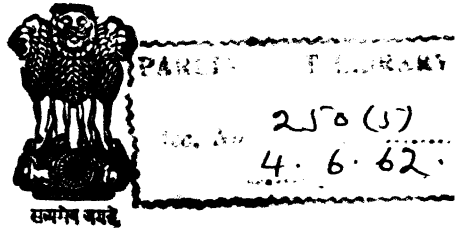


Wednesday, 7th February, 1951

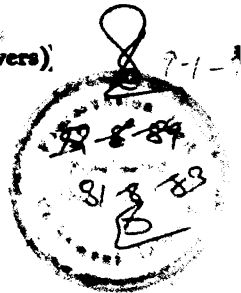


PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VI, 1951



(5th February to 31st March, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

1219

1220

PARLIAMENT OF INDIA

Wednesday, 7th February, 1951.

*The House met at a Quarter to Eleven
of the Clock.*

[MR. SPEAKER in the Chair]

MEMBER SWORN

Shri Anirudha Sinha (Bihar).

ORAL ANSWERS TO QUESTIONS

ESTIMATES OF FOOD PRODUCTION

*1227. Shri A. C. Guha: (a) Will the Minister of Food and Agriculture be pleased to state what were the estimates of production of rice, wheat, jute, cotton, oil seeds during the years 1947, 1948, 1949 and 1950?

(b) What were the actual productions of those articles during those years?

(c) What is the machinery for calculating those estimates and for the actual productions?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). Statements giving the required information for the years 1947-48, 1948-49 and 1949-50 are placed on the Table of the House. [See Appendix X, annexure No. 31]. Final forecast estimates for 1950-51 have not been issued.

(c) The forecast estimates are compiled from the figures supplied by the States, which are in turn based on the statistics of area, normal yield, and condition factor reported by their Revenue Officials, beginning at the village level with the Patwari in the temporarily settled areas and the village Chowkidar in the permanently settled areas.

Shri A. C. Guha: Are we to understand that in the final analysis estimate is made on reports furnished by the village chowkidar?

Shri K. M. Munshi: The village chowkidar gives the first estimates and then they are checked by the superior officers right up to the District Officer.

Shri A. C. Guha: May I know whether any random sampling is done?

Shri K. M. Munshi: Yes. As a matter of fact random sampling has been in force in several States such as West Bengal, Bombay, Bihar, Madhya Pradesh and Uttar Pradesh and under the five year integrated plan it will cover the whole of India.

Shri A. C. Guha: Since when has this system been introduced?

Shri K. M. Munshi: If I remember aright random sampling was introduced in 1944 but it has been put in to force more effectively during the last three years.

Shri A. C. Guha: May I know if there had been any difference between the estimate given by the Chowkidar and the random sampling estimate?

Shri K. M. Munshi: Yes, it has been found that in some cases the eye estimates have been higher. The scientific estimates in some cases have been less, in some more.

Shri Hussain Imam: Are the years to which the hon. Minister has referred trade years commencing from the 1st July and ending with the 30th June or are they financial years beginning from the 1st April and ending with the 31st March, viz., the agricultural year?

Shri K. M. Munshi: From the 1st April to the 31st March during 1950-51.

Shri Hussain Imam: Will the hon. Minister kindly enlighten the House whether as a result of the random survey we have come to any conclusion as to how the visual estimates are to be modified?

Shri K. M. Munshi: As a matter of fact the two systems are entirely separate. One is more or less subjective

and in areas which have no land revenue system it depends upon guess work: whereas the other is a scientific system which takes every factor into account.

Shri T. N. Singh: What actual variations have been found between the sampling estimates and the estimates made by patwaris, especially in the States of U.P. and Rajasthan?

Shri K. M. Munshi: I would require notice.

Shri Tyagi: Why were the estimates left to night watchmen instead of getting them from the revenue officers of the State who keep a record of the crops every harvest?

Shri K. M. Munshi: The distinction is between an area under a permanent settlement and an area under ordinary settlement where there is land revenue system. In regard to permanently settled areas there is no patwari there and the village chowkidar is the only responsible officer who gives the estimate. As regards the other areas where there is the land revenue system it is the patwari who goes from field to field and makes a complete enumeration.

Shri A. C. Guha: May I know if every acre was estimated or a certain percentage was left out of the chowkidar's estimate?

Mr. Speaker: Order, order. That is entering into details.

सेठ गोविन्द दास : क्या माननीय मंत्री जी फिर से इस बात को देखें कि हुसेन इमाम साहब के प्रश्न के उत्तर में जो बर्ष उन्होंने बतलाया है वह सही नहीं है क्योंकि खेती का बर्ष नवम्बर से अक्टूबर तक रहता है ।

[**Seth Govind Das:** Will the hon. Minister reascertain the fact about the year, which he stated in reply to the question put by Shri Hussain Imam. It is not correct as the agricultural year commences from November and ends in October?]

Mr. Speaker: It is a suggestion for action.

DIVERSION OF LAND FROM RICE TO JUTE CULTIVATION

*1228. **Shri A. C. Guha:** (a) Will the Minister of Food and Agriculture be pleased to state what is the acreage that has been diverted in West Bengal during the years 1949 and 1950 from rice to jute cultivation?

(b) What was the average yield of rice in those lands?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) During 1949 roughly 30,000 acres.

During 1950 1,53,000 acres.

(b) The average production of rice in these tracts is estimated by the Government of Bengal to be about one third of a ton per acre.

Shri A. C. Guha: May I know whether any compensation was given to the West Bengal Government for their loss of rice due to diversion of land to jute?

Shri K. M. Munshi: As a matter of fact the assurance was given to the West Bengal Government that they will be given an extra 50,000 tons.

Shri A. C. Guha: Would the hon. Minister be surprised to know that the West Bengal Government's estimate was that two lakh acres of land were diverted?

Shri K. M. Munshi: The definite estimate given by the West Bengal Government itself was 1,53,000 acres.

Shri Gautam: Is it the policy of the Government to encourage commercial crops in preference to food crops?

Shri K. M. Munshi: It is not the policy of the Government to encourage cash crops but under the integrated programme a certain quantity of cotton and jute has to be produced in order to keep our industries running and in order to earn the foreign exchange with which to buy foodgrains.

Shri S. N. Sinha: How much more dollar has been earned on account of increased jute production due to diversion?

Shri K. M. Munshi: In 1950-51 the additional production as a result of this diversion was 3,52,500 bales and the saving by stopping import was equivalent to Rs. 76,50,000, whereas the loss was only Rs. 3 crores. So the gain was 4.59 crores.

Dr. Deshmukh: What is the difference in terms of rupees of the yield per acre in West Bengal through cultivation by jute and the same area cultivated with rice?

Shri K. M. Munshi: I would require notice.

Shri Hussain Imam: Is it the general policy of the Government to compensate all States for producing more

jute or it is only confined to West Bengal?

Shri K. M. Munshi: Wherever jute could be grown it is the policy of the Government to have a larger yield of jute for meeting the demands of our industry and to earn foreign exchange.

Shri M. L. Gupta: Has this diversion been made under some country-wide crop-planning or was it done in a haphazard manner? If it has been done on a crop-planning method, then would the hon. Minister lay on the Table a copy of the crop-planning scheme for the country?

Shri K. M. Munshi: As a matter of fact, there is a certain amount of planning which may not be quite exact, but attempts are made to earmark certain areas which are suitable for certain crops.

RECOMMENDATIONS OF THE JOINT ADVISORY COMMITTEE ON RAILWAYS

*1229. **Prof. S. N. Mishra:** Will the Minister of Railways be pleased to state:

(a) whether Government have accepted the recommendations of the Joint Advisory Committee on Railways constituted in May 1949; and

(b) if so, to what extent would employees be benefited thereby?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Government have considered and passed orders on most of the recommendations made by the Committee; except a few, they have been accepted. It is expected that the examination of the remaining recommendations will be finalised shortly.

(b) It is anticipated that the recommendations so far accepted will benefit railway employees to the extent of about two crores of rupees per annum.

Prof. S. N. Mishra: May I know what are the main recommendations of the Committee?

Shri Santhanam: The Committee has made recommendations on over a thousand issues and we are publishing a booklet giving full details of all the recommendations accepted.

Shri Frank Anthony: Was one of the recommendations of the Committee that the pre-1931 staff be asked to exercise their option in respect of the C.P.C. scales by a particular date?

Shri Santhanam: I don't know if there is a recommendation on those lines. I wish the hon. Member would put down a separate question on that point.

Shri Meera: May I know when that booklet will be available to Members of this House?

Shri Santhanam: I hope it will be available by the time of the Railway Budget.

Shri Frank Anthony: Did the Advisory Committee have anything to do with the proposal about a 54-hour week?

Shri Santhanam: It is an adjudicator's award and it has been implemented. This Committee had nothing to do with the question of hours.

INDO-PAKISTAN CONFERENCE

*1230. **Shri Sidhva:** (a) Will the Minister of Transport be pleased to state the result of the Indo-Pakistan Conference at Secretariat level which took place on or about the 18th and 19th December, 1950?

(b) What were the important subjects discussed at this Conference?

The Minister of States, Transport and Railways (Shri Gopaldaswami): (a) and (b). A copy of the agenda and the record of discussions of the Indo-Pakistan Secretariat level Conference held in December, 1950, is placed on the Table of the House. [See Appendix X, annexure No. 22].

Shri Sidhva: From the statement it appears that machinery had to be set up for implementing the agreements arrived at for migrants to go from one country to another. May I know whether that machinery has been set up, and, if so, how many people have gone from one country to another for settling their claims?

Shri Gopaldaswami: It is in the course of being set up. I am afraid I am unable to give the number of people who have gone from one country to another.

Shri Sidhva: What were the important issues which were held over, which were not discussed and settled?

Shri Gopaldaswami: We shall have to go through the decisions on each of the items in the agenda to find out what was held over for future discussion.

Shri Sidhva: One of the items was the question of military stores for

which Pakistan has to pay to India Rs. 16 crores. May I know whether that question was discussed and whether it was settled or held over?

Shri Gopalaswami: Could the hon. Member refer me to the particular item of the agenda?

Shri Sidhva: The item is 'military stores'. Rs. 16 crores is to be paid to India by Pakistan.

Shri Gopalaswami: There is a decision on that item which also has been laid on the Table.

Shri Sidhva: I have read the statement but it is not clear on that item. I have got the statement here. I have hurriedly gone through its 27 pages within the short time available. I don't find therein any result of the discussion. It is only mentioned, "It was discussed". What happened as a result? I don't know.

Mr. Speaker: If the hon. Minister could give an answer without reading the whole statement he may.

Shri Gopalaswami: I am afraid I cannot give an offhand answer to such a question without going in detail through the paper.

Shri Tyagi: Was the question of canal waters and the question of exchange of displaced persons' property or compensation also discussed in the conference?

Shri Gopalaswami: No. This was a different kind of Conference.

IMPORT OF FERTILIZERS

*1231. **Shri Sidhva:** (a) Will the Minister of Food and Agriculture be pleased to refer to his statement during the last food debate that he is making a complete inquiry regarding the fertilizer transactions and state whether the inquiry is complete?

(b) What quantity of fertilizers was ordered and to what extent sanction of the respective Ministries was obtained before the orders were placed?

(c) What is the total value of orders placed?

(d) Are there any fertilizers lying unused and are they now fit for use?

(e) How many officers have been dismissed or transferred after this deal was made?

(f) At what price were these fertilizers purchased and what is the price at present?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes. A statement on the subject is placed on the Table of the House.

(b) and (c). During July-December 1949, firm indents for 1,48,000 tons of sulphate of ammonia were placed in foreign markets as against import of 4,00,000 tons of sulphate of ammonia sanctioned by the Ministry of Finance between July 1949 and June 1950 which was the normal fertiliser year. The fertiliser year was subsequently changed to a calendar year and a further quantity of 4,00,000 tons of fertilisers was indented between January 1950 and December 1950. Thus, a total quantity of 5,48,000 tons of fertiliser of the value of Rs. 16,86,63,300, was indented during 1½ years from July 1949 to 31st December, 1950, as against which the financial sanction was for 4,00,000 tons for one year from July 1949 to June 1950.

I may add here that on enquiries made from Shri R. K. Patil, the then Food Production Commissioner, it is learnt that the excess quantity was indented for in anticipation of demands being made by the States in the following six months, that is, July to December 1950.

(d) Yes. Nearly 1,15,000 tons with the State Governments and about 20,000 tons with the Central Government. The entire quantity is fit for use, because sulphate of ammonia does not deteriorate in storage.

(e) One officer has been dismissed.

(f) The average price at which these fertilisers were purchased by the Ministry of Industry and Supply for the Ministry of Agriculture was about £23-24 per ton C and F Indian Ports. The present price is also about the same.

Shri Sidhva: With regard to part (a) of the answer where the hon. Minister stated that a statement is laid on the Table. I would submit, Sir, that I have read the statement which is a very important one—it is about the dismissal of a certain officer. Would it not be to the benefit of the House if it could be read?

Shri Sondhi: It is a small statement Sir. But it refers to a question where over one crore has been wasted.

Mr. Speaker: Order, order. What is the length of the statement.

Shri Sidhva: Only one page. And it is a very important one.

Mr. Speaker: All right. He may read it.

