in general, is the growth of population. You may have your First Five Year Plan and also the Second Five Year Plan and work them successfully. You may have a successful third Five Year Plan also. But you will not succeed in raising the standard of your people unless you control the population. If once you give the right to the girls to property, they will have facilities for education, and with the facilities for education the population will be controlled. You will have less children and better children. Your race will be improved. Your country will be improved and, at the same time, your standard will be raised. It is impossible to conceive that India, despite all her efforts, would be able to raise her people to an acceptable, economic standard of life if the population is not

controlled. Otherwise, India, and indeed the whole world will face disaster. After all, after the war the greatest problem is the problem of population, and the problem of population cannot be solved unless all girls get facilities for education, and not only education but the facilities for independent profession. By education and independent profession, certainly the growth of population would be checked and there would be every possibility of raising the standard of life. That is the way to remove the contemp-
table existence of belonging to a backward or an undeveloped country. This is an essential step which should be taken in accordance with the social structure that is envisaged in the Constitution. Article 14 of the Constitution says:

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Should not the law give a child the right of development? What is the right of development? If you do not give a girl something to depend upon, if you do not give her a share in the property, how can she develop? She should have the right to receive education in foreign countries. Why should the son alone have a claim in the father's property to go to Cambridge for higher education? Why not the girl also? The law envisages equality of rights. Article 15 of the Constitution says:

"The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

There is no sense having this laid if the State can discriminate against a citizen, because she is a female; the State cannot favour any citizen because he is a male. Why should this Parliament frame or tolerate a law in which there is any disparity with regard to inheritance?

What is the growth of personality? I possess a fountain pen worth Rs. 60. So long as I possess this fountain pen, I feel a better man. Property gives personality; it gives a feeling of superiority and security. Why should we deprive the daughter, simply because she is a female, of this right to possess property, which adds to one's personality? Property is not anything; abstract it is something tangible.

Let us come to a practical proposition. You say that untouchability is abolished. It is not any charity; it is not any

gift to the depressed classes. We cannot build our country the India of our dreams, unless every citizen is allowed to work in an honourable situation. We cannot build a country by depriving a half of the population of the dignity and status that the other half enjoys. I say that in the name of the glory of the country, in the name of the history and culture of this great country, it is immoral to deny the right of property to the daughter, simply because she is a female. It is not a question of this Hindu system or that Hindu system. The old system has decayed and died. A new India is rising; the old India is dead and gone. Can you condemn your President because he is not a Brahmin or belongs to a caste Manu does not permit to hold office. In that case, many Ministers cannot have their position in the Cabinet. Things have changed; times have changed and we should progress with the times. The old things might have been good at a particular time under particular circumstances. Now a new India is rising and it expects new things. It is impossible, therefore, to say that Hindu society would be dead. It is something which the historical situation now does not allow you to depend upon.

There is one other thing and that is about the father-in-law. Let me take the practical position which is prevalent now. I am concerned more about the psychological growth of a child, rather than the benefit that would accrue to the child. We know that in the villages, at the most the village people can have only primary education. For primary education, much property is not necessary; much benefit from inheritance is not necessary. Let us consider the position that obtains in other countries. No female child claims any share in a poor man's property. Take Ceylon or Burma. Are there not poor people and cultivators in Ceylon or Burma? There, the female child does not demand a share in the father's property because they know that it is not enough. They are also human beings. Take the case of Mohammedans. How many Mohammedan peasants' daughters have demanded a share in the father's property? There are so many Mohammedan villages near my place and I have not seen any quarrel between the father-in-law and the husband. Human sentiments and human ways of thinking are the same all over. I refuse to believe that a Hindu brother has much more affection for his sister than a Mohammedan or Christian brother. No other society, except the

Hindu society, kept one-third of its people downtrodden as slaves. They would not even take water from the other man's hands. Among the Mohammedans, the king and the slave go and worship in the same mosque and even a slave can become the son-in-law of a king and become the next king. I would repeat that human nature in every society under the same conditions is the same. Human life is a flexible and pliable thing. A progressive society should learn something from outside, and should change with the times. Coming to the property clauses, I beg to submit that the daughters should get as much share in the father's property as the sons. Let her take her share in order that she may, in this great building process of this land, serve society. She may practise as a doctor; she may become a professor; she may work as a legislator. One day she may become the President of India. Why should you shut the door against her once she is tied down to a fool to obey his command. I beg to submit that every rich man is a fool because he has always to depend upon other and he cannot stand on his legs. So long as patrimony is looked upon as the final support of life, the man will not work and the man will not exercise to the fullest extent of his brain and his limbs. Once you give share to the daughter—the rich man's daughter,—she will have vast opportunities to progress and serve our people. Why should we stand in her way?

It is said that the son-in-law will create trouble. You have simply to go to the Connaught Circus and see. It is the educated wife who orders, 'pay the bill, I have purchased these things.' The man plays the secondary part. The time has changed. Why? It has changed from the horseback and spear, fighting in battles as in the days of Rana Pratap to throwing bombs from aeroplanes. Throwing the bomb requires no strong limbs. It requires intelligence. It requires quick judgment. A woman is more intelligent and more quick in judgment. A woman can throw a bomb in a much better way than a man can throw it. Therefore values are changing and utility is changing. Now a woman is more important. No less a person than an American philosopher, Durant, says that the most difficult and the most important subject of the philosophy is 'woman'. This is the problem. I put to you this physical question. Whoever proudly looks his face in the glass shaves his moustache. Why? We ask the moustache to be shaved because we want to look better after a

[Pandit K. C. Sharma]
shave. This is the process of evolution. Therefore to say that the son-in-law will create trouble is not to read the historical process of evolution. A woman is more important than man and there need not be any fear on that account.

Shri Altekar: I would not like to create the impression that I am speaking purely from the sentimental point of view. I am not only a pleader, but also a sociologist. It is not because man framed the laws in olden days that we have got the present laws. The legislators of those days took into consideration what practices were obtaining in society at that time. My hon. friend Shrimati Subhadra Joshi said—she is not here—that if the laws had been, formulated by women, possibly men would have been required to stay in the houses of their wives. I myself have no quarrel with that. I would even like that women should be the centre of society and of the family and that men should go and stay with their wives, in their houses. In that case, the family would be constituted in a different way. In that case, I would like that she should inherit the property of her mother and that her husband should not inherit the property of his father or mother when he (the husband) has a sister. Because, the family, if it is the support and sustain the members, has to be constituted in such a way that it will support its members without the disintegration of property and look after all the necessary requirements of it. If we want to have this family in its compactness and homogeneity, functioning properly, the rights of individuals in the context of the things have to be subordinated to the family. I stand for equality of rights both for men and women. I do not in any way suggest that women should have any less rights than men. But, it should be in the sphere in which she is functioning, in the family where she is spending the whole of her life. If she goes, after the marriage, to the family of her husband, she should have equal rights with her husband. If she is ill-treated, she should have the right to claim partition of an equal share with her husband and to get proprietary right in the property of her husband. I do not in any way differ from that. Her interest should in no way be subordinated to that of her husband. She has to function as a unit where she is and she has to inherit all the rights in the family where she has become a unit.

I would also like to point out to my sister that it is not men who framed these

laws for the benefit of men. In connection with stridhanam property, Manu said.

“मातुस्तु योतकं यत्प्यात्कुमारी भाग एव सः ।”

Separate and self-acquired property of the mother will be inherited by an unmarried daughter, in her absence by the married daughter and thereafter by the son. A son is not given any share in it during the life time of the daughter. How was society functioning? Special rights were being given to women. Laws have changed. I can show that originally women had no right of inheritance. They have developed one after another. I have stated the history when the Bill was first introduced in this House. I would not go into it again. When society changes, the laws will have to change. If woman becomes the centre of the family, I have no quarrel with their husbands going to the houses of the wives. But the question is, what is the type of the family that we have, what is the type of the family that is functioning at this stage. It is a family wherein a man is the principal person, who is earning and maintaining the family. The family depends not only on the affection of the individuals forming the family, but also on the material resources of the family. They are also an integral part of the whole family itself. If it is to be maintained and supported, the question would be, in what way it should be done.

In the circumstances, as I have said, a division in the family property in which the married daughter will be forming part of her husband's family, will lead to disintegration of the family property. That would not in any way be conducive to the women. I would like to point out that if she inherits as a daughter, and goes to the house of her husband, her husband's sister will take her share from her husband's house. Take the case of small agriculturists. They are living in the villages and their economy is backward. They have got lands. If a certain part is taken away by the daughter and she goes away, what would be situation? Usually, they are married in places which are distant and it will not be possible to manage the property properly from a distance. Naturally, the property will have to be sold. We know, in the circumstances which obtain in this country, 90 per cent. of the persons will not be in a position to purchase the share of the sister even though the right of pre-emption is given, because they have not got the liquid assets with which they can pur-

chase. The position would be, they will have to borrow moneys from somewhere. The laws that are being framed in connection with debts and borrowing of money, as we all know, make it difficult for any agriculturist to borrow money even though he mortgages all the property, not only his share but the share of his sister also which he is purchasing. It could be impossible for him to redeem the property thereafter. Ultimately, that would be lost in debt as we see in many cases where debts are contracted. Therefore, I would like to point out that this particular situation which will be obtaining after the right, which is contemplated in this Bill, is given, will not be in any way beneficial to the daughter herself. For the time being, she may think that she is taking property. But, in her husband's family, she will be finding that similar circumstances arise where in property at distant places will have to be disintegrated, there will have to be fragmentation and they will be going to different persons, who in most cases will be strangers purchasing the shares put to sale by the inheriting daughters. So instead of making such fragments or giving rights here and taking them away there, we should keep the family and its property as far as possible intact so that the sons will inherit and the unmarried daughter will be provided for. If the daughter remains unmarried for life, she can take an equal share with her brother, I have no objection. But if the married daughter takes away a share from the immovable property of the father, it will have to be sold ultimately and it will bring benefit to no one. If the property remains immovable property, it is a means of sustenance for the family. If it is sold, the daughter would get the money but it would be spent in no time and ultimately the brother would be losing. The property would disintegrate and there would be no perennial benefit to anybody. I do not say that because the daughter takes a share, the feelings between the brother and sister would be estranged, because if in one case she takes, in another case she brings. But the disintegration of property will do nobody any good. In order to give her complete and full right, let us give it to her in the family where she has to spend her life. Let her take equal right with her husband. Let it be complete and not limited. If she is in any way ill-treated, let her have the right of partition. That will be more in the interests of the family and society rather than the one that we are contemplating now.

5 P.M.

There is another aspect of it. As I have already stated, the family is sustained not only by the love and affection of the members that constitute it, but also by the material resources and property of the family for which the members make a common endeavour. All sons, the father, the brother and other coparceners, whoever they may be, all work in a common endeavour for the purposes of the whole family. In the Dayabhaga family, though the brothers may be tenants in common they also work together. Thereby, they are augmenting the estate of the family. Why should a person who is not able to join in the common endeavour, in the context of things, come there and take a share? Why should the daughter's son or daughter's daughter who is married, who does not contribute to the common endeavour, ask for a share in the property? Let the daughter be supreme in her husband's house, let her rights be supreme there. All the rights would ultimately be the same if she is given full and equal share with her husband in that family. That will not in any way disrupt the family. That will not in any way lessen or minimise the right of the woman as such, but ultimately it will be conducive to the stability of society itself. That is my outlook as a sociologist. If you want to change the structure of society, the structure of the family, I have no quarrel, but so long as the present structure remains, and agriculturists and others are carrying on their avocations as they do, in the matter of giving right to women, we should approach it from the point of view I have mentioned. So, I would like that in Class I the widow, son's widow, son's son's widow should remain. They should take full rights in the property, I have no objection. In the context of present social conditions, I think daughter's son or daughter's daughter or daughter who is married should not be there. In the absence of a son, grandson or great grandson, even a married daughter should succeed and take full share; the daughter's son or daughter's daughter should succeed and take full share. They should come at the top in Class II. This is the perspective from which I look at it. I also propose to move certain amendments.

While this Bill is being formulated in the name of equality, I would like to point out three or four places where there is no equality maintained, but a preference has been shown wittingly or

[Shri Altekar]

unwittingly in favour of women. According to the provisions of the Bill, a widow can succeed fully to her husband if there is no issue, but if the wife dies and there is no issue, the husband is not entitled to succeed to the property of his wife. That is what we find in clause 17(2)(a). The property in the case will go to the father's heirs.