Shri K. M. Munshi: A report from a reliable source was received in June 1950 indicating that Shri C.S.D. Swamy, Director of Fertilisers in the Ministry was guilty of corrupt practices. In addition to the bribe which he himself had to pay, this source quoted other instances in which bribes had been received by Shri Swamy. The matter was further inquired into and another person connected with fertiliser work gave information corroborating some of the allegations against Shri Swamy. The Special Police Establishment of the Ministry of Home Affairs were then asked to conduct further inquiries. Inquiries were accordingly made and the possibility of a criminal prosecution was examined in consultation with the Inspector-General of Special Establishment. It was, however, decided that since there was a distinct possibility of witnesses resiling from giving evidence in a court of law, it was preferable to take departmental proceedings, and the hon. Minister for Agriculture accordingly appointed a Departmental Inquiry Committee consisting of the Secretaries of the Ministries of Food and Agriculture and a Joint Secretary of the Agriculture Ministry. The Committee handed over to Shri Swamy the statement of allegations against him and asked him whether he pleaded guilty or not. Shri Swamy's attitude throughout the inquiry was to avoid entering a positive plea. He stated that he did not want the Departmental Inquiry to proceed further and that he was prepared to accept whatever departmental punishment was ordered against him. The Committee then recommended that Shri Swamy be dismissed from service and with the concurrence of the U.P.S.C. the hon. Minister for Food and Agriculture passed an order of dismissal against him.

An inquiry was at the same time ordered into the indenting for purchase and import of fertilisers and their storage for the period July '49 to December 1950. Shri K. R. K. Menon, Secretary of the Ministry of Finance was entrusted with the enquiry. Shri Menon's report makes the following points:

(a) That there was over-indenting of Sulphate of Ammonia between July 1949 and December 1950.

(b) That this indenting took place without the approval of the Ministry of Finance.

(c) As required by the rules, proper indents bearing a certificate that

the approval of the Finance Ministry had been obtained were not placed on the buying Ministry of Industry and Supply.

(d) This over-indenting resulted in a loss (1) to the consumer inasmuch as purchases were made at a time when prices were high and inasmuch as avoidable expenditure was incurred on storage, rebagging, etc., (2) of foreign exchange, most of which was hard currency.

Shri Menon also drew attention to the fact—and this was confirmed by a further inquiry which was ordered into the Ministry's storage and distribution arrangements at Bombay—that the agents entrusted with this work had sold about 1300 tons of fertilizers and had collected Rs. 4.41,000 without crediting this amount into a Government treasury for nearly 6 months. It was also found that the contract for this work had remained unsigned for nearly a year.

Steps have been taken to rectify this omission and the money due from the agents has been recovered from them.

As regards the Finance Secretary's report the Ministry agree that indents were not placed with proper financial concurrence and that the rules regarding the placing of indents were not followed. Quantities indented for exceeded the demands placed with the Centre and purchase therefore came about at a time when prices were higher than they would have been if the purchase had been deferred.

On enquiries made from Shri R. K. Patil, the then Food Production Commissioner, it is learnt that the excess quantity was indented for in anticipation of demands being made by the States in the following six months, i.e., July, to December 1950.

The Officer who was mainly responsible for these errors, Shri Swamy, has already been dismissed from service. The displeasure of Government is being communicated to the Joint Secretary in charge of this section for his failure to ensure that the appropriate financial sanctions were obtained, and strict instructions have been issued that the regular procedure is adopted in future.

Shri Sidhva: May I know whether any definite charges were made against the various officers? What is the reason for Government merely communicating its displeasure to the

Joint Secretary? Was there no direct evidence for prosecuting him or taking Departmental action against him?

Shri K. M. Munshi: So far as the Joint Secretary is concerned, the only thing was his omission to get the concurrence of the Finance Ministry. Therefore, with the concurrence of the hon. the Finance Minister I have come to this decision that displeasure of Government be conveyed to him.

Shri Tyagi: This is quite enough to dismiss him.

Shri Sidhva: In view of the seriousness of the mistake, may I know whether Government would reconsider their decision and dismiss this officer?

Shri K. M. Munshi: The decision that Government has come to is what I have read out, but in the light of what the hon. Member says we may reconsider the decision.

Shri Sidhva: About the contractor who had kept Rs. 4 lakhs without being credited to the Treasury for six months, the statement merely says that the amount has been recovered. I want to know what steps have been taken against the contractor.

Shri K. M. Munshi: It was orally alleged that in terms of the agreement he was entitled to sell the fertilizers provided by Government. So, there was no way of doing anything against him except recovering the amount.

Shri Sidhva: But who was responsible for allowing this amount to be kept by the contractor without being credited to the Treasury and was any action taken against the officer concerned?

Shri K. M. Munshi: I do not know personally whether any action was taken, but it was all handled by Mr. Swami.

Shri Sidhva: May I know whether Mr. Swami was alone directly responsible for this or were there other officers also? Have Government taken note of this?

Shri K. M. Munshi: I have to enquire. I cannot say at the present moment.

Shri Sondhi: In view of the fact that over-indenting was done, how is it that the amount was paid for the over-indentured fertilizers? As you know, the system is that unless a certain amount is passed and sanctioned by the Finance Department, no payment can be made. How was the payment made in this case, and who was responsible for this over-payment?

Shri K. M. Munshi: Mr. Menon's report is silent on that point. I will ascertain.

Several Hon. Members rose—

Mr. Speaker: I shall allow more questions, but Members should put them one by one.

Dr. Deshmukh: Out of the amount that was spent on the purchase of these fertilizers, namely, Rs. 18 crores, has Government borne any loss on the supply of these fertilizers to cultivators, and if so, how much is the loss?

Shri K. M. Munshi: Government has not suffered any loss. On the contrary, there is a small margin left which is given back to the States for giving rebate to the consumers.

Shri Sidhva: What is the loss sustained by cultivators?

Mr. Speaker: Let there be no argument.

Shri Tyagi: According to the rules, is it not necessary that when the Industries Ministry wishes to make any purchases, it should obtain a certificate that the purchase can be made and if so, was such a certificate obtained in this case from the Finance Ministry?

Shri K. M. Munshi: No certificate was obtained.

Shri Tyagi: May I know if Mr. Swami has now been engaged by the I.C.I. on a very high pay after dismissal from here?

Shri K. M. Munshi: I do not know anything about that.

Shri Raj Bahadur: Arising from the reply given by the hon. Minister about the withholding of the prosecution, may I know how many witnesses about whom it was feared that they would renege from their statements were officials?

Shri K. M. Munshi: There were only two. They were not officials.

Shri Deshbanshu Gupta: May I know the estimated loss which the country has suffered on account of this over-indenting and high prices?

Shri K. M. Munshi: When the report was made, the estimated loss was over Rs. 1 crore, but on account of world conditions, the prices have risen today!

Prof Raaga: Was it not the duty of the Finance Ministry to ascertain whether its sanction had been obtained or not before the money was paid out, and would Government consider the advisability of getting this matter enquired into by someone who is not connected with the Finance Ministry?

Shri K. M. Munshi: So far as this suggestion is concerned, I did not apply my mind to it. All that I did was to get Mr. K. R. K. Menon to enquire into this matter through my hon. colleague the Finance Minister.

Shri Raj Bahadur: Out of the non-official witnesses, may I know whether any of them were such as used to obtain contracts from this Department, and if so, have they been debarred from getting such contracts in future?

Shri K. M. Munshi: So far as the witnesses are concerned there is one man who complained. I do not think he has any connection with the Department. So far as the other one is concerned, he was not a contractor.

Shri Raj Bahadur: Were any steps taken to record their statements under section 164 Cr. p. c.

Mr. Speaker: Now, we are going in to much more detail. Members merely wanted to know about the transaction and I permitted questions. If they want to do more, the matter can be a subject for discussion during Budget time.

Shri A. C. Guha: May I know what has been done about the contractor who kept Rs. 4 lakhs? Is he even now getting contracts for these fertilizers?

Shri K. M. Munshi: The money has been recovered and his contract has terminated by flux of time and it is not renewed.

Shri Sidhva: Was he blacklisted?

Mr. Speaker: No interruptions.

Shri Syyamandan Sahaya: Did Government seriously believe that such a big fraud could have been perpetrated by the efforts of one man alone and there was no clique or group behind him who assisted him in doing that?

Shri K. M. Munshi: One can only go on the evidence recorded; one cannot imagine things.

Mr. Speaker: I think we shall go to the next Question.

Shri Tyagi: What about the rest of the gang?

PURCHASE OF FOOD GRAINS FROM ABROAD

*1232. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Ambassador in U.S.A. has been successful in having a grain deal with the U.S.A. for the ensuing year;

(b) if so, what is the quantity of grain that has been entered into in the deal and at what price;

(c) within what period the shipments will be made;

(d) whether Malaya has agreed to sell rice to India and if so, what quantity and at what price;

(e) whether a Republican Representative in New York has given notice of a resolution in the Senate favouring U.S. assistance to India to meet the demand for food which is scarce in India and if so, the result of that resolution; and

(f) whether there has been any condition attached to it in the deal for the purchase of cereals from U.S.A.?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The matter is still under negotiation,

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

(d) No. Malaya is an importer of rice.

(e) Government have no knowledge of it.

(f) Does not arise.

Shri Sidhva: In view of the fact that the matter is still under negotiation, I would like to reserve my questions.

Shri Brajeshwar Prasad: Arising out of (f), may I know whether the Government of America are prepared to give cereals to us on the condition that the work of distribution shall be done through American agency?

Shri K. M. Munshi: As I have already said, the matter is under negotiation and there is no such condition annexed, so far as I know at present.

Dr. Ram Subhag Singh: Is it a fact that there was a fair chance of the American Congress passing a Bill in 1950 to provide for selling to India one million tons of foodgrains at half the market price, and with the facility of the amount being paid within ten or fifteen years but that the Government of India decided not to seek such aid at the instance of our Washington Embassy?

Shri K. M. Munshi: That question does not seem to arise nor is it in the public interest to answer it.

Shri B. K. P. Sinha: Is it a fact, Sir, that Russia is prepared to supply us foodgrains and that we are deliberately refusing to accept it?

Shri K. M. Munshi: So far as I know, there has been no offer from Russia.

FOOD GRAINS FROM ABROAD

*1233. Dr. Ram Subhag Singh: Will the Minister of Food and Agriculture be pleased to state whether it is a fact that the arrival of food grains from abroad is being delayed because of shipping difficulties as well as the non-availability of required space on ships at fair rates?

The Minister of Food and Agriculture (Shri K. M. Munshi): Yes.

Dr. Ram Subhag Singh: May I know whether all the ships of Indian Shipping companies are engaged for importing foodgrains?

Shri K. M. Munshi: So far as the Indian shipping companies are concerned, they have got very few ships which can go across oceans and with what they have they are carrying on their own trade. We have, therefore, to get these ships from the world markets.

Dr. Ram Subhag Singh: May I know the quantity of foodgrains which are scheduled to be imported into the country by March this year?

Shri K. M. Munshi: I think about 12 lakhs.

Dr. Ram Subhag Singh: May I know whether these food imports will enable Government to restore the recently announced 25 per cent. cut in ration?

Shri K. M. Munshi: As the hon. Member knows, I am going to make a statement and I think he may reserve his curiosity till then.

Shri T. N. Singh: May I know, Sir, to what extent freight rates have gone up, as compared with normal freight rates?

Shri K. M. Munshi: They have gone up—it depends upon the country from which the ship is to come.

Shri T. N. Singh: Say America.

Shri K. M. Munshi: From U.S.A. it has gone up by 57 per cent.; from Australia 95 per cent. and from Argentine 141 per cent.

Shri T. N. Singh: Have these rates gone up only in the case of foodgrains; or generally?

Shri K. M. Munshi: Freight rates of all commodities.

Prof. Raaga: Are any steps being taken at high level to negotiate for the allotment of larger shipping space for the transport of foodgrains to India not only with America but also with

Canada, England and especially with the Scandinavian countries?

Shri K. M. Munshi: Yes.

Shri Hussain Imam: Has the Government of India taken any steps for the purchase of foreign tonnage by the Indian companies which they have been anxious to buy and in which they have received no help from the Government?

Shri K. M. Munshi: No decision has been taken.

Shri Gautam: Have these rates gone up only in the case of India or in the case of other countries also?

Shri K. M. Munshi: All over—as a result of world conditions.

Shri T. N. Singh: Has any approach been made by the Government to shipping companies to reduce their freight, especially in the case of foodgrains?

Shri K. M. Munshi: As a matter of fact negotiations have been going on, but the foreign shipping companies are not likely to give any concession.

Shri T. N. Singh: What rates do our Indian shipping companies charge for such consignments?

Shri K. M. Munshi: As I have already said there are very few ships of Indian companies which are capable of going to foreign countries and bringing back foodgrains.

सेठ गोविन्द दास : क्या जास्ट्रेकिया की सरकार ने हिन्दुस्तान की सरकार को यह लिखा है कि उनकी कई जहाज जो पहले यात्रियों के काम में जाती थीं, अब कारगो के काम में जा सकती हैं, और यह उनको इंडियन सिफिंग कम्पनीज को बेचने के लिए तैयार हैं?

[Seth Govind Das: Have the Government of Australia informed the Government of India that several of their ships, which used to carry passengers, can now be utilised for carrying cargo, and they are willing to sell them to the Indian Shipping Companies?]

Shri K. M. Munshi: I should like to have notice of that.

Shri Hussain Imam: Is it a fact that Indian shipping companies are bound by 'Conference rules' not to reduce rates?

Shri K. M. Munshi: I am not aware of it: I should like to have notice of that question.

PROCUREMENT AND SALE PRICES OF FOOD GRAINS (AJMER)

*1234. **Pandit M. B. Bhargava:** Will the Minister of Food and Agriculture be pleased to state:

(a) what were the procurement prices of the different varieties of food grains fixed in the State of Ajmer during the years 1948, 1949 and 1950;

(b) what were the sale prices on the average at which wheat, barley, maize, jowar and bajra were sold at the ration shops in the State of Ajmer during the years 1948, 1949 and 1950;

(c) what were the prices at which these food grains were sold by Government in the State of Ajmer to the rural area under the informal system of rationing; and

(d) what was the extent of disparity between similar grains sold at ration shops and those sold in such areas mentioned in part (c) and the reasons for this disparity?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement is laid on the Table of the House giving the necessary information. [See Appendix X, annexure No. 23.]

(b) A statement is laid on the Table of the House. [See Appendix X, annexure No. 24.]

(c) The prices given in the statement laid on the Table of the House in reply to part (b) of the question were applicable to the supplies made to the rural areas under the informal system of rationing.

(d) There was no disparity in rates in so far as ex-godown prices were concerned, but as the distribution in the rural areas involved additional handling, transport, and other incidental charges, the dealers were authorised to effect recovery of these charges at rates varying from 2½ ch. to 5 ch. per rupee depending on the distance between the Government godowns and the distribution centres.

ALLOTMENT OF FOOD GRAINS TO AJMER

*1235. **Pandit M. B. Bhargava:** Will the Minister of Food and Agriculture be pleased to state:

(a) what was the quota of food grains allotted to the State of Ajmer during the years 1948, 1949 and 1950, and what is the quota fixed for the year 1951;

(b) what was the quantity of the various food grains procured in the State of Ajmer during these years,

and what was the estimated and actual produce of food grains in the State of Ajmer during these years;

(c) what is the estimated quantity of various kinds of food grains to be procured during the year 1951 and on what basis such estimate is arrived at;

(d) whether the procurement was on voluntary or compulsory basis; and

(e) whether there exist any restrictions on inter-sub-divisional movement of food grains in the State of Ajmer, and if so, the reasons for such restrictions?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The quotas allotted to Ajmer for 1948, 1949 and 1950 were as follows:

1948	...	23,000 tons
1949	...	38,000 tons
1950	...	37,000 tons

For 1951 a quota of 25,000 tons has been fixed.

(b) The total production and procurement of cereals in Ajmer during these years were:

	Estimated production	(In tons) Actual Procurement
1948	— 48,000	Negligible
1949	-- 29,000	Less than thousand tons
1950	-- 34,000	2,000

(c) There will hardly be any procurement in 1951.

(d) The procurement in the past was on voluntary basis.

(e) Movement of all foodgrains is banned only from the Sub-Divisions of Kekri and the statutory rationing areas viz. the city of Ajmer and the towns of Beawar and Nasirabad. Movement from Kekri Sub-Division, which is the only surplus area in the State has been banned to check smuggling as it adjoins Rajasthan. Any movement therefrom to other Sub-Divisions in the State also has to pass through Rajasthan and is allowed under permit. Restriction on movement from statutory rationed areas is the normal restriction imposed in all such areas to enforce rationing. Import of foodgrains into these areas is allowed only under a permit against surrender of ration cards by the party concerned.

Pandit M. B. Bhargava: May I know whether the main cause for the low procurement is the very low procurement price fixed by Government?

Shri K. M. Munshi: Procurement prices are fixed on an all-India basis.

at a certain price so as to prevent a rise in the cost of living index.

Pandit M. B. Bhargava: My question was whether the cause for the low procurement is the very low procurement price fixed.

Shri K. M. Munshi: Well, opinions differ on that question.

Pandit M. B. Bhargava: May I know whether the cost of production of *Jowar* per acre in Ajmer is comparatively much higher than in the other Provinces?

Shri K. M. Munshi: I do not think so.

Shri Gautam: Is the Government aware that the cost of production is higher than the procurement price in some areas?

Shri K. M. Munshi: Well, that is not so. That is the information.

Dr. Ram Subhag Singh: In view of the fact that in all the States the procurement price is about half the market price, may I know whether the Government of India would increase the procurement price?

Shri K. M. Munshi: You mean, not the market price, but the black-market price?

Dr. Ram Subhag Singh: No, no. The market price. Everywhere it is the market price.

Shri K. M. Munshi: There is no doubt that on account of the scarcity of foodgrains in the country the black-market prices are very much higher than the procurement prices. But the procurement prices have to be maintained in order to maintain the economy of the country—to keep down prices and to see that various other factors such as inflationary factors do not come into operation.

Prof. Ranga: So that the Grow More Food Campaign can fail!

Pandit M. B. Bhargava: May I know whether it is a fact that the procurement prices fixed by Government are much lower than the control prices at which the commodities are sold at the ration shops?

Shri K. M. Munshi: That is not correct. Only the extra expenses incurred in distribution are added.

Shri M. L. Gupta: The hon. Minister stated with reference to part (b) that the figures of production for 1948, 1949 and 1950 are 48,000 tons, 29,000 tons and 24,000 tons respectively. Can the hon. Minister give the reasons for

the fall in production except the un-economic prices we are paying?

Shri K. M. Munshi: Well, I would like to have notice of the question.

Shri Jhunjhunwala: What is the selling price and the procurement price in Ajmer, may I know?

Shri K. M. Munshi: I would like to have notice of that question also.

Pandit M. B. Bhargava: May I know whether at the time of fixing the quota the famine-stricken condition of Ajmer was taken into consideration?

Shri K. M. Munshi: Oh yes, certainly.

POST AND TELEGRAPH OFFICES

*1236. **Pandit M. B. Bhargava:** Will the Minister of Communications be pleased to lay on the Table a statement showing:

(a) the number of Post and Telegraph offices existing in the territory of the Indian Union on 31st December, 1949;

(b) the number of Post and Telegraph offices existing in the various Part B States under the respective States control and management and those under the control and supervision of the Government of India in the year 1949-50;

(c) the number of Post and Telegraph offices taken over by the Government of India from the respective States;

(d) the number of additional Post and Telegraph offices started separately in the urban and rural areas of the Indian Union in the years 1949-50 and 1950-51 (upto end of December 1950);

(e) the number of villages in the State of Ajmer with a population of 2,000 and over, and in how many villages Post Offices existed prior to March, 1949; and

(f) how many additional village Post Offices were started in the State of Ajmer since then?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) to (f). A statement showing the information asked for is laid on the Table of the House. [See Appendix X, annexure No. 25.]

सेठ गोविन्द दास : जहाँ तक (डी) का सम्बन्ध है मैं यह जानना चाहता हूँ कि जितने पोस्ट आफिस इस साल गवर्नमेंट ने बजट के वक्त नये खोलने के लिये तय किया था उतने खुल चुके हैं या नहीं ?

[Seth Govind Das: So far as (d) is concerned, I want to know whether those post offices, which the Government had proposed to open at the time

of the Budget Session have been opened or not?]

श्री खुरशेद लाल : पिछले सेशन में मैंने बताया था कि हमारा इरादा ४८०० नये डाकघराने खोलने का था, लेकिन बाद में रुपया कम हो जाने से ३००० के करीब खुल सके हैं।

[**Shri Khurshed Lal:** In the last session it was stated that we had proposed to open 4,800 new post offices, but due to lack of funds only 3000 could be opened.]

Shri Rathnaswamy: What is the principle governing the policy of the Government in opening post offices particularly in the rural areas?

Shri Khurshed Lal: That, Sir, has been explained times without number.

Pandit M. B. Bhargava: May I know whether the new post offices that have been opened have been opened in all the Provinces on some basis or whether only particular Provinces have been selected?

Shri Khurshed Lal: That also I explained long ago. This year the policy was to give a post office to every village having a population of 2,000. That would have entailed the opening of 4,800 post offices. The programme had to be stopped about November. Till then whatever post offices had been opened by the various P.M.Gs. came to 3,000.

JUTE PRODUCTION

*1237. **Shri Barman:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of jute required by the mills in India in 1951 as envisaged at present;

(b) the quantity produced in 1950;

(c) the quantity of estimated yield in 1951; and

(d) the acreage to be diverted in 1951, if any, from food crop to jute cultivation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 60 lakh bales, including jute substitutes.

(b) 32.3 lakh bales exclusive of jute substitutes.

(c) The target for 1951 is 45.6 lakh bales.

(d) About 5 lakh acres.

Shri Barman: When there is a great deficiency as regards the target of jute production in 1951 and as regards the target of production in the mills, how do the Government propose to fill up the deficiency?

Shri K. M. Munshi: It is proposed to divert an area of 5 lakh acres from foodgrains to jute during 1951-52.

Shri Barman: Have Government taken any steps to increase the production of jute by intensive cultivation methods and by the application of chemical manure?

Shri K. M. Munshi: It has been so done.

Shri Barman: Are there any statistics available for last year as to the area of land that has been operated with this intensive cultivation method and if so what is the extra production of jute out of it?

Shri K. M. Munshi: I would like to have notice of the question.

Shri A. C. Guha: How much of the jute produced this year has yet come to the mills?

Shri K. M. Munshi: I cannot say that without notice.

Shri A. C. Guha: How is the Government proposing to fill up the gap between this year's requirement and the actual production?

Mr. Speaker: I think that has been replied to.

Shri K. M. Munshi: Attempts are being made to secure as much jute as we can.

Shri B. R. Bhagat: May I know the quantity of loss of foodgrains as a result of diversion of land to jute cultivation?

Shri K. M. Munshi: I have given it more than once in the House and I have just mentioned it in the course of my reply a few minutes ago.

Shri M. L. Gupta: Can the hon. Minister inform the House whether, in diverting land for jute cultivation, the area giving the highest yield in jute is taken into consideration?

Shri K. M. Munshi: Only the most suitable lands are taken for jute cultivation.

Shri Himatsingka: I couldn't hear the answer given to part (b). May I ask him to repeat it?

Shri K. M. Munshi: I said 32.3 lakh bales, exclusive of jute substitutes.

Shri Himatsingka: Does the hon. Minister know that even including substitutes the actuals will fall far below 30?

Shri K. M. Munshi: These estimates were made at a conference which I held at Calcutta on the 4th of January, 1951, between the Ministers of producing States and their officials. I know that the trade agrees with the figures and disagrees with the figures—it raises it and lowers it from time to time.

Pandit Kumar: With regard to the estimate of jute production for 1951, have steps been taken to increase the production to that extent, or are Government only planning to increase jute production to the quantity stated by the hon. Minister?

Shri K. M. Munshi: So far as 1951-52 is concerned the matter has been decided, as I have submitted in that Conference to earmark certain acreage of land for that purpose. Steps are being taken to see that the target is fulfilled, but as the hon. Member knows in all agricultural matters, it depends on some other factors for success.

BAGDOGRA AERODROME

*1238. **Shri Barman:** Will the Minister of Communications be pleased to state:

(a) the amount sanctioned in 1950-51 for construction of the 'Bagdogra' Aerodrome and attached installations;

(b) what is the amount spent so far;

(c) when the runway is to be constructed; and

(d) whether there is any proposal to shift the site to Jalpaiguri District?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) An amount of Rs. 1,24,100 has been sanctioned for the development of the Bagdogra aerodrome during the current financial year.

(b) A total amount about 4.5 lakhs has been spent on the development of this aerodrome since it was taken over by the Civil Aviation Department in February 1948. This includes about Rs. 80,000 expended up to December 15, 1950, out of the expenditure sanctioned for 1950-51.

(c) A temporary P.S.P. runway is already available at the aerodrome. The construction of a permanent runway will be taken up during the next financial year and is expected to be completed by the end of 1952-53.

(d) Government do not propose to abandon Bagdogra aerodrome in favour of Jalpaiguri.

Shri Barman: Have the Ministry got representations from the Indian Tea Planters Association and the general public of Jalpaiguri saying that there is a great need of an aerodrome in that District?

Shri Khurshed Lal: That is so, including a representation from the hon. Member himself.

Shri Barman: Is the Government still prepared to give pierced steel-plates if the Provincial Government propose to build a temporary aerodrome at Jalpaiguri?

The Minister of Communications (Shri Kidwai): Whatever the Provincial Governments demand, we try to comply with.

Shri A. C. Gaha: How many aerodromes are there in West Bengal which have not a concrete runway?

Shri Khurshed Lal: That is a question which, I am afraid, I cannot answer without notice.

Pandit Munishwar Datt Upadhyay: May I know what other aerodromes are to be opened this year and if any are to be closed?

Mr. Speaker: The question refers only to one.

IMPORT OF WHEAT

*1239. **Shri Balmiki:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantities of wheat imported from different countries into India during 1949-50 and 1950-51; and

(b) what is the difference between the C.I.F. values of wheat imported from different countries?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). Two statements one showing quantitative accounts of imported foodgrains which are maintained by calendar years and the other showing C.I.F. value of wheat imported from different countries for the years 1949 and 1950 are laid on the Table of the House.

STATEMENT I

The Quantitative accounts of Imported foodgrains during the Calendar years 1949 and 1950

(Quantity in thousand tons)

Name of countries	1949	1950
U. S. A.	267	50
Australia	762	762
Argentina	299	482
Canada	296	3
Russia	302	.
Pakistan	1	.
Total	2027	1297

STATEMENT II

The C.I.F. value of wheat imported from different countries during the Calendar years 1949 and 1950

(C & F Price per maund in Rs.)

Name of countries	1949	1950
U. S. A.	14-2-0	14-2-0
Australia	12-5-0	13-0-0
Argentina	14-0-0	13-6-0
Canada	14-2-0	14-2-0
Russia	13-0-0	..
Pakistan	14-13-0	..

श्री बाल्मिकी : क्या माननीय मंत्रीजी यह बताने की कृपा करेंगे कि भारतीय किसान को गेहूँ को क्या कीमत दी जा रही है ?

[Shri Balmiki: Will the hon. Minister be pleased to state as to what price of wheat is being given to the Indian cultivator?]

Shri K. M. Munshi: But this relates to Indian imported foodgrains.

Mr. Speaker: He wants to know the price of wheat given to the Indian cultivator.

Shri K. M. Munshi: In a previous question on procurement, the prices were mentioned.

Shri Dwivedi: May I know if the price of wheat imported from other countries compares favourably as against the wheat procured in this country?

Shri K. M. Munshi: The rates of wheat procured in the country are higher than the rates of imported foodgrains, in wheat particularly.

Shri Rathnaswamy: Is it a fact that negotiations are in progress with Canada for the export of wheat, and if so, for what quantity?