If there is a widow and she succeeds to her husband or her father-in-law she can succeed to it completely and then remarry and take the property to the new family, but if she inherits property from her husband's brother or his son or any other coparcener, according to the provisions laid down here it is not the husband's heirs who would succeed to that, but her father and her father's heirs.

Then, according to clause 10(4), if there is a pre-deceased daughter and the property is to be divided in the branch of that daughter, then the persons whom the property will go are her sons and daughters, the husband does not find any place there, but in the case where there is a pre-deceased son, the property is to be divided between his heirs, that is, sons and daughters and the widow. There, the widow comes in, but in the other case the husband does not come in. I have no quarrel with the provision, but I am only pointing out that discrepancies or rather inequalities have crept into the Bill which has been brought to bring about equality.

We should frame the law in such a way that we should give equal rights to a woman in the property of her husband. A daughter who is unmarried can take a share of her father's property, but after her marriage, the property should revert to her brothers. If there are no sons, no grandson etc., she would succeed completely, even if she is married. That should be the position.

Now I come to the last question with respect to joint family property. This Bill was originally intended to give inheritance in cases where there was no joint family. Self-acquired property and separate property was intended to be affected. But now, that provision has been changed in this fashion. If it is intended that the joint family property of the Mitakshara system should not continue, then let us in an honest and straightforward way say that we do not want this system and that the Mitakshara family system should be done away with. But this sort of tinkering with the Mitakshara family

system by the back-door is not desirable. The Minister of Legal Affairs has said that he has not touched at all the Mitakshara joint family system, but I humbly beg to submit that that is not a correct statement. The Mitakshara family system has been attacked. The daughter cannot take a right in the property of the father, unless the right by birth of her brother is set at nought, and the whole property is brought in the pool, in order that the property should be divided, and she should have a share. So, that position has been attacked. If it is to be done, then I would like that it should be done in a very honest and straightforward way, by bringing it to the notice of the public, and having their opinion on this question. That would be the proper and correct way of doing the thing.

I would like to point out one discrepancy that has crept in, and that is that the Explanation to clause 6 is against the law of Mitakshara. By that proviso, we are laying down a proposition which is against the Mitakshara law. While by clause 6 we are giving a share by computing the share of the undivided son, what are providing by clause 32 is the right to make a will or gift. But the interest defined in clause 32 will be only the interest of the father, but so far as clause 6 is concerned, the interest will be the interest of the father as also of the undivided son. So, we find that these two things are inconsistent. In order to make them consistent, the explanation to clause 6 will have to be removed.

LIFE INSURANCE CORPORATION
BILL
PRESENTATION OF REPORT OF SELECT
COMMITTEE

Shri B. G. Mehta (Gohilwad): I beg to present the Report of the Select Committee on the Bill to provide for the nationalisation of life insurance business in India by transferring all such business to a Corporation established for the purpose and to provide for the regulation and control of the business of the Corporation and for matters connected therewith or incidental thereto.

EVIDENCE TENDERED BEFORE SELECT
COMMITTEE

Shri B. G. Mehta: I beg to lay on the Table a copy of the evidence tendered before the Select Committee on the Life Insurance Corporation Bill, 1956.

HINDU SUCCESSION BILL—*Contd.*

Shri Seshagiri Rao (Nandyal): This is a very important Bill. The changes that have been made here are of very far-reaching consequences. I agree with my friend Shri Altekar who has said that the joint family system has been very badly attacked, in spite of the fact that the Minister of Legal Affairs has said that he has not tried to tamper with it. If equal status has to be given to the daughters, then it is up to him to take away the joint family system altogether by introducing a new Bill for the purpose.

Clause 6 of the Bill reads :

"When a male Hindu dies after the commencement of this Act, having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property, shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act:"

According to the proviso to this clause, the interest will be as though it had been divided and partitioned just before the death of the deceased. I shall presently pose two problems and show how if clause 6 were to come into operation, a grave injustice will be done. Supposing A, the father, dies leaving a son that is divided, another son, and two daughters at the time of his death, then the divided son will take his share in the coparcenary property, and his wife, the son, and the two daughters take equally. And after his death, even the divided son also gets a share. Does it not mean that the undivided son is getting a property which is much less than that of the divided son? How are you going to meet this anomaly? This is not what the Minister has intended, but that is what we find here from this clause.

Again, suppose A, a father, dies, leaving his wife, son and two daughters. If the son dies first, that is, before the death of his father, then he gets half the share. But supposing he dies later, he is going to get only one-fourths of the property. How is it that his wife gets a property, when the son dies, first, and not when he survives his father? This is a very grave injustice that will be done if this provision were to come into effect.

The explanation to this proviso reads:

"For the purpose of the proviso to this section, the interest of the deceased shall be deemed to include the interest of every one of

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his undivided male descendants in the coparcenary property, and the female relative shall be entitled to have her share in the coparcenary property computed and allotted to her accordingly."

In the proviso, we find that the female relative and the male relative claiming through the female relative have been mentioned, but in the explanation, we find that only the female relative has been mentioned. I agree with my hon. friend Shri V. G. Deshpande who has said that the daughter's son will be excluded from the purview of the explanation. I submit that clause 6 has been very badly drafted.

I would also like to invite the attention of the Minister to clause 17(b) which reads:

"any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband."

The words are 'the husband'. But it is not clear which husband is referred to. Suppose a woman marries A, and after his death, again marries B, taking A's property, and after the death of B marries C, and thereafter she dies; then, which husband's heirs are going to get the property of A and B? It should have been very clearly mentioned that the property shall devolve on the heirs of the husband from whom she gets the property. Otherwise, the provision as drafted will be an unjust one. You want equality, but what we find is that the worst discrimination has been done in this case.

Clause 23 deals with presumption in cases of simultaneous death. I do not know why the Minister has wanted this sort of presumption, especially in view of this explanation. The wife of the person who dies last gets very little. Suppose a father and his son travelling by an aeroplane, and there is an air-crash, and both of them die; then what happens? The presumption is that the son survives the father, and if he should survive, then his wife gets less property than she would otherwise have done. I would therefore submit that this presumption ought not to exist, and the whole thing should be left to be decided by evidence.

[**Shri Seshagiri Rao**]

So far as the question of giving a daughter a share equal to that of the son is concerned, I agree that we should see that some proper amendment is made to clause 6. If necessary, clause 6 could be substituted by a new clause so that the daughters also can get a share in the coparcenary property equal to that of the brothers. But in so doing, we should also see that the divided son and the undivided son do not get different shares.