Shri K. M. Munshi: I think we have already negotiated a contract with Canada and another one is being negotiated.

Shri M. L. Gupta: May I know whether the high price of wheat is an impediment in our approaching Russia for importing it?

Mr. Speaker: Order, order.

Shri Jhunjhunwala: Which country has supplied us the cheapest wheat?

Shri K. M. Munshi: In the year 1949 or 1950? In 1949, I think, Australia and in 1950, I think, we have bought under the wheat agreement and the price is the same.

Shri Jhunjhunwala: How does it compare with the Indian produced wheat?

Mr. Speaker: Order, order.

Shri K. M. Munshi: The Indian wheat is very much higher.

SWEEPERS ON RAILWAYS

*1240. Shri Balmiki: Will the Minister of Railways be pleased to state:

(a) the number of sweepers employed in E.I.R., E.P.R., G.I.P., and B.B. & C.I. Railways; and

(b) what steps Government are taking to improve their conditions of service?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) E.I. Railway.—6497.

E.P. Railway.—1654.

G.I.P. Railway.—4279.

B.B.&C.I. Railway.—2622.

(b) The conditions of service of sweepers, who are Class IV staff, have been improved in almost all directions, i.e., in the matter of their pay and allowances, leave, provident fund, special contributions to provident fund/gratuity, etc. as a result of the implementation of the Central Pay Commission's recommendations and the Adjudicator's Award, in so far as they have been accepted by Government.

श्री बाल्मिकी : क्या माननीय मंत्री बताने की कृपा करेंगे कि यह रेल्वे के मेहरार, स्वीपर्स, कहाँ तक प्रोविडेंट फंड, पेंशन्स, पेंशन या इन्स्योरेंस आदि की स्कीम का फायदा उठा रहे हैं ?

[Shri Balmiki: Will the hon. Minister be pleased to state as to how far sweepers serving in the Railway Department are taking advantage of the provident fund, gratuity, pension, insurance and other schemes?]

Shri Santhanam: They are getting the benefits of Provident Fund and gratuity on the same basis as other Class IV staff of the Railways. Permanent employees who were formerly entitled to subscribe to the State Railway Provident Fund on a voluntary basis have now been admitted to the benefit of subscribing compulsorily and temporary employees are also required to subscribe on completion of one year's service.

जी बाल्मीकि : क्या माननीय मंत्री यह बताने की कृपा करेंगे कि रेलवे में अगर कोई स्वीपर पढ़ा लिखा है और क्वालीफाइड है तो उसको तरफकी करने के क्या प्राव-
वेण्ड्स हैं ?

[Shri Balmiki: Will the hon. Minister be pleased to state what are the prospects of promotion for a sweeper in the Railways Department if he is educated and qualified?

Shri Santhanam: Yes, Sir. So far as the sweepers are concerned, there are Jamadar sweepers and other grades and if they are educated they will be entitled to get admission to any other service in the Railways.

Shri East: What steps are being taken to improve the conditions of the sweepers on the O.T.R.?

Shri Santhanam: The sweepers on the O.T.R. get the same pay and allowances as the sweepers elsewhere in the country.

کہاتی جی - ایس - مسافر - مہن
یہ جانتا چاہتا ہوں کہ ایک سوپر
کی زیادہ سے زیادہ کیا تنخواہ ہے ؟

[Giani G. S. Musafir: I want to know the maximum pay of a sweeper.]

Shri Santhanam: The maximum pay of ordinary sweepers is Rs. 35 and the dearness allowance is Rs. 35; they get compensatory allowance and free house or house-rent allowance.

Shri East: Are Government aware that several representations have been made for the past three years by sweepers of the O. T. Railway for granting Provident Fund or pension and yet no action has been taken?

Mr. Speaker: Order, order.

Shri Venkataraman: May I know what is the percentage of the sweepers who have been provided with housing?

Shri Santhanam: They are given either housing or the housing allowance in the particular areas where they are entitled to it. I would require notice as to the actual number of sweepers who have been provided with houses.

Shri Venkataraman: May I know if Government have received representations saying that the percentage of sweepers getting houses is comparatively low compared with other classes of persons getting houses?

Shri Santhanam: It is quite possible that some representations have been made.

Shri Venkataraman: May I know whether the hon. Minister proposes to enquire if there is really such a cause for complaint?

Shri Santhanam: We are trying to provide housing to all employees on the basis of their essentiality and necessity.

WRITTEN ANSWERS TO QUESTIONS

SUGAR

*1241. Shri Jhunjhunwala: (a) Will the Minister of Food and Agriculture be pleased to refer to the answer given to my starred question No. 188 on the 21st November 1950, when it was stated that the total production of sugar of divided India when compared with that of Pakistan was 98.4 per cent. and state what is the total percentage and per capita percentage of consumption of sugar of divided India as compared with that of undivided India?

(b) Is it on the increase or decrease having regard to the populations of undivided India and divided India, in relation to the production of sugar respectively and the percentage of such increase or decrease?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Quantity of sugar consumed in divided India during the triennium ending 1949-50 was 7 per cent. more than that consumed in undivided India in the triennium ending 1946-47. Average per capita consumption of sugar in divided India during the said period was 29 per cent. more than that in undivided India.

(b) Sugar consumption is generally on the increase.

CENTRAL POTATO RESEARCH INSTITUTE

*1242. Shri B. E. Bhagat: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Central Potato Research Institute has been recently set up by the Government of India in Patna;

(b) if so, its purpose and functions; and

(c) whether it has started its work?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes. The Institute was started in September, 1949.

(b) The purpose of the Institute is to conduct research in respect of potatoes and coordinate the research work in progress at different centres.

Its functions include—

- (i) the breeding of suitable high-yielding varieties for the various potato growing tracts in the country;
- (ii) the determination of the optimum standards of potato cultivation in relation to soil and climate;
- (iii) the survey, investigation, and control of the major diseases and pests, which take a heavy toll of the yield;
- (iv) the elimination of heavy losses that occur in normal storage; and
- (v) the building up of a seed certification organisation for the multiplication and distribution of disease-free, pure seed.

(c) Yes.

ALLOTMENT OF FOOD GRAINS

*1243. **Shri B. R. Bhagat:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quota of food grains allotted to various States for the year 1951; and

(b) what is the basis for fixing the amount of the allotment?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement is laid on the Table of the House. [See Appendix X, annexure No. 26.]

(b) The relative need of each State.

FOOD PRODUCTION AND PROCUREMENT

*1244. **Shri B. R. Bhagat:** Will the Minister of Food and Agriculture be pleased to state:

(a) the steps proposed to be taken this year for increasing the internal food production and procurement as decided in the Food Ministers' Conference held in Bombay in December, 1950; and

(b) the steps for distribution of food grains in rural areas in deficit States?

The Minister of Food and Agriculture (Shri K. M. Munshi). (a) The steps to be taken in 1951 for increasing internal food production are:

- (1) Concentration of 'Grow More Food' activities in those areas where water supply is assured and other conditions will enable maximum results at minimum cost.

(2) Acceleration and intensification of the execution of irrigation schemes, land development schemes, etc. and

(3) Concentrated distribution of chemical fertilizers.

A statement showing the system of procurement adopted by each State is laid on the Table of the House. [See Appendix X, annexure No. 27.]

(b) Among deficit States, in Travancore-Cochin, Mysore and Bombay, the rural areas are also rationed, and in Madras the heavily deficit districts of Malabar and Nilgiris are rationed. In other areas where the rural population is not rationed Fair Price Shops are being opened and grain will be issued from these shops against cards.

ABOLITION OF RURAL RATIONING

*1245. **Shri R. Velayudhan:** (a) Will the Minister of Food and Agriculture be pleased to state the names of the States where rural rationing has been abolished?

(b) Was the Government of India consulted before the States did so?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Madras and Rajasthan.

(b) Yes.

COFFEE-HUSKS FOR CATTLE FOOD

*1246. **Shri Kshudiram Mahata:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any investigation was carried out at the Indian Veterinary Research Institute, Izatnagar to utilise coffee-husks as cattle-food; and

(b) if so, what are the results of such investigation?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) Investigations carried out show that coffee-husk is fairly rich in crude protein. The amounts of calcium and phosphorus are also normal for roughage. The chief difficulty, however, in utilising this cattle feed on a large scale lies in its lack of palatability. Experiments are in progress at the Indian Veterinary Research Institute to improve its palatability.

GRANT OF Taccavi

*1247. **Shri Dwivedi:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of applications received so far for grant of taccavi for

purchase of tractors in Vindhya Pradesh; and

(b) how many of the applicants got the taccavi applied for?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) 72 applications have so far been received for the grant of taccavi for the purchase of tractors.

(b) No taccavi has so far been sanctioned, as the type of tractor considered suitable by the Ministry's adviser in this matter has been found to be too expensive for the applicants and the question of finding a cheaper type of tractor which will be suitable is under examination.

LOCAL DELIVERY OF MAIL

*1248. Shri Dwivedi: (a) Will the Minister of Communications be pleased to state whether it is a fact that cost of paper is not charged for in the case of local delivery post cards, whereas, in the case of envelopes of the same category, it is charged for?

(b) If so, why?

(c) Why has the facility of decreased postal rate for local delivery not been extended in the case of Book post packets and printed matter meant for local delivery?

The Deputy Minister of Communications (Shri Kharshed Lal): (a) Yes.

(b) A stationery charge for blank envelopes and blank postcards was levied when the concessional rates of postage for local delivery were introduced with effect from 1st April, 1950. When imprinted postcards and embossed envelopes became available for sale in Post Offices, it was decided to continue this charge for envelopes in order to recover the actual cost of manufacture of embossed envelopes. For postcards this charge was abolished in the interest of the poorer people and also because postcards, unlike envelopes, are not easily available in the market; indeed, in villages and smaller towns they are not available at all.

(c) The matter is under consideration.

MERGER OF BARODA WITH BOMBAY

*1249. Shri Raj Kanwar: Will the Minister of States be pleased to place on the Table of the House a copy of the correspondence recently exchanged between the ex-Ruler of Baroda and the Government of India on the subject of merger of the former State of Baroda with the Bombay State?

The Minister of States, Transport and Railways (Shri Gopaldaswami): A copy of His Highness' letter to the President and the Government of India's reply thereto is laid on the Table of the House. [See Appendix X, annexure No. 28.]

RAIL LINK BETWEEN FEROEZPORA AND AMRITSAR

*1250. Giani G. S. Musafir: Will the Minister of Railways be pleased to state what stage the scheme for connecting Ferozepore and Amritsar by direct rail on the E.P.R. has reached?

The Minister of States, Transport and Railways (Shri Gopaldaswami): After careful consideration, the Government of India have come to the conclusion that a direct rail link between Ferozepore and Amritsar is not necessary at present.

RAILWAY APPOINTMENTS FOR SCHEDULED CASTES

*1251. Shri Chandrika Ram: (a) Will the Minister of Railways be pleased to state whether it is a fact that on the Railways no percentages are fixed for the Scheduled Castes in making appointments specially in the lower grade staff?

(b) Have government issued any directions in the matter?

The Minister of State for Transport and Railways (Shri Sathyanam): (a) No, it is not a fact. The general scheme of reservation of the Government of India obtains in Railways also.

(b) Yes. Directions have been issued in accordance with such scheme.

DE-CONTROL OF SUGAR

*1252. Shri Ramraj Jajwari: (a) Will the Minister of Food and Agriculture be pleased to state what are the effects of the recent partial de-control of sugar?

(b) What is the prevailing ex-mill price of the de-controlled sugar?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) As a result of partial de-control, Sugar prices, which ranged in the black market round about Rs. 70 per maund, fell to about Rs. 50 per maund. Permission to sell in the free market has also provided the required incentive to sugar factories to increase their production, and several factories are now paying appreciably higher cane prices with a view to drawing larger supplies in the hope of selling their excess production in the free market. Since,

however, no factory has so far completed production of its basic quota and qualified for selling its excess production in the open market, the stage has not been reached when the after effects of the policy of partial decontrol can be fully assessed.

(b) Question does not arise in view of (a) above.

OILSEEDS (PRODUCTION AND EXPORT)

*1253. **Shri Ramraj Jajware:** (a) Will the Minister of Food and Agriculture be pleased to state what are the quantities of India's total production and export of oilseeds?

(b) Is it a fact that the internal prices of oilseeds are shooting up due to heavy export?

(c) Are Government taking any steps to regulate the internal prices?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Two statements giving the required information for the three years ending 1949-50 are placed on the Table of the House. [See Appendix X, annexure No. 29.]

(b) Prices of oilseeds have generally been rising during the last few months. The rise in prices is attributable to such causes as the uneasy international situation which has increased the demand for exports, rise in internal demand, speculative activity and in the case of groundnuts to a short crop due to failure of late rains.

(c) Government have suspended the registration of overseas sales for groundnut oil and hand-picked selected groundnut for an indefinite period. The control over the prices of Vanaspathi also operates as an indirect control over oilseed prices.

SUGAR ENQUIRY COMMITTEE

*1254. **Dr. Deshmukh:** (a) Will the Minister of Food and Agriculture be pleased to lay on the table of the House a copy of the findings of the Sugar Enquiry Committee?

(b) What steps do Government propose to take as a result of these findings?

(c) If the enquiry is not yet completed, when would it be completed?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) to (c). The report of the Sugar Enquiry Committee has been received and is at present being examined by Government. A copy of the report together with a copy of Government's resolution thereon will be laid on the Table of the House shortly.

220 P.M.

SUGAR MILLS

*1255. **Dr. Deshmukh:** (a) Will the Minister of Food and Agriculture be pleased to state the number of sugar mills established in India since 1945?

(b) What is the capacity and the location of each of the sugar mills and what is the capital invested in each?

(c) Are there any proposals for the establishment of new sugar mills?

(d) If so, at what places, of what capacity and by what year are they expected to start working?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Nine.

(b) A statement is laid on the Table of the House. [See Appendix X, annexure No. 30.]

(c) Yes.

(d) A statement is placed on the Table of the House showing the number of new factories with their location and capacity as approved by the State Governments for erection. [See Appendix X, annexure No. 31.] It is not possible to say when these factories will come into production as in most cases no progress has been made so far.

FIRE IN CALCUTTA TELEPHONE EXCHANGE BUILDING

*1256. **Dr. M. M. Das:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that there was a fire in the main Telephone Exchange building in Calcutta on the 8th January 1951;

(b) if so, the cause of the fire and results of investigation, if any;

(c) the duration of the fire and the details and value of the damage caused;

(d) the time taken by the Fire Brigade to arrive at the spot; and

(e) whether Government have made any special investigation as to the reasons why the Calcutta Telephones have become so susceptible to fire?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes.

(b) The cause of the fire is still under investigation.

(c) Six minutes. Only some wiring was burnt out. The total loss to the Department including the cost of restoring the communications is about Rs. 1,000.

(d) Twelve minutes.

(e) Investigation is in progress.

COTTON CULTIVATION

*1257. **Shri Ramraj Jajwara:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the total acreage of land under cotton cultivation in India and what is the yield per acre as compared with U.S.A. and Egypt;

(b) whether Government have taken any step to increase the yield per acre in India; and

(c) if so, what are they?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Total acreage in 1949-50 was 1,17,93,000 and yield per acre as compared with U.S.A. and Egypt as under:

India	U.S.A.	Egypt
99 lbs. lint.	284 lbs. lint.	589 lbs. lint.

(b) Yes.

(c) The action taken falls under two heads,—(i) experiments for the evolution of better yielding varieties by selection and by hybridization and for evolving better agricultural practices in regard to the cultivation of cotton, and (ii) the extension of the results of research to the cultivator. The Indian Central Cotton Committee which is the Government of India's main agency for this purpose spent about Rs. 7,70,000 in 1949-50 on various schemes with the above object. A list of these schemes now in operation is laid on the Table of the House. [See Appendix X, annexure No. 32.] In addition to extension work involving the maintenance of pure seed and multiplication and distribution of improved seed done through schemes financed by the Indian Central Cotton Committee, work of a similar nature is done by the field staff of the State Departments of Agriculture.

Ammonium Sulphate has also been distributed in cotton tracts and provision has been made for the improvement of irrigation facilities and for the organisation of plant protection measures.

ASSAM LINK PROJECT

*1258. **Shri J. N. Hazarika:** Will the Minister of Railways be pleased to state:

(a) to what extent the reconstruction of Assam Link Project has proceeded;

(b) what is the total expenditure incurred so far on the Project;

(c) what additional amount is proposed to be spent on the project; and

(d) when is the bridge over the Teesta river expected to be completed?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The reconstruction of the Assam Link has been completed except for the extension of the Teesta Bridge and the strengthening of two other bridges which are in progress.

(b) Approximate gross expenditure to end of December 1950 including the Haldibari-Siliguri conversion from Broad to Metre Gauge is Rs. 811 lakhs.

(c) Rs. 105 lakhs approximately.

(d) By about the end of February 1951.

HIGHWAY FROM KOHIMA TO MUKAKCHANG

*1259. **Shri J. N. Hazarika:** Will the Minister of Transport be pleased to state:

(a) whether a proposal from the Government of Assam has been received for the construction of a highway from Kohima to Mukakchang of Naga Hills in the tribal areas of Assam for the purpose of Defence; and

(b) if so, whether it is under the consideration of Government and when will it be implemented?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The answer is in the negative.

(b) Does not arise.

CUT IN FOOD RATION

*1260. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the attention of Government has been drawn to the action of the Bombay Government reducing the cereal ration per capita in that State by 25 per cent.;

(b) whether Government propose to enforce a similar cut all over India; and

(c) how many ounces of cereals are regarded by health experts as the optimum for the maintenance of health?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Reduction in the ration was made with the approval of the Government of India.

(b) It has already been done.

(c) Authorities on health consider that a balanced diet for an adult Indian may contain as much as 14 ozs. of cereals, but the amount of cereals can be adjusted in relation to the proportion of the other constituents of the diet.

AIR TRANSPORT INQUIRY COMMITTEE

*1261. Shri Kamath: Will the Minister of Communications be pleased to state:

(a) whether Government have considered the recommendations made by the Air Transport Inquiry Committee; and

(b) whether Government propose to move for a discussion of the Report by Parliament during the current Session?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) The recommendations are still under the consideration of Government.

(b) Yes, Sir.

PURCHASE OF STORES AND STOCKS

*1262. Shri Kishorimohan Tripathi: (a) Will the Minister of Communications be pleased to state the value of purchases made on behalf of his Ministry in respect of stores and stocks during the years 1948 and 1949?

(b) What portion of the supply was available from Indian producers or manufacturers?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) and (b). The information is being collected and will be laid on the Table of the House as soon as possible.

AERODROME FOR MANGALORE

*1263. Shri Rathnaswamy: Will the Minister of Communications be pleased to state:

(a) whether it is a fact that an aerodrome for Mangalore is to be constructed and if so, at what cost;

(b) whether a preliminary survey of the site has been completed; and

(c) when is the work of construction likely to be taken up?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes Sir, the cost is estimated to be Rs. 9,82,685.

(b) Yes.

(c) Preliminary work on the project is already in hand and the actual construction work will be started very soon. The project is likely to be completed in 1952-53 but the aerodrome is expected to be available for limited use during 1951-52.

AIR AGREEMENT WITH BRITAIN

*1264. Shri Rathnaswamy: (a) Will the Minister of Communications be

pleased to state whether the Government of India held any talks with Britain recently regarding a long-term air agreement?

(b) If so, what are the terms of the agreement?

(c) Is it a fact that air talks between the two countries held in July 1949 failed and if so, for what reasons?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Yes, Sir.

(b) An agreement has not yet been signed. The recent discussions between the Indian and United Kingdom Delegations resulted in a draft Agreement which the Delegations have submitted to their respective Governments for approval. When such approval has been given by both the Governments and the Agreement is signed, a copy of the Agreement will be placed on the Table of the House. For the present, I place on the Table a copy of the Press Statement which was issued on the conclusion of the talks recently. [See Appendix X, annexure No. 33.]

(c) Yes, Sir; the talks held in 1949 were not successful as agreement could not be reached in regard to the capacity which may be provided on the air services to be operated by the airlines of India and the United Kingdom between the two countries.

BUS TRAIN COLLISION

*1265. Shri Rathnaswamy: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a bus collided with a railway engine on 19th December 1950 at a place near Calcutta;

(b) if so, how many were killed and injured; and

(c) whether there was any loss of property and if so, to what extent?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Yes. No. 54 Down Shantipur Local Passenger ran into a motor bus at a level crossing at Barrackpore station, 14 miles from Sealdah.

(b) 3 persons in the bus were killed and 13, also in the bus, were injured.

(c) The engine of the train suffered minor damages i.e., its cow catcher was slightly bent and the vacuum train pipe in front of it was broken. The bus was severely damaged.

Food Subsidies.

*1265-A. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have discontinued subsidies to the States for the purchase or import of foodgrains;

(b) if so, the names of such States together with the amount of subsidy that has been discontinued in each case, and the date from which the subsidy has been withdrawn;

(c) what effect this action of the Government of India has had upon the price levels of foodgrains in the States; and

(d) whether any protests or representations against the action of the Centre have been received and if so, from which States?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) With the increase in the cost of imported foodgrains and the shipping freight

and with the increase in imports to 3.7 million tons the continuance of the old scheme of subsidising foodgrains would have meant an unbearable burden on the Central finances. It has, therefore, been decided to restrict the Central Government's responsibility for subsidy to imported grain distributed in selected industrial and urban areas. In the rest of the country the imported grain will be sold at cost or with such subsidy as the State Government concerned may decide to give out of its own resources. In spite of this change the Central Government will be spending rupees 21.32 crores in 1951-52 as against Rs. 20.77 crores in 1950-51.

(b) It is not possible to work these figures out until the end of the year.

(c) It is too early to say. The new scheme has not yet been brought into effect all over the country.

(d) The Governments of Bombay, Bihar, West Bengal and Travancore-Cochin have made representations against the new scheme.

Wednesday, 7th February, 1951

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No. 1-20



PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

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THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Wednesday, 7th February, 1951

*The House met at a Quarter to Eleven
of the Clock.*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

PAPERS LAID ON THE TABLE

NOTIFICATIONS AMENDING DELHI MOTOR VEHICLES RULES, 1940, AJMER-MERWARA MOTOR VEHICLES RULES, 1940 AND PUNJAB MOTOR VEHICLES RULES, 1940.

The Minister of States, Transport and Railways (Shri Gopaldaswami): I beg to re-lay on the Table, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939, a copy of each of the following—

1. Notifications issued by the Chief Commissioner, Delhi, amending the Delhi Motor Vehicles Rules, 1940:

(1) No. F.12(54)/48-HPW, dated the 24th March, 1949.

(2) No. F.12(54)/48-HPW, dated the 28th May, 1949.

(3) No. F.12(182)/49-MLT, dated the 19th January, 1950.

(4) No. F.12(187)/49-MLT, dated the 27th February, 1950.

(5) No. F.12(12)/50-MLT, dated the 22nd March, 1950.

(6) No. F.12(185)/49-MLT, dated the 23rd March, 1950.

(7) No. F.12(12)/50-MLT, dated the 3rd June, 1950.

3:01 P. M.

(8) No. F.12(53)/50-MLT, dated the 10/12th June, 1950.

(9) No. F.12(152)/49-MLT(I), dated the 12th June, 1950.

(10) No. F.12(152)/49-MLT(II), dated the 12th June, 1950.

(11) No. F.12(152)/49-MLT(III), dated the 12th June, 1950.

(12) No. F.12(194)/49-MLT, dated the 14/17th June, 1950.

(13) No. F.12(194)/49-MLT, dated the 20th July, 1950.

(14) No. F.12(73)/50-MLT, dated the 21st July, 1950.

(15) No. F.12(72)/50-MLT, dated the 1st August, 1950.

(16) No. F.12(77)/50-MLT, dated the 12th August, 1950.

(17) No. F.12(60)/50-MLT, dated the 23rd August, 1950.

(18) No. F.12(109)/50-MLT, dated the 17th November, 1950.

[Placed in Library. See No. P-123/50].

2. Notification issued by the Chief Commissioner, Ajmer, No. 15/1/48-LSG, dated the 19th July, 1950, amending the Ajmer-Merwara Motor Vehicles Rules, 1940. [Placed in Library. See No. P-124/50].

3. Notification issued by the Chief Commissioner, Himachal Pradesh, No. Tr.96/29/49, dated the 15th September, 1950, amending the Punjab Motor Vehicles Rules, 1940. [Placed in Library. See No. P-125/50].

Shri Kamath (Madhya Pradesh): What is the need to re-lay them?

Shri Gopaldaswami: They were laid on the Table at the last session. But, as the required number of fourteen days was not available, they have got to be re-laid at this session.

AMENDMENT TO INDIAN AIRCRAFT RULES, 1937.

The Deputy Minister of Communications (Shri Khurshed Lal): I beg to lay on the Table a copy of the Ministry of Communications notification No. 1-A/22-50, dated the 7th December, 1950, making certain further amendment to the Indian Aircraft Rules, 1937, in accordance with sub-section (3) of section 5 of the Indian Aircraft Act, 1934. [Placed in Library. See No. P-133/51].

PORT TRUSTS AND PORTS (AMENDMENT) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Shri M. A. Ayyangar (Madras): I beg to present the Report of the Select Committee on the Bill further to amend the Bombay Port Trust Act, 1879, the Calcutta Port Act, 1890, the Madras Port Trust Act, 1905 and the Indian Ports Act, 1908, for certain purposes and to make certain consequential amendments in the Calcutta Port (Pilotage) Act, 1948.

HINDU CODE—contd.

Mr. Speaker: The House will now proceed with the further consideration of the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee. Clause 2 is under discussion.

Shri Gautam (Uttar Pradesh): Before proceeding further, I would request you, Sir, to clarify one point. I understand—I was not present yesterday in the afternoon; therefore I am raising this question—that one of the speakers used some language while discussing this clause which is objected to by some Members. Has the attention of the hon. Speaker been drawn to it? I would request you, Sir, to issue certain instructions so far as these things are concerned so that Members may be within their bounds and may not hurt the feelings of other Members.

Shri M. A. Ayyangar (Madras): May I say, Sir, what happened?

Mr. Speaker: He need not repeat those things.

Shri M. A. Ayyangar: No; I am not going to repeat those statements at all, because that would defeat the very purpose. Yesterday, unfortunately, some remarks, - I think, quite unwittingly, escaped the mouth of one of

the hon. Members who was speaking. No doubt, he always speaks in good humour and nothing is taken exception to. Unfortunately, it descended to something which was not desirable. As soon as it was pointed out to me, as I was in the Chair, I directed that that portion of the statement ought to be expunged from the records. I thought the matter was over. I think all are agreed, and the hon. Member also expressed regret for having made that statement quite unwittingly, that that chapter is closed. It does not form part of the record. I do not think there is any need to bring up the matter again to you for any particular action.

Mr. Speaker: I would only say that I trust that Members will take sufficient note of this and so deliver their speeches and pass remarks that there may be no occasion again to repeat this kind of thing.

Shri Frank Anthony (Madhya Pradesh): A bad example is set by the Treasury Benches.

Mr. Speaker: Let us now proceed further with the Bill.

Shri B. Das (Orissa): Sir, I see the debate on clause 2 has descended to the level of a general debate on the whole Bill. I think today is the last date fixed by you for passing this Hindu Code.....

Several Hon. Members: No no.