I agree with my friend who said that so far as the property which a widow inherits is concerned, the right should not be an absolute right. I think it was Shri K. P. Gounder who said that it should not be an absolute property, but only a limited interest, because she is getting her father's property with absolute interest. What she will be getting from the husband, she should not have in case she remarries. If she goes on getting such property, sometimes it so happens that a woman widowed a number of time becomes very rich, getting all the properties of her husbands. Such a thing is something that is improper.

As Shri Altekar said, the husband is not inheriting the property of the wife, but the wife is inheriting the property of the husband. Equality must be accomplished by the codification. If the code is so modified that all the possible defects or problems are tackled, and it is codified there will be a lot of litigation. As, otherwise, it only exposes the defects, the code makes the defects of the law more obvious and, therefore, emboldens knaves. Therefore, if the code is not perfect, there will be a lot of litigation. As you yourself, Sir, have said, all these clauses are full of defects which will lead to perennial litigation.

Shri V. P. Nayar (Chirayinkil): Concealed.

Shri Seshagiri Rao: Not concealed. They are so patent, obvious on the very face. If they are concealed at least, it is much better.

I submit that in the case of such legislation, one should go in a very calm and scientific way. Professor Indra, member, Oriental Faculty, Punjab University, has written a book, *The Status of Women in Ancient India*. I would like to read the advice he has given in connection with such legislation. He says:

"To my educated sisters, I would say, 'Our approach to many problems concerning the betterment of the status of women must be a

scientific one. It is a fact that the gentler sex has a long tale of sufferings to tell. It has undoubtedly received at the hands of the other sex anything but a fair and just treatment. Yet, tearing altogether of the past will be an injudicious step. In the glamour of modernity, an indiscriminate breaking with all the hoary traditions of the country will be a very serious action fraught with dangerous consequences. So we must distinguish between good and evil that once pertained to India's past and retain the former, eschew the latter and further adopt many salutary elements of modernity as well. Thus alone, we can serve the cause which is so near and dear to our hearts'."

I agree with the general principle that the daughter should be given a share in the property of her father equal to that of the brother. We should amend clause 6 in such a way that she gets it without interfering with the rights of the others, divided or undivided. Let them get an equal and same share. With regard to the estate of the wife, let it be a limited interest or let us follow the advice given by Shri Altekar that she should be the centre of the family, that the husband should go and live in her house. The latter will be the other solution. Otherwise, we are interfering with the society, not in a commendable way but in a confused way. Such a legislation may not be useful for us; it may not even be progressive; it may be rather a piece of retrograde legislation.

Shri N. R. Muniswamy (Wandiwash): Sir, I am glad that I have been given a chance at least at the fag-end of the day. But before I deal with the several provisions of this Bill, let me say something about the nature of this Bill.

This Bill was first circulated for eliciting public opinion. It was definitely stated then that this Bill would not deal with the Mitakshara system of joint family property. It was on that assumption that the Bill was circulated in the country and opinions came from various persons. Now, as it has emerged from the Joint Committee as well as from the Rajya Sabha, the Mitakshara system has been definitely retained in clause 6 but with certain limitations; it looks as though the Mitakshara system, has, for all practical purposes, been retained without being

tampered with, but if we read the provisions of clause 6, we will find that that system has been retained with certain limitations.

Properly speaking, this Bill must again be referred to the country for eliciting public opinion. We have now interfered with one provision of law, and I am quite certain that we are not being fair in dealing with this aspect of the law without giving a proper chance to the people to give expression to their opinions.

As it is, we find in clause 6 that the daughter is given equal share with the brother. This is a commendable provision indeed. But we have to have certain assumption to give this equal right to the daughter. Just as in the case of the Estate Duty Bill, we have to assume for all practical purposes that a particular man's property was carved out as though a partition took place just before his death, for the purpose of giving a certain share in that property to the State, so also here as though the man was divided from the joint family property, we have to take his share into consideration. I can understand that for the purpose of taxation, we have to assume several things, but so far as a question of law is concerned, to assume certain things in this way is not proper. I would say that we have to adopt some other feasible method by which we can still give an equal share to the daughter without infringing any of these provisions.

In the Minutes of Dissent, which I have gone through, I find some illustrations have been given by some hon. Members of the Joint Committee. According to these, an undivided son who happens to continue to stay with the father till his death gets much less than what he is entitled to, because the daughter sometimes gets more share and the divided son gets an extra share but the man who continues to live with him—with the father—till his death, gets much less than what he is entitled to. Somehow or other this anomalous position will have to be rectified. We should adopt some course by redrafting the entire provisions in clause 6 of this Bill with this end in view.

So far as the hon. Members who had appended Minutes of Dissent were concerned, they were not in a position to suggest a plausible, if not a workable, formula by which this object could be

achieved, without making any discrimination between the divided son, undivided son or the daughter. In the absence of any such method, the present method might, in all probability, be adopted; until and unless during the course of the clause by clause consideration, some amendment is made by which we could achieve this object, the present method might be adopted with this exception that the undivided sons should in all probability get share equal to those of the other brothers.

Then I come to the question of the limited estate of the widows who have been given certain rights in a retrospective way. Today, some of the widows are having a limited interest, but after the passing of this Bill, the limited estate will turn into an estate where they will have an absolute right.

Mr. Chairman: It is 5-30 P.M. now. The hon. Member might continue tomorrow. We will take up the next item of business.

CEMENT

Mr. Chairman: Before we proceed the half-an-hour discussion on points arising out of answer given on the 10th April 1956 to Starred Question No. 1303 regarding cement, I would like to say that some hon. Members are very desirous of taking part in this discussion. The signatories to the notice given by Shri V. P. Nayar, are Shri Kamath and Dr. Rama Rao; then the further names are Shri A. M. Thomas, Shri Nambiar and Shri Bansal. I would propose that if Shri Nayar takes 10 minutes and at least 10 minutes are given to the hon. Minister, these signatories may take two minutes each and thus we will be able to arrive at workable proposition. I do not know what time the hon. Minister would require.

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): It can be done even in 3 minutes; it all depends upon what information the hon. Members want. As far as I am concerned, I can finish in any time you give me.

Shri A. M. Thomas (Ernakulam): I would suggest we resort to the old procedure that questions may be put before the Minister replies to the discussion.