Mr. Speaker: Order, order. Does the hon. Member want to put any time-limit?

Several Hon. Members: No, no.

Shri B. Das: I want that on clause 2 there should be a closure.....

Several Hon. Members: No, no.

Mr. Speaker: Order, order. Hon. Members need not say yes or no. Let there be a motion for closure and if it is the general feeling that there has been sufficient discussion, I will accept closure. But, even if I accept it, the matter rests with the House; they may accept or reject the closure motion. As regards the character of the debate, though I do feel that we are going into very general remarks, yet, I myself do not know how the discussion could be restricted, particularly in view of the nature of clause 2. Some communities are sought to be included; some are sought to be excluded. There are amendments on both sides. Therefore, a general survey to justify the inclusion or exclusion of the provisions becomes to some extent at least necessary. That

is why I was feeling difficulty in restricting debate on that point. However, I believe there are no points or explanations to be asked. Let us proceed immediately with the consideration of the Bill.

Shri Syamnandan Sahaya (Bihar): The debate has now gone on for full two days. If the speeches made in this House are any indication of the reception that the Code is going to have in the country, even an optimist and ardent supporter of the Code like the hon. Dr. Ambedkar should have no difficulty in arriving at the correct conclusion.

Shri B. K. P. Sinha (Bihar): May I point out, Sir, that the supporters of the Bill have not spoken so far.

Shri Syamnandan Sahaya: It is no fault of the House, or even of those who do not agree with this Code if the supporters of the Bill do not like to rise and support their cause. How are we to know how many of them in their own hearts support and outwardly do not propose to do so?

Shrimati Renuka Ray (West Bengal): Take the vote and see.

Shri Raj Bahadur (Rajasthan): If I understood correctly, Sir, you are at present calling those hon. Members who have moved amendments.

Mr. Speaker: Anybody, who wishes to support or oppose the Bill is welcome to do so.

Shri Syamnandan Sahaya: Sir, this Bill has been, in various stages, before the country for, if I may say so, quite a long time, and opinions either in favour or against this Bill have been expressed both in the Press and on public platforms and even in this House on many occasions. I have no doubt in my mind that if the opinions are scrutinised very well, they will disclose not merely an opposition to the provisions of the Code.....

Shri Sonavane (Bombay): On a point of order, Sir. We are now dealing with clause 2, relating to "Application of the Code". The discussion should be on the scope of clause 2 and not a general discussion. Is the hon. Member allowed to have a general discussion on the Code as such?

Shri Syamnandan Sahaya: May I, Sir, with your permission, say.....

Mr. Speaker: There is no point of order. I just explained a few minutes ago that when you are discussing the "Application of the Code", when you want to include certain communities or exclude certain communities, it becomes perfectly competent and relevant to show how the various provisions adversely affect or benefit the communities. That is why I said it is very difficult to restrict the whole discussion at this stage to specifically certain portions of the Bill. For example, I believe, yesterday, Sardar Hukam Singh went into the question of marriages, and went into the question of succession. It could not be excluded as irrelevant discussion because it is sought to enact that this Bill should apply to Sikhs also. He is perfectly entitled to show how this Bill adversely affected the Sikhs in the matter of marriages or customs or succession. That is how the points are interconnected. Therefore, it will be better if such points are not raised over and over again.

Shri Sonavane: But, Sir.....

Mr. Speaker: Order, order.

Shri Syamnandan Sahaya: As I was saying, if the opinions so far expressed—they are quite voluminous—and are in the possession of the hon. Law Member himself—are carefully scrutinised, they would not merely disclose the opposition to the various provisions of this Code, but would also disclose an anguish, a feeling of anxiety, and a feeling of great concern, among the Hindu community over this Code. I know and I fully realise the sincerity of purpose of those who want to lead the community on a different channel. This is nothing new in history. Every reformer, perhaps, would not have been a reformer, if he had not thought that what he himself thought of religion was the right thing and that every other thing, as was said here by the Mover, was archaic. Therefore, although I may congratulate the hon. Law Minister for evolving a new religion which it is left to posterity to adopt or not to adopt, so far as present conditions are concerned, I must certainly warn him and Government that it would be a suicidal policy to make it an obligatory legislation.

The Minister of Law (Dr. Ambedkar): We are prepared to commit suicide.

Shri Syamnandan Sahaya: This reform can only be considered either as a social reform or a religious reform. If it is a social reform, I don't see why the hon. the Law Minister

[Shri Syamnandan Sahaya]

entered a caveat yesterday when some hon. Member suggested that it should be made all pervading. In that connection he urged that we ought to have consideration and regard for the sentiments and feelings of non-Hindus in this country. I am really surprised that while he advocated that for the non-Hindus, he does not seem at present to have any regard for the feelings of Hindus in this matter. Speaker after speaker in this House, coming from different parts of the country, belonging to certain different sects or certain sections of the Hindu community, have explained how they feel about the application of the provisions of this Code to them. Therefore, while this reform may, in the opinion of some, be called for, and urgently called for, yet, I do submit that it will not be fair to make it an obligatory legislation. I have, therefore, great pleasure in according my support to the amendment of Shri Jaspal Roy Kapoor who suggests that it should be left open to members of the Hindu community, or for the matter of that, of any other community, to accept this Code and register their will to be governed by it. If on the other hand it is held that it is some type of a religious legislation, then I think Dr. Ambedkar will concede that this is neither the appropriate time nor even proper for a secular State to attempt some kind of a religious legislation. I consider that this reform is of a social nature. And from times of which we have any record, we have known that these social reforms have to be of a permissive nature so that people may be able to adopt them with pleasure. In civilised life, even conversion by force is not permissible, and I am sure Dr. Ambedkar will not make any attempt at forcible conversion to the religion which he propagates now through this Hindu Code.

12 Noon

When the Minister of Law started his speech yesterday—he will pardon my saying so—I think he was a little nervous about his case, because normally he is not apt to go about hitting right and left. He has given this House the very good example of very sound arguments at all times, some of them most difficult, both here and in the Constituent Assembly. But yesterday, he started his speech hitting right and left and calling those who had moved amendments and made speeches in support of them as being absurd and if I remember aright, as being foolish and.....

Pandit M. B. Bhargava (Ajmer):
And devoid of commonsense.

Shri Syamnandan Sahaya: Yes, and devoid of commonsense. Well, though I did not like it, and though it hurt me, still as one who does not agree with him in getting this Hindu Code passed as it is, I felt a little happy that the author of the Bill was so nervous that he was not stable at all.

Shri J. R. Kapoor (Uttar Pradesh):
When the case is poor, abuse the adversary

Mr. Speaker: Order, order.

Shri Syamnandan Sahaya: Now, if we scrutinise the provisions of the law carefully, we will find that there are really some tremendous difficulties which the mere passing of this Code is not likely to solve.

[MR. DEPUTY-SPEAKER in the Chair.]

After all, a social reform has to keep not merely the individual but the whole society in view. And if certain provisions of this Code are given effect to, without any consideration to the particular manner in which society has been running for a long time, it will end in breaking up society as it is today. Therefore, I submit that it is necessary that this Code, if passed at all, should be permissive so that people who would like to be governed by it may do so with their eyes wide open.

Let us also see, what was the original intention of those who decided to have a Hindu Code. I will refer you, Sir, and the House to an important recommendation of the Hindu Law Committee popularly called as the Rau Committee. At page 13 of their report in paragraph 50, they say:

"Most of the provisions in the Code are of a permissive or enabling nature, and impose no sort of compulsion or obligation whatever on the orthodox. Their only effect is to give a growing body of Hindus, men and women, the liberty to live the lives which they wish to lead without in anyway affecting or infringing the similar liberty of those who prefer to adhere to the old ways".

This recommendation, I submit, is very clear and it was made after the Committee had toured round the whole country and ascertained the views of the Hindu community. This recommendation must have been made in all seriousness and I submit there is no reason for us now to depart from this very important decision of the Committee, whose recommendations are the basis of the Code which we are considering today. I do not know

whether the mass of evidence collected by this Committee has been carefully gone into and if it is so done, I have no doubt in my mind that the Government of India will come to a similar decision with regard to the applicability of this measure.

Some friends yesterday made a suggestion about taking a referendum on this very important issue. Here again we find the hon. Law Minister wholly opposed to it and not only that but the climax was reached when he said that the electorate are ignorant and they are people who do not know anything about this matter.....

Shri Bharati (Madras): About the technicalities of the matter.

Shri Syammandan Sahaya: You heard his speech and so did I. The records are here. It is not a question of technicalities at all. Every member of the Hindu community in this country knows fully what he wants so far as his religious and social laws are concerned and there will be no difficulty, in my opinion, in taking a referendum on a question like this. When I recalled that he who was the main architect of the Constitution of India and he who was an ardent advocate of adult franchise should now speak so disparagingly about democratic methods, it was not only a surprise but a shock to me and I thought within myself whether what the hon. Law Minister himself said yesterday about the leopard not changing spots was as true today as when it was said. We cannot forget that wherever or whenever democracy is inaugurated they do not start it with the entire electorate being as educated as one would like them to be. Let us not forget that democracy is its own teacher and the more you consult your electorate the more you give them the chance to express their opinion, the more conscious and the more educated you make them. I therefore submit for the consideration of the Law Minister that there cannot be a more appropriate method of consulting the electorate today than a referendum on the Hindu Code. After all whether the electorate today is politically conscious to that extent or not it certainly will have to be admitted that so far as religious sentiments and feelings and religious laws are concerned they are fully conscious and if you ask any man in the streets of a town or village, he will be able to tell you what is good for him. I therefore submit that even now there is a chance and opportunity and the Law Minister will do well to consult the electorate on a matter like this

An Hon. Member: He is his own electorate!

Shri Syammandan Sahaya: But if he chooses not to do so as it appears, then I will submit to him to make the law a permissive legislation. If he makes the law an obligatory legislation—I do not know for what he will take my warning worth—but let me tell him that he will fail in his attempt as did the Slave Kings of yore—the Lodis, the Tughlaks, the Khiljis, the Sayyids and the Moguls—who attempted in vain to eradicate the old religion and the old religious laws, which he called archaic yesterday. I have no doubt that his attempt at ending what he called archaic laws will fail in the same manner as did the attempts of others similarly placed in authority for thousands of years. There is something more than mere laws in the Hindu system of Social Codes. Its foundations have been much more deeply laid and could not be shaken by legislations passed in such haste without consulting the people affected.

When listening to the speech of the hon. Law Minister I was reminded of a story which for a long time was published by the *Amrita Bazar Patrika* year after year on a particular day. The story was about an old Pandit and Pandits are proverbially poor. His wife pestered him from time to time about finance for running the household. The Pandit was able to fork out a rupee or two now and then to enable the household to be carried on. One fine morning he struck upon something very novel and told his wife, "You need not worry about funds any more. I have found out a device by which I can get a lakh of rupees." The wife asked him what was the device. He said "I have composed a few couplets last night and I shall go to the Raja tomorrow morning and place before him the couplets. I will tell him that if he could find any Pandit in his *Durbar* who will be able to interpret the couplets then I would pay him a lakh of rupees. If, on the other hand, no one can interpret my couplets the Raja would have to pay me a lakh of rupees." The wife laughed and said "You must be a fool. Supposing some one interpreted the couplets, where are you going to get the one lakh from to pay to the Raja?" The Pandit in his turn laughed and said "You ladies have no imagination. You people never had any since creation....."

An Hon. Member: Is it your opinion?

Shri Syammandan Sahaya: Not mine. It is the Pandit's opinion. I cannot speak so disparagingly of women.

[Shri Syamnandan Sahaya]

Continuing the Pandit said "It is very simple." She asked what was it and the Pandit said "I shall accept no interpretation. The Pandits will come and go and I shall accept nobody's interpretation. I will say that is not the interpretation and ultimately the Raja will have to fork out the one lakh of rupees." Even so whatever advice or suggestion or opinion we may express here, if the hon. Law Minister is in the mood of the Pandit what can we do? We have to appeal to him and tell him what is the opinion outside. I have no doubt that he will depend upon us for giving him such information as we are capable of gathering by going round our constituencies.....

Dr. Ambedkar: I have more information than you have.

Shri Syamnandan Sahaya: You may have more than what I personally have but I am talking of the Members of the House and I am not talking of myself only. I dare not say that I have more information than you have.....

An Hon. Member: What about the lakh of rupees?

Shri Syamnandan Sahaya: The Pandit got the lakh of rupees all right.

Pandit Thakur Das Bhargava (Punjab): Has the hon. Minister not admitted before in this House that public opinion does not favour this Bill?

Shri Syamnandan Sahaya: Has he? I am very glad. That very strongly supports my case. If that is so, then there is no ground for the hon. Minister to come to this House at all with this Code. In any case the difficulty arises when you come into power; then, naturally apart from power, one has also the feeling that one has the knowledge, the information, which no one else possesses. Mr. Gladstone was once rebuked by Queen Victoria by remarking, "You must know, Mr. Prime Minister, that I am the Queen, the Sovereign of England". And Gladstone hit back by saying, "Yes, Your Majesty, but I am the people of England". So, you Mr. Law Minister may be today the Sovereign of India, we are the People of India, and if you don't listen to us you will go the way the sovereigns have gone. Whether you like it or you don't, this is what will happen.

This matter of the Hindu Code, in my opinion, should not be taken—pardon my saying so—as it is being taken. Religious reforms and social reforms are certainly necessary. No one could possibly get up in this House and say, "No, we shall stay where we are". What are we then asking you to do? We are only asking that the legislation

be made permissive. Let the people know all about it. Let them think over the matter and having considered the whole matter if they think it is for the betterment of the country, for the betterment of the society, they will accept it. But do not for God's sake make it obligatory.

Shri R. Velayudhan (Travancore-Cochin): Then what is the meaning of a legislation? Why have it?