Mr. Chairman: I am going to adopt that procedure. First of all, Shri Nayar will either put questions or make a short statement as he likes and the other Members, who have joined in the notice, will

[Mr. Chairman]

put questions and only after that I will request the hon. Minister to reply.

Shri V. P. Nayar (Chirayinkil): I am raising this discussion to focus the attention of this House on certain matters relating to the cement industry at present. The discussion has become all the more important, in view of the Prime Minister's statement on industrial policy this morning, in which I find that the cement industry is not included even in the second schedule, detailing the spheres of activity wherein Government is supposed to take more and more progressive control.

Our progress in the second Five Year Plan will very much depend upon the availability of cement at the proper time and at proper prices. Today, as you find, Sir, there is a far shorter supply than what is demanded by the projects and therefore a prosperous black market. It is said that the target of the first Five Year Plan is almost fulfilled, and that the installed capacity of the industry is being worked up to the full. That is, probably, the reason why Government think that the private sector has behaved very well, and, there is, therefore, no case for nationalising the industry or even for Government stepping into the industry by opening up new factories.

The cement industry is very vital to construction and the progress of the Plan and to leave it to the private sector is not merely regrettable or lamentable but it is unpardonable. What do we find in the cement industry? There were 23 or 24 factories . . .

Shri T. T. Krishnamachari: Twenty-seven.

Shri V. P. Nayar: I am referring to the time when the Tariff Commission made an enquiry. At that time, out of 23 factories, you find that 11 factories were controlled by single body, the Associated Cement Company, which has really built up a Cement Empire in India. Besides these 11 companies which they bought up the Patiala Cement Company and they have also control of distribution of 75 per cent. of the cement produced in India through their subsidiary, of which they hold the entire shares, the Cement Marketing Co. of India.

Let us hear it from the horse's own mouth. This is what Dr. Hattiangadi, one of the chief executives of the ACC says. I am reading from page 93—Nov. Supplement of the *Journal of Industry and*

Trade issued by the Commerce and Industry Department of the Government of India.

"The total production potential of all the companies put together is 45 lakh tons annually—of which the A.C.C.'s potential is, roughly 26 lakh tons."

Not less than 55 per cent. is controlled by this company.

Apart from that, I give here some figures of the profits which the A.C.C. has made. I think, it is time that Government steps in. I find that while the A.C.C. has a paid-up-capital of Rs. 12.67 crores, their gross profits in 1947, was Rs. 86.96 lakhs, in 1954, it jumped up to Rs. 2.57 crores. If we take the net profits, in 1947, they had only Rs. 33 lakhs; in 1952, it was Rs. 1.16 crores, in 1953, Rs. 1.19 crores in 1954, it was Rs. 1.34 crores. I am taking it from the *Investors' India Year Book* of 1955, which, I suppose the hon. Minister will not contradict. I am unable to give further figures because the Commerce Ministry and the Finance Ministry, whom I contacted several times yesterday and today, could not provide me with 1955 figures. This is the sort of control which has grown, and Government say, by the end of the next five years, we will have 16 or 17 factories more. I am reliably informed that out of the 16 or 17 permits given for starting new factories, 4 or 5 will again go to the A.C.C. Cement is such a vital necessity for dam projects and other works of construction and many of our State Government works and Central Government works are often held up for want of cement.

As is usual, the Tariff Commission makes an enquiry with the so-called experts and after the enquiry is made, they report that the price which is now allowed is not proper but they must be given some more prices. The price which is now allowed to these companies is high, of course, and 5 or 6 high-cost manufacturing units have been given special rates. But what is the cement price today? It was Rs. 84 or Rs. 85 in 1947 and 1949, f.o.r. destination, packing and everything inclusive. Today the price is more than that. Although Government may say that it is only Rs. 71 or Rs. 75 actually the consumer has to pay more; there is the excise duty of Rs. 5; in this quarter, a sum of Rs. 13.40 or Rs. 13.80 has been allowed as the packing charges. So, what we find today is

that as the cement industry makes more and more profits, as the industrial capacity is worked more and more and as the production of cement has recorded an increase, the price of cement also goes up. Correspondingly, is there a uniform policy for the deal which they give to the labour?

If the Commerce and Industry Ministry does not have any figures, I am giving the figures from the Labour Ministry bulletins. I find a very appalling state of affairs prevailing among the labour engaged in the cement industry. Their actual wages vary from—I am sorry I am rushing through—about Rs. 35 at Bhadravati to Rs. 62 and 65. On the one hand, the Tariff Commission says that the Associated Cement Company and the Digvijay Cement Company, with which my hon. friend, Shri G. D. Somani, who unfortunately is not here, is connected, must necessarily have such and such a price.

I was surprised to read in the Tariff Commission's Report that not merely did they recommend a price on current expenses but they also said that for future rehabilitation and future investments on enlargement of the capacity for production, the Government have to allow for the price being charged by the present manufacturers. But the Government have hit the future deal, and I am glad that they did not allow that recommendation to be taken advantage of by the manufacturer. On the one hand, the Tariff Commission says that in view of the difficulty of manufacturing cement and in view of the country's demand, the private capitalists have to be encouraged. They have a ceiling on the price. What is the distribution arrangements? Why is it not possible for the Government to take over the distribution of cement, cement being such a vital requirement for almost every work on the construction side. This is an industry on which 35,000 people depend directly. If you take into account the number of persons who are indirectly employed by this industry, the overall employment potential of the cement industry is something which we do not know. Actually, according to my computation and calculation, it roughly works out that 1 per cent of the national income must be attributed to the cement industry. It is not a small industry, which can be kept out from State control. If the private industry had behaved well, I would have certainly not argued for

some more control at this time. What I find from the Tariff Commission's Report is that Government was very keen, or rather the Tariff Commission was very keen on assuring a minimum price. What have they done after that? Any man with any sense in his cranium would have understood that we are following the First Five Year Plan with a Second Five Year Plan and that during the Second Five Year Plan we will step up our construction and production, for which cement will be very essential.

Why is it that the cement magnates did not start to make the country self-sufficient? They wanted to keep supplies insufficient. Government had to force them and had to ask them to do this. Now they say that the target is 11 million tons. In this morning's paper I found that my hon. friend, Shri Krishnamachari, is trying to impress upon the Planning Commission that the target of 11 million tons fixed is rather too low and that we should have 13 or 14 million tons. I wish him well. But along with this, the Hindustan Times publishes the news, which disturbs me very much—they almost forestalled the Minister's answer to this discussion—and they stated that in all probability the cement price will be increased further by Rs. 10 or Rs. 20. Something like that I found and it disturbs me to find that in regard to such an industry which, I need not repeat, everyone of us knows as vital for the national construction, Government is still fighting shy. The manufacturing aspect alone has been considered. The labour aspect has been completely neglected, ignored. There is no uniform wage structure. Dearness allowance, bonus, all these vary from place to place. I cannot understand why it should be so. There is a uniform price for cement regardless of the manufacturing cost. Only five units are exempted. One factory pays one-fourth, another one-sixth and yet another one-eighth and the Digvijay company of Shri G. D. Somani paid only one-twelfth in 1952 as bonus. Why not have a uniform policy. Does this uniformity apply only to capital? Does it not apply to the miserable conditions of the workers in the cement industry? There have been struggles about this. In the factory at Kottayam, which is given a special price of an additional Rs. 12/- above the ceiling, there have been glorious struggles after struggles. But none of these will be conceded by the cement industry.

[Shri V. P. Nayar]

I want to put some questions and I would request him to give some answers. When we have achieved the target of eleven or twelve million tons fixed in the Second Plan, what is to be the precise share of the Associated Cement Company? What is to be the share of the Dalmia group of companies? They are having pincer hold or an octopus grip on the cement industry—these two companies. Are we going to allow this monopolistic hold to continue? Should we do so especially when we are in the path of a socialist society about which the opposite side talks always these days.

How many mills will spring up, if at all, in the public sector which Government may contemplate? I think the Government will have to revise its policy in respect of the cement industry very soon. Why should the Government give sanction for these companies? We know that, for several years, they have been taking undue advantage. Why is it not possible for the Government to bring down the prices? There is no case that the raw materials cost more suddenly or that the wage bills have shot up. They have reaped huge profits. I have got the *Investors' Encyclopaedia* here and I find from that that there is no cement company which runs at a loss. Shri Soman's company has made a profit of about Rs. 10 lakhs last year.

I would also ask whether it is not time for the Government to make cement available at cheaper rates to the common man by some sort of controlled distribution instead of leaving it to the freedom and caprice of a particular company. When they provide for a uniform price, should they not adopt a uniform policy about the wages of workers, dearness allowance, housing facilities, etc.? In Andhra only sixteen per cent of the workers are provided with housing facilities by the company; in other places the percentage ranges from fifty to sixty. We are not satisfied even with that. This is one of the points on which I would like the hon. Minister to give a categorical answer. I am sorry that I had to rush through and yet could not finish all important points.

Shri A. M. Thomas: I am glad that the Commerce and Industry Ministry does not disclose any complacency at all in this matter. The replies given on the floor of the House as well as the speech of the hon. Minister in answer to the past discussions, indicate the same attitude. The problem has to be viewed from two aspects—the long-term and the

short-term aspects. The situation has to be met on a long range basis so that the present shortage may not repeat after the period of the Second Plan. I would like the hon. Minister to enlighten us as to how far he has succeeded in inducing the Planning Commission to accept his target. It is freely stated that the target that the Commerce and Industry Ministry has in view is sixteen million tons. I would also like to know whether the Government would follow a policy of liberal licensing without putting restrictions such as economic marketing, zone etc. in the matter of granting sanction for setting up new factories.

I would also like to know why, as has been stated by Shri V. P. Nayar, 'cement', which has been included in the 1948 resolution as one of the items for central regulation and control, has been omitted from Schedule B, in the new Industrial Policy statement, although some other items included in that list such as fertilisers and machine tools, are seen in Category B. I would like to know whether the Government will step in, in case the target is not possible to be achieved by the private sector.

Another aspect on which I would like to be enlightened is this. According to reports, 44 units would be there by about 1960-61, but in some of the States the position would be stationary. The position in 1950-51 is still continuing as regards Travancore-Cochin. There is only one unit there. Even in 1961, according to the present estimate, there would be only one unit in Travancore-Cochin. I would like to know whether there is any scope for expansion in that State.

With regard to the short-term remedies, I would like to be enlightened on the point as to how much quantity of cement Government intends to import immediately. I would also like to know, which would be the distribution machinery for that cement.

Then again, I would like to know whether there will be any pool-price, because the imported prices will be much higher than the production price in India.

It may also be indicated as to whether there will be any stricter supervision with regard to the allotment and disposal. Although we are in short-supply and although there are complaints that cement is not available, plenty of cement is available in the black-market. One reason for that, according to me, is that proper

supervision is not maintained with regard to the disposal of stocks allotted for each category of work. For example, for all government works a separate quota will be given. I am told that these days contractors take up sometimes works after bidding very low. When they are asked as to how they bid so low, they say: "We can make it up in cement". 'Cementil kandukolam' is what is generally stated by contractors in our place. Therefore, I would like to know whether proper supervision will be maintained in the matter of disposal of stocks in the various categories and whether cement at economic prices would be available for the consumers. I would like the House to be enlightened on these aspects.

Shri Bansal (Jhajjar-Rewari): Mr. Chairman, I think it is a very healthy sign that the demand for many things in the country, including that for cement, is increasing very fast. Arising out of that, I would like to know from the hon. Minister for Commerce and Industry, the views of Government on the following points.

Sir, our present capacity is about 4·7 million tons. It has been reported that the Minister is impressing upon the Planning Commission to raise the capacity to 16 million tons by the end of the Second Five Year Plan. I want to know, the manner in which he has planned to develop this increased capacity of 12 million tons within the course of five years and whether any sizable applications have already come which give hope to the hon. Minister that this big target will be reached?

Then, it is reported that our transport will not be adequate to the task. It is said that even if we produce all this cement, our transport will not be able to carry it to the consuming centres. May I know if the Ministry has been giving any thought to the question of regional distribution of the new factories that will be set up so that the strain on the transport system may be less and, for that purpose, have any investigations been made as to the sites where lime-stone is available near or in the States where consumption of cement is the highest at present? If that is so, may I know whether a scheme for regional distribution of the new factories has been prepared?

My friend Shri Thomas asked about pool-price. I also have the same question to ask of the Commerce and Industry Minister. I would like to know if he is

having any scheme of differential prices in view under which, if a pool-price is adopted, the Government will be charged a lower price and the private consumer will be charged a higher price?

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareli Distt.—East): We must know the black-market prices also.