Shri Syamnandan Sahaya: I will explain to you presently what is the meaning of legislation. You are perhaps fresh to a legislature? Otherwise you would not have asked that question. Anyway I will reply to you in a few minutes.

Shri R. Velayudhan: I have read the Hindu Code.

Shri Syamnandan Sahaya: You have read the Hindu Code. That is good enough. Then you will go to heaven straight.

If you look at the legislation and the different parts of it, you will find that on various details certain exceptions have been made in the Code itself. Now, the Code excludes in certain respects the two communities following *Marumakkattayam* and *Aliyasantana* laws. And yesterday the hon. Law Minister said that he was omitting sub-clause (f) to allow some type of married men to be governed by the Succession Act, that is those who were married under the Special Marriages Act.

Mr. Deputy-Speaker: He said it was more liberal.

Shri Syamnandan Sahaya: Well, if it is more liberal for them I do not see why the more liberal law should not be good for everybody. He is codifying the Hindu Law—not laying down any new law but bringing up-to-date in certain respects the existing laws and bringing in some reforms. If you want you can be more liberal—who prevents you? But after all, if you claim that one of the main purposes of this Act in the first place is to codify the Hindu Law, keeping in view the different rulings and different interpretations and making the best use of them and also introducing progressive reforms—if that is so then I don't see why you should have one set of succession laws for one class of married Hindus and another set for another class. If you want to do it, do it. There is no

use saying that such of our friends here who advocate the passing of a Civil Code do not really want it. Pardon me for saying so, but let me assure the hon. Law Minister that it is not so. The feeling is that if you want to put the whole country on a certain basis even if it meant some sacrifice, do so and we will gladly accept it. But you pick and choose and single out one community who perhaps would not be prepared to fight with you on that issue. If you pick out that community and do what you like with it, and the rest say, "Don't touch our religious susceptibilities", then that is where the real difficulty arises.

Then the Code already excludes customary laws which will operate in spite of the Hindu Code. Exclusion has also been permitted for those who were governed by separate customs although they may be belonging to the Hindu community: so that it will be found that these differences and these exclusions, these permissions to be able to be governed by another law are already found in the Code. I therefore submit that it is not really asking too much of the hon. Law Minister and of this House to make this Code a permissive legislation.

There are other difficulties also which I would like to mention for the kind and sympathetic consideration of the hon. Law Minister. For instance, it is laid down that all divorces henceforth will have to be registered. When I read this—not only this but other paragraphs and other sections of the Code—I felt like exclaiming that the Code was really a heaven for lawyers, and that if anyone was going to profit or benefit by this it would be the past colleagues in law courts of the hon. Minister. You may pass this Code tomorrow. Supposing we all agree that we shall not discuss this legislation any more and we pass it tomorrow, even if we do so do we really and seriously think that the people living in the villages, whom the hon. Law Minister refuses to consult by a referendum because they are ignorant, will from day after tomorrow start registering all their divorces and all their marriages?

Dr. Ambedkar: There is no provision for registering divorces.

Shri Syamnandan Sahaya: I am sorry if I take time but before the House rises I shall read out to the hon. Minister this provision. I have already tabled an amendment on that clause.

Shri Bharati: Registration for marriages only. There is no registration for divorces. You make a mistake.

Mr. Deputy-Speaker: The hon. Member evidently means that there can be under the Code no divorce except by a decree of court.

Shri Syamnandan Sahaya: Yes. The hon. Member has again drawn a distinction between tweedledum and tweedledee though it was not expected that he of all persons would take recourse to these. Well, if it is not registration and if it is only through law courts, then it strengthens my argument all the more. Is it possible to imagine, when we have a vast majority of people—thirty-three crores—many of them living in rural areas, not knowing anything about procedural laws and rules, is it possible to imagine each of them going to court for marriage and divorce? I had thought it was only registration where the lawyers would get very little fee. But if it is the law courts then I have no doubt, and the House and the hon. Law Minister will agree with me, that it is a heaven for the lawyers. In this vast country at least for some time to come—I should say for a long time to come, but certainly for some time to come—there is no justification for such an obligatory legislation to be passed. Give them the chance—if they think it is necessary then let them adopt it.

We have said a lot and the Code also claims for itself a very great and progressive position when you say we are giving this and we are giving that to the women of our country. I suppose that up to a certain point there is something to be said about it. But if we study the social conditions today among the Hindus, shall we not agree that these ladies in their households are almost each of them an Alexander unto herself? You want to reduce that position of being the monarch of all they survey to that of a mere partner and you know what respect partners evoke, particularly when you are doing away with the joint family system. In a joint family system, the partners had a certain respect and position. There was inter-dependence and therefore one partner cared for the other partner. But having done away with the joint family system, you want to reduce the women to the position of a partner. If you are a partner, you have your set rights and your set quota. Today, the women are the masters of the whole household.

Dr. Ambedkar: Yes, very much.

Shri Syamnandan Sahaya: Tomorrow, you will make them partners.

An Hon. Member: Partners in what?

Shri Syamnandan Sahaya: Partners in property.

An Hon. Member: Not in life?

Shri Syamnandan Sahaya: I meant partners in property. After all, she gets something from her father's house. She is the owner of that. She feels she has got something by herself. Why should you not make her depend upon the newly acquired house of her husband? You know, after all, properties create difficulties. I know of families, not one but many, where the power of attorney by the wife is not held by the husband but by some other person.

Dr. Ambedkar: There may be very good reason for it.

Shri Syamnandan Sahaya: That is what your Code will reduce the Hindu community to. If some people like it, then of course I have no objection to their adopting it.

Shri Raj Bahadur: Hence the necessity for divorce.

Shri Syamnandan Sahaya: I know young people like you are very anxious to have divorce laws, but there are other people who have to think of your welfare.

So, these are the difficulties about this legislation and before I resume my seat I would strongly urge upon this House and the hon. the Law Minister to accept the amendment of making this legislation permissive. Otherwise, I am afraid it will not be taken so lightly by Hindus as Government think. It is going to create a great furore in the country.

Dr. Ambedkar: No.

Shri Himatsingka (West Bengal): Dr. Ambedkar is not afraid.

Dr. Ambedkar: I don't think so at all.

Shri Syamnandan Sahaya: I have no doubt in my mind that the hon. the Law Minister is not afraid. He need not be afraid either. I had attempted not to say this, but I am doing so now. When I was last in my constituency, some people came to me and said, "You have not been a Congressman before". I said, "Yes, I have not been a Congressman before." They said, "You also dine with Muslims and are not orthodox and you are not a very devout Hindu." I said, "Yes. I am not a very orthodox Hindu in that sense." And then they said, "Is it therefore that this Hindu Code has been invented which has the effect of a bullet that kills two birds at the

same time, namely, the Hindu community and the Congress? If the Congress Government is not circumspect and responsive to public opinion even after this, let them go the way they like. The country and the people will decide what to do with them."

Shri Alagesan (Madras): Unfortunately yesterday the House was plunged into a mood which detracted very much from the seriousness of the measure that is before us. I am glad that we have now regained the proper mood to consider it more seriously than before. Yesterday, the hon. the Law Minister put up a very vigorous plea for the acceptance of the Code and his amendments. He is always a superb advocate. Apart from the content of his speech, the tone and the manner of it brought even those who oppose him very near getting convinced.

Shri Venkataraman (Madras): But you were not.

Shri C. Subramaniam (Madras): That is why he said "very near".

Shri Alagesan: I would like to be completely convinced, but I am sorry to say that I am not convinced. I would still urge the hon. the Law Minister to bring forward a common civil code, though he derided the idea and even went to the length of attributing motives to those who wanted such a thing. For instance, he asked: "How is it possible that those who oppose the Hindu Code tooth and nail would accept a common civil code?" He questioned their motives. But I would respectfully ask him, "Why is it that they object to this Hindu Code?" Is it not due to the fact—partly at least—that it does not apply to the entire nation? It applies only to one community, however large a section it may be. Thus, this Code is only a sectional measure and it is not a common measure for all. Is not the opposition to it at least partly due to this fact that it does not embrace the entire nation and the entire community?

Again, he said that he would produce legislation tomorrow, as if anybody doubted his capacity to produce legislative texts. He threatened to bring the text of a common and universal code tomorrow and confront the House with considering it. But that is not the main thing about it. If he proposes to confront this House with a common civil code, then it has to be considered in all its aspects and bearings by one and all and he will be the first person to come forward with amendments to that code. He

said yesterday that no legal ingenuity can improve upon the Indian Succession Act, but I am sure, the artist that he is, he will go on amending even the best piece of legislation. Even for this Hindu Code, we find that his amendments are larger in number than the amendments proposed by any other Member. He can amend, and amend because others want it and desire it.

Again, he went on to expatiate on the sovereign and supreme nature of this Parliament. Nobody ever questioned it, but the sovereignty and the supreme nature of this House need not have been affirmed at the cost of an insult to the masters of this House. That was the unfortunate part of it. Though we are a sovereign body, we are subject to the people's will and our sanction is the people's will.

Babu Ramnarayan Singh (Bihar): Hear, hear.

Dr. Ambedkar: Why don't you live in the village rather than live here? You will be a better master there than you are here.

Shri Alagesan: I wish to put a counter question to the hon. the Law Minister. He said that those who oppose the Hindu Code cannot agree to a common civil code. It is impossible, he said, because he knew those persons very well. Everybody knows that the new elections will be held all over the country for this Parliament as well as for the legislatures of the various States within a year's time. It is not necessary that because this House is sovereign and supreme it should take upon itself the task of legislating on each and every subject. It may postpone some legislation; it may leave, with profit, some legislation to the House that will be elected within a very short time, and I do not doubt that the hon. the Law Minister will concede that the new House that is going to be elected will have more time and will certainly be better placed and will certainly reflect the latest opinion and mood and temper of the people than this House can ever do. Will he not concede that such a House will be better placed to enact this piece of legislation than this House is? And if he does not choose to do it, if he does not choose to leave the matter in the hands of the House that is to come, is it due to the fact that he is afraid that this measure will not be passed by that House? Shall I attribute such a motive to him, though I would not like to do it? (*An Hon. Member:* You have done it.) Why then does he fight shy of placing this

all-comprehensive codification of Hindu law, before the new Parliament of this country? I think he should satisfactorily answer this question.

But the chief complaint against the present Government, if one can say so, is this. After we have succeeded in our revolution, we have failed more in the psychological sphere than in other spheres. We have failed to enthuse the people: we have failed to strike that emotional chord in the people which alone binds them to us. Everybody is worried on this account. Why? It is good that we consider this question and examine it a little more carefully. In my opinion, we have decided largely on a policy of carry-over. We simply carry on the old traditions and we have not done anything to show a striking change which appeals to the people. This Hindu Code is an instance in point. It has been conceived under quite different circumstances, when we were under the impression that everything that is Hindu is wrong and cannot be correct. We wanted to reform, we wanted to change, but not with a proper appreciation, in my opinion. We are simply carrying that over. We are trying to model the Hindu Code as a code that will apply to the Hindu community, though it is a very great community in this country, and not to all. It is because we have failed to introduce any innovation that we are in this mess. We have got everything that goes to make an emotional appeal to the people and yet we have strikingly failed in that field. That is something like a play with all the ace actors and yet the play fails to impress the audience. Our performance I shall liken to that.

What is the reaction that we have produced in the country by bringing forward this measure? Supposing we had brought forward a common measure that would have applied to one and all. Then there would have been an electrical change in the atmosphere in the country; there would have been an atmosphere of realism with regard to this measure. We would have been able to consider this measure more realistically than we are at present doing. And that we have failed to do. If we had done that we would have convinced the entire country that we are taking cudgels against and demolishing all differences based on caste and religion in the true spirit of our secular democracy. We would have incidentally translated our ideal of secular democracy into action and would have convinced everybody. Now there is not even a ripple on the surface except the placid placard.

[Shri Alagesan]

holders outside this House and the imposing police cordon; and perhaps occasional crowds in the galleries in multi-hued saris. We have not succeeded in producing any greater effect than this. But I am sure that if the hon. the Law Minister were to come forward with a common code that will embrace all communities, then the whole country will take interest in it and try to be more realistic about it. I may also venture to say that the reaction outside our country would also be much better, because at present we are held up to ridicule in the outside world by interested parties that we are a nation wedded to caste, with the result that our prestige suffers. A common code would have done everything to dispel such a misunderstanding.

Again, there have already been instances where the Hindu law embraced other communities. I am told the Moplahs of Malabar, the Kutch Momins and the Khoja community, the followers of the Aga Khan, were all following the Hindu law and were governed by the Hindu law up till the year 1937 when the Shariat Act was passed. I am told that even the author of Pakistan was governed by the Hindu law. When such is the case why should you fight shy of bringing forward a common code which will embrace all Hindus, Muslims, Christians and so on?

Yesterday, the hon. the Law Minister was very much pleased with the speech of my friend Pandit Thakur Das Bhargava. He was all praise for the Code. He showered encomium on the hon. the Law Minister for having thought fit to bring forward this measure. But, he made one very important reservation. He said all this only on the condition that it should not apply to the Punjab. He made an observation that those who have moved amendments are trying to rope in the other communities, the non-Hindus in this Act, and he asked whether the non-Hindus in this House are prepared to come under this measure. He went on to answer the question himself in the negative. But, I have consulted some of the non-Hindu Members of this House and they are quite willing to have a common code.

Dr. Ambedkar: Non-Hindus?

Shri Alagesan: Yes, non-Hindus.

Shri Bharati: May I have the names of those Members?

Shri Alagesan: The hon. Member may have it later from me,

As it is, we are doing a great injustice to the non-Hindu Members of this House. They are unable to take any interest in this discussion.

Dr. Ambedkar: Why, Mr. Naziruddin Ahmad has.

Shri Alagesan: He only reflects the opinion of his clients. The other non-Hindu Members of this House simply sit back and relax. They are not able to take any lively interest in the discussion. If they support it they are afraid of wounding the susceptibilities of the orthodox section of the Hindus; if they oppose it they are afraid of still more terrible elements. So they are playing a passive role.

Prof. Ranga (Madras): They support the Bill.

Shri Alagesan: That is doubtful. It is, therefore, necessary that we should make this measure more representative. Because, there will be nothing objectionable in it. If monogamy is good for a Hindu it ought to be equally good for a Muslim.

Shri Syammandan Sahaya: Better for him.

Shri Alagesan: The present day Indian Muslim would not, I think, oppose it on religious grounds, because when Muslims were permitted to marry up to four wives perhaps it might have been on account of the expanding phase of the Arab Empire. They wanted to expand and conserve, and so they were permitted to marry up to four wives, perhaps. But now we are faced with an entirely different situation in this country. Though our Prime Minister likes and loves to play with children and forget many of his worries, he is not prepared to greet their first arrival in this country. He has said so openly, and the prospect of more and more children certainly frightens him as well as it frightens everyone. It is a patent fact. I have no doubt our Muslim friends will realize it and try to fall in line, whatever their present religious law or practice may be. So it is not as if there are insurmountable barriers in the way of evolving a common civil code for this country.

I would like to quote the example of China. It is as ancient as our country. Apart from the ancient texts, they have recently evolved a civil law which embraces and tries to enact the three principles of the people enunciated by Dr. Sun Yat Sen. These principles, as the House knows, are nationalism, democracy and popular economic progress. We can very

well follow the example of China, as we are placed in a similar situation, and try to put in our principles, the principles that the Father of the Nation placed before the country, and make them a reality. Nothing would have pleased him better than the bringing within the ambit of one civil code all the great religions that inhabit this country.

My hon. friend Pandit Thakur Das Bhargava waxed eloquent and welcomed most of the things that are found in the Code because he was sure that they would not apply to him. He welcomed all the salient features of the Code because he was sure that they would form the basis for the future civil code of this country, and he felt that this was a right step in that direction. But I am afraid I am unable to accept his plea. I am afraid it only side-tracks and postpones the question of evolving a civil code. Now that we have done our best by the Hindu community we would not bother about a common civil code, because the impression generally is—and I think there is good ground for it—that we are prepared to meddle with everything that is Hindu but we are fighting shy when it concerns others.

Prof. Ranga: One by one.

Shri Alagesan: I only wish that the prophesy of the professor will come true, that you will approach others also and try to reform them also. But as it is, the impression is gaining ground—and that is the ruling impression—that we are prepared here to go only to the Hindu community and none else. And that in my opinion is the chief psychological barrier to the passing of this measure. I hope the hon. Law Minister with all his ingenuity will devise something which will dispel this misapprehension and try to convince not only the Members of this House but also the people outside and then launch upon his offensive.

Shri Biswanath Das (Orissa): Sir, I thank you very much for having given me a chance to have my say in the course of discussions over the Hindu Code Bill. I was really trying to play the role of a backbencher in regard to the discussions on this Bill. But certain views expressed by the hon. Minister of Law have goaded me to speak and record my protest.

In the course of his speech—need I say very lucid and analytical speech—he used certain choice expressions which are not only unwarranted but

uncalled for. He has declined the demand for a referendum. I am not very much in favour of a referendum after all that has taken place. But to call it 'absurd' is as absurd as the absurdity itself. You are going to legislate on very important matters, namely, questions relating to marriage, divorce, adoption, joint family, women's property, succession, maintenance and the rest. The hon. the Law Minister himself has recognized and admitted that the system of Hindu Law involves not only the legal frame of the society but also of our religious precepts. Would it be fair for him to take up the legislation of such important questions which concern the society, the life and living of crores of people of this country, without consulting the people themselves? In the course of his speech he stated that he does not know of any country where a plebiscite is taken for legislation. Even in ordinary matters, such as nationalisation and the rest, important political parties have refused to undertake such responsibility in a democracy. They dissolve Parliament and go and take the mandate of the country on such important issues. I would ask the hon. Minister whether the principles involved in the Bill are less important than those in England and elsewhere where Parliaments have been dissolved and a mandate of the people has been demanded and taken. Does it come well from him to say that these are not matters on which a popular mandate is necessary? Let me not think of a plebiscite or even a dissolution of Parliament or anything of the nature demanded by some of my friends though those are relevant, logical and constitutional. We are an indirectly elected Legislature. Parliament has to carry on business till the House is duly constituted. It is more or less in the nature of a caretaker Parliament. I do not dispute the technical right of this House to pass any legislation. But constitutionally, it looks to me odd to say that on such an important legislation as this, we are to be refused to take the mandate of the people. Is it because he is well impressed of the fact that the people on consultation would not allow him to go on with the legislation? Otherwise, where is the need on his insistence not to put off legislation which is hanging fire so long and also to insist upon one question, namely, that it shall be passed only in this House? I ask why in this House? What sin has this Parliament committed? Is it because it is an indirectly elected legislature? I would tell him that he is as good a representative as myself. I am elected by the Provincial Legislature of the State of Orissa and he is elected by the State

[Shri Biswanath Das]

Legislature of Bombay. I have a right to ask the hon. Minister whether he has consulted his electorate and whether he has got the mandate of his electorate in this regard.

Dr. Ambedkar: I do not want a mandate.

Shri Biswanath Das: You do not want a mandate. That is the sort of responsibility you owe to your constituency and that is the sort of constitutional notion that you want to inculcate into the people of your country. I will only refer my hon. friend to the Preamble of the Constitution, which this House has enacted and to which my hon. friend, the Minister of Law has made a very notable contribution. The Preamble of the Constitution says: "... to constitute India into a Sovereign Democratic Republic and to secure to all its citizens: Justice, social, economic and political;..." I want to ask him whether this is his sense of democracy to say "I refuse to consult the illiterate masses who have sent me here, who have given me the chance of representing the Province and which has given me the chance of assuming the reins of office as a Minister." Sir, all this is under the Constitution we assure all its citizens social, economic and above all political justice. I would join issue with my hon. friend if he says that he has not assured political justice to the people of the country, because he refuses to consult them, the very electorate that have sent him here.

Dr. Ambedkar: Next time they won't elect me.

Shri Biswanath Das: It does not matter. You can stand by yourself. You do not need their vote and that is the reason why you find it an easy safety-valve.

Dr. Ambedkar: I care more for the Code than for my election.

Shri Biswanath Das: I am not thinking of my election. I am thinking of my responsibility as an elected Member of this Parliament.

Dr. Ambedkar: It is one o'clock. Have you concluded?

Shri Biswanath Das: I will continue in the afternoon.

The House then adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Biswanath Das: Sir, in the course of my speech this morning, I

was speaking how, in democratic countries, when important legislations and questions have to be taken up and are being placed on the statute book, the party foresees the legislation...

Shri Ramraj Jajwara (Bihar): On a point of order, Sir. There is no Member on the Treasury Benches.

Mr Deputy-Speaker: It is regrettable that there is nobody to represent Government. The Minister of Law has just come in.

Shri Biswanath Das: ...places its programme before the country in the form of a manifesto, then on the basis of that manifesto, elections take place, and the party gets a vote in favour of the principles for which it stands. I claim that nothing of that kind is possible in an indirectly elected legislature as the present Parliament is. None-the-less, we have an electorate. That electorate is an enlightened electorate. Neither the hon. the Law Minister nor his friends in this House or outside this House could say that the electorate to which we have the honour to belong is not enlightened. They are no other than the Members of the State legislatures. I claim that Government and the Law Minister should have taken necessary steps in this regard to consult the State Legislative Assemblies on this important legislation by requesting them to have their say in the matter, which would have given an opportunity to the country to speak itself. At the same time, it would have made the passage of this legislation easy and convenient; easy because with the command given by our electorate, it would not have been possible for the hon. Members of this House to oppose this legislation without resigning their seats; convenient because no one would have had the audacity to say, "I differ from this legislation and yet I continue to be a Member of the House". No one could have it both ways. No one could afford to be a Member of the House and refuse to carry out the mandate of the electorate. Therefore I claim that the hon. the Law Minister as also Government have failed in this important respect, which was and is still open to them. I agree with the hon. Law Minister, though differing from him that this legislation is urgent, and immediate to be passed in this Parliament.

By all means do not take recourse to a plebiscite; but the time is still there to make a reference to the State legislatures. After all, we are not

going to pass this Bill in this Budget session. I may, in this connection, state that I for myself doubt the sincerity of Government regarding the need for passage of this Bill.

Several Hon. Members: No, no.

Shri Biswanath Das: My hon. friend who are anxious may say, no, no. I have a right to put forward my point of view in presenting my case before the Members of Parliament. If they were really anxious, it would not have come before this House for discussion for three days. What is the meaning behind it? I must frankly confess that I am unable to understand how in a legislation of this nature, in respect of which there are wide differences among us and protests all over the country, the Law Minister or the Cabinet expects that these could be solved and the Bill could be placed on the statute book within three days as my hon. friend Mr. B. Das was claiming. I refuse to live in a fool's paradise. A legislation of this nature, unless it is to be pursued through a party mandate, has to continue from day to day and each person being allowed to have his say in the matter and try to place his points, if possible, for the acceptance of the House. Under these circumstances, I very much doubt the wisdom of the hon. Law Minister in allotting three days, and that in this Budget session when you have not only to pass the Railway Budget, and the General Budget, but have also forty or fifty important Bills that are pending. Government say that they are hard-pressed for money. The newspapers announce that fresh taxation is awaited. I do not know how far that is correct. If there is any speck of truth in that, I have a right to ask the hon. Members on the Treasury Benches as to what they have done regarding the passage of the Estate Duty Bill which is hanging fire for the last one and a half years. I claim that first things should come first. What is the problem that you have solved up till now? You have solved no problem; but you have succeeded in creating problems. I believe, therefore, that Government, or at least the Law Minister is not anxious, nor is he very alert to see that this legislation is passed into law. If they were so, a special sitting, that was promised by the Leader of the House should have been convened, or a special session could be convened to discuss the Bill thoroughly and pass it into law.

Sir, you will pardon me if I say that the hon. Law Minister would not have dealt with the House in the way he

is proposing to do, hurling insults upon individual Members of the House if it were not for the declaration of the hon. the Leader of the House that he stands or falls with this Code.

श्री श्यामनन्दन सहाय : जाने दीजिये, उसको भूल जाइये, अब वह पोजीशन नहीं है।

[**Shri Syamnanandan Sahaya:** Forget that. That is not the position now.]

Shri Biswanath Das: I am not speaking to the Members; I am speaking to you, Sir. I will be happy if the Members will leave me alone, though I very much like and appreciate their help.

Therefore, I claim that the hon. Law Minister has not been fair to the hon. Members of this House.

Then, I come to the second assertion that he made and that is the declaration that there is lack of common sense in those who demand a common code for India. Why? I should have been glad to be favoured with reasons for an insult which I claim is not merited. He said not only that but he proceeded further and said that he could present a Civil Code in two days.

Dr. Ambedkar: Yes.

Shri Biswanath Das: Then by all means, let him do so. We have been waiting for it for the last so many months. It is possible to let us have a common Civil Code in two days, by all means let us have it. Let him then favour us with it.

Dr. Ambedkar: That will do. Mr. Das. You will exhaust yourselves. Conserve your energy. You are not in the best of health, I find.

Shri Biswanath Das: I take note of the advice tendered by my hon. friend.

I do confess that the caste system will do no good to India, that the sooner it goes the better. I cannot think of a society living on the *Bhat Handi* system, on a system which says that if anyone touches my pot of *Bhat* or cooked rice, or my *roti* caste is violated, because he does not belong to my caste. That is harmful. Let us do away with that system. The sooner we do that the better. At the same time, do I not realise that my ancestors, my forefathers have founded a system much nobler and much higher than the *Bhat Handi* system?

[Shri Biswanath Das]

चातुर्वर्ण्यं मया सृष्ट गुणकर्म स्वभावश

[I created the four *Varnas* (i.e., four-fold castes) according to the *Gunas* (i.e., qualities), *Karmas* (i.e., action) and the *svabhavas* (i.e., natures).]

Have the frame-work on the lines laid down in the Gita—that will be acceptable to all. Instead, what does my hon. friend do? Instead of taking me upwards, he takes me downwards. I could agree to go with him upwards, but.....

Shri J. R. Kapoor: To heaven and not to hell.

Shri Biswanath Das: To heaven or mid-heaven, but I refuse to go with him downwards.

Dr. Ambedkar: You do not know how to choose your friends.

Shri Biswanath Das: I am glad I have committed that blunder.

Well, a common Code is not unknown. In Portuguese India you have it to-day. There are Hindus living in Portuguese India. Why not have it in India which is far more advanced than Portuguese India? And if it is so easy to have a common Civil Code as my hon. friend says it is, let him come forward with it, and he will find that at least some of those who are now against him will be with him. But, in respect of this Hindu Code, we cannot and we will never agree to go along with him. You cannot touch Muslim society, because then it will be the cry of religion being in danger. You cannot touch Christian society, then also it will be a question of religion being in danger. But you can kick Hindu society and have your new experiments propagated in that society with ruthless uniformity. We cannot agree. Being a man of sixty, I cannot agree with my hon. friend in his constitution of a society based on rationalism. In our country there had been eternal strife between spiritualism and rationality, and in that fight it is spiritualism that has come out and rationalism has gone down, and the rationalists were branded *Nastikas* and the spiritualists as *Astikas*. I refuse to be a *Nastik*. The form of society that the hon. Minister proposes through his Hindu Code is nothing short of a society for which agitation was carried on in India in days of yore, and the country as a whole rejected it and the country to-day I make bold to say, will reject and is bound to reject it. If my hon.

friend refuses to leave it for option, it is because of his apprehension that society will not go with him. If he is afraid