Shri Bansal: I have only one more question. In view of this increasing consumption of cement and the shortfall which is bound to be there, has Government given thought to the revival of our age-old industry that is pursued in the villages? In our villages people use lime kankars and turn them into slaked lime. That used to meet a lot of local demand and I remember that in my village our own house was built out of the indigenous lime and it used to be so strong that although the rafters of our roof were burnt down while a burglary took place, the roof itself stands there as it was ten years ago. So, I would like to know from the Minister whether any thought is being given, for the interim period, to tide over this difficulty and to develop this local indigenous industry.

Shri T. T. Krishnamachari: I might tell you that when cement is mixed with sand and concrete and water, certain chemical action takes place—

Shri V. P. Nayar: Then only it becomes concrete.

Shri T. T. Krishnamachari:—and perhaps more heat is generated. You have to pour water in order to see that the mixture sets. My friend on the opposite side is capable of generating heat without any such external aids. I was expecting that my hon. friend would be taking Government to task for what might be called the present maldistribution of cement and the high prices that are charged, etc. But my hon. friend always goes to fundamentals. So, he went to the fundamentals in regard to the manufacture, labour cost, location, ownership and all that sort of thing which must be a different subject altogether.

The only thing is that he is very disappointed about the industrial policy statement and feels that it had not given any indication of nationalisation of cement. There is nothing, as the Prime Minister put it, to prevent us from starting cement factories during the next five years or even thereafter. But it is not one

[Shri T. T. Krishnamachari] of the industries where we are giving high priority for Governmental interference.

Several questions were asked and I will make an attempt to answer them within the short period at my disposal. One fact that was mentioned was about the question of shortages. I support some hon. Members asked why we have faced suddenly this shortage and why nothing was done by Government to prevent it. I have got here a table showing the demands from industry, Government and from all people who consume cement, over a period of years, quarter by quarter. I do not think I need weary the House by taking it through all these years. In regard to the demand for cement during the third quarter of 1955—it is fairly near—the demand was 580,000 tons per month. That takes you to a little over 6 million tons a year. That was a time when we had more or less completed our target of somewhere about 10 million tons production, and 12 million as capacity. In the first quarter of the current year, the demand rose to 830,000 tons per month. That takes you to about 10 million tons a year. In the second quarter it is 901,000 tons. So, the demand has occurred with such rapidity that it is almost impossible for us to take note of this demand and provide against it. After all, it takes about 18 months to two years even to expand a cement factory.

In this connection, I would like to tell the House that in August, 1954, when I mentioned that our target for steel production should be 6 million tons and our target for cement production should be in the region of 10 million tons, many people in this country thought I was as usual being extremely rash. The only trouble today is that we are thinking in terms of a target of 16 million tons of cement. I feel that our target of 16 million tons will not be adequate at the end of the Plan period. In an expanding economy, however wise you might attempt to be and however bold you might be, the demand overtakes any provision that you make.

In regard to the future, as the hon. Member seems to know, we have already licensed a number of units which in the aggregate is expected to have a capacity of 12.1 million tons by the end of the Plan period. But, capacity is not always what is produced; there might be a little short-fall. Today the production has touched the 5 million mark and I expect by the first quarter of 1957, i.e. about

this time next year, we shall be able to produce about 7½ million tons of cement and within 9 to 10 months, we would probably reach the 9 million mark. So, there is a possibility of our augmenting our present supplies by about 4 million tons in about two years, or rather, in 1 year and 9 months from now. That is the best that we can possibly do in the circumstances.

The hon. Member asked whether the Planning Commission has decided to raise the target to 16 million tons. The discussions are going on. It is not that the Planning Commission is averse to raising the target; the real trouble is whether we will be able to carry the cement that is made and also the raw materials that are necessary for the factories. Here the railways come in. The point raised by my hon. friend, Mr. Bansal, in this connection is relevant. Yes, we have already looked into this problem from a regional point of view so as to ensure supplies quickly and also to minimise the railway movement and cross-movement. We are examining the matter further in order to see how best we can make it more efficient. But, regionalisation is not possible always, because the availability of limestone and coal does not always coincide with the demand in that region. We generally take the availability of limestone as the main factor and allow cement factories to be established where limestone is available, providing for the carrying of coal and also for the carrying of the finished material.

In this connection, Mr. Thomas has raised the point whether Travancore-Cochin would have more than one factory by the end of 1961. It is rather difficult to say anything about it, considering the fact that the Travancore-Cochin factory now is the highest cost unit that we have. They complain even now that the price allowed to them is not adequate, although they have a certain amount of advantage in regard to freight. It is not a question of our not wanting to provide Travancore-Cochin with a factory, but it is a question of certain difficulties. May be the factory may expand, but even then it would have certain economic disadvantages coming against its further development.

My hon. friend, Mr. V. P. Nayar, wanted to know what would be the share. I have not got the break-up, but undoubtedly the A.C.C. share will increase. It is a public company with a fair amount of control over it and we

can lower the price, if we need to. If we do not want any expansion, the price can be lowered. We are allowing a certain amount of elbow-room in the price structure in order to allow them to expand. When it is a public company like the A.C.C., I do not think there is much difficulty in Government exercising any control. But, the point mentioned by Mr. Thomas is not correct. The very fact that we have taken cement from List II does not mean that we do not want to control it. All industries of any reasonable size will be controlled and those industries have gone into the third category. When it comes into the third category, it does not mean that Government will not enter that field. They might, but it is not one that they will necessarily enter into.

Shri A. M. Thomas: Many things have been included in the B category.

Shri T. T. Krishnamachari: No; if my hon. friend looks at it more carefully or ask questions at the proper time, he will find that category B has been chosen very carefully, so that Government might acquire a certain key position in those industries in times to come; maybe 5 years; maybe 10 years.

6 P.M.

My hon. friend Shri Bansal raised the question of limestone availability. I have mentioned that one of the factors in deciding the location of a plant is the availability of limestone. I have asked my colleague the Minister of Natural Resources and Scientific Research to get a correct assessment of the total limestone availability in this country and also explore the possibilities of new areas. We have a certain amount of data available from the information collected by these companies. I have also offered to place it at his disposal. He has promised to take this matter in hand.

I would like to end my answers by making a statement. We have now decided to take over a large measure of control over distribution because we have to tide over a period of two years certainly, and perhaps even more, when stricter control over movement will have to be maintained, and perhaps some imports will have to be made.

Shri V. P. Nayar: Is it because the Government are convinced that there is very rampant blackmarketing?

Shri T. T. Krishnamachari: Our actions do not proceed from conviction; we leave convictions to others. Because,

we feel it a call of duty. It is not a matter of individual conviction.

Shri V. P. Nayar: So, there is no blackmarketing?

Mr. Chairman: Order, order.

Shri T. T. Krishnamachari: Any way, the decision has been made. The State-trading organisation that we are setting up will take over control over distribution in the same way as it is being done in the Iron and Steel organisation. The imports will be canalised through this organisation. Distribution will be arranged in such a manner that distribution will be reasonably efficient. But, at the same time, we will have a fair amount of control over it without spending much money on it. That is necessary.

So far as pricing is concerned, if I produce 16 million tons of cement and I find that the demand does not tally with my production, I will undoubtedly reduce the price. So long as I am not able to produce the cement which is co-terminous with the demand or in excess of the demand, I am afraid, the price mechanism is one of the ways by which we inhibit the demand. We are not prepared to drop it because merely of sentimental considerations.

Shri V. P. Nayar: That is the socialist pattern.

Shri T. T. Krishnamachari: Socialism is a different thing. To my hon. friend, socialism means totalitarianism. To me, socialism means doing service to the people in the best possible way. I do not propose to have a metaphysical discussion with my hon. friend. Mine is a living world in which I have to act and serve and not talk on metaphysics. The question of pricing will be decided according to the nature of supply. My hon. friend is wrong when he says that merely because we have fixed the price at Rs. 71, that is the price: you have Rs. 71 plus to exercise some kind of control in regard to freight. Freight will be coming into our hands and that would enable us perhaps to serve the people better. We are thinking in terms of one equalised price. To the extent that it is possible for us to reduce the prices from time to time in relation or in proportion to the supply available, Government will certainly do it. So long as we do not have the supplies, one of the ways by which we can inhibit demand is to raise the price. I think that is the technique that would be increasingly followed by the

[Shri T. T. Krishnamachari]

Government in regard to those articles which are in short supply, because we do not want an inflationary spiral to go on.

A question was raised by my hon. friend about lime. A short-term arrangement might be made by the State, but I have no facility to do it. In any event I expect that within 1½ years I should be able to supply a fairly large quantity. If necessary, I am prepared to import whatever quantity is necessary for urgent purposes. All that I say is we will try to serve the public who need cement, particularly the small man who need it for building a house, the poor people in the villages. And we shall try as far as possible to see that some kind of control is maintained on distribution. I do not say it will be fool-proof, but still the loopholes will be mitigated to the extent that is possible, having in view the fact that the Central Government will have to act very largely through the State Governments. That is a major decision that Government has taken and I have taken advantage of my hon. friend's raising

this query in this debate to inform the public that very soon we shall be able to announce the arrangement by which the State Trading organisation will take control of the import and distribution of cement.

Shri C. K. Nair (Outer Delhi): One question. Are Government aware of the fact . . .

Mr. Chairman : No, no. No further question. The time is over. Already we have taken five minutes more.

Shri C. K. Nair: Will Government see to it that the distribution part of it at least is entrusted to co-operatives ?

Mr. Chairman : This is more a suggestion than a question, which the hon. Minister will take note of.

6.07 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Tuesday the 1st May, 1956.

DAILY DIGEST

6833

6834

[Monday, 30th April, 1956]

PAPERS LAID ON THE TABLE . . .

- (i) Certain Declarations of Exemption under Registration of Foreigners Act; and
- (ii) Evidence tendered before the Select Committee on the Life Insurance Corporation Bill, were laid on the Table.

PRESIDENT'S ASSENT TO BILL . . .

Secretary reported to Lok Sabha that the Finance Bill, 1956 which was passed by the House of Parliament, was assented to by the President on the 17th April, 1956.

MESSAGE FROM RAJYA SABHA . . .

Secretary reported a message from Rajya Sabha that at its sitting held on the 27th April, 1956, Rajya Sabha had returned the Travancore-Cochin Appropriation (Vote on Account) Bill, 1956, passed by Lok Sabha on the 29th March, 1956 with the recommendation that the following amendment be made in the Bill:—

That at page 1, after

Columns

6685

clause 3 the following new clause be inserted namely:—

'REPEAL OF ORDINANCE 4 OF 1956.

4. The Travancore Cochin Appropriation (Vote on Account) Ordinance 1956, is hereby repealed.

BILL RETURNED BY RAJYA SABHA WITH RECOMMENDATION

6686

Secretary laid on the Table a copy of the Travancore-Cochin Appropriation (Vote on Account) Bill 1956 which had been returned by Rajya Sabha with an amendment as recommended by that House.

REPORT OF ESTIMATES COMMITTEE PRESENTED . . .

6686

Twenty-sixth Report was presented.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE . . .

6687-90

Shri Nambiar called attention to the situation arising out of the large-scale retrenchment of civilian employees in Ordnance Factories and the impending strike. The Minister of Defence (Dr. Katju) made a statement in regard thereto.

INDUSTRIAL POLICY OF GOVERNMENT

6690-99

The Prime Minister

[DAILY DIGEST]

Columns

Columns

made a statement embodying Resolution of the Government of India in regard to industrial policy.

RECOMMENDATION TO RAJYA SABHA FOR WITHDRAWAL OF BILL

The motion recommending to Rajya Sabha the withdrawal of the Manipur State Hill Peoples (Administration Regulation Amendment) Bill, 1954, as passed by Rajya Sabha, was adopted.

BILL INTRODUCED

Manipur (Village Authorities in Hill Areas) Bill was introduced.

BILL UNDER CONSIDERATION

Further discussion on the motion to consider the Hindu Succession Bill, as passed

6702-10

6711

6811-6812

6813-18

REPORT OF SELECT COMMITTEE PRESENTED

Shri B. G. Mehta presented the Report of the Select Committee on the Life Insurance Corporation Bill.

HALF-AN-HOUR DISCUSSION

6812

6818-32

Shri V. P. Nayar raised a half an hour discussion on points arising out on answers given to Starred question No. 1303 asked on 10-4-56 regarding cement. The Minister of Commerce and Industry and Iron and Steel made a statement in this regard.

AGENDA FOR TUESDAY, 1st May, 1956—

Discussion on Hindu Succession Bill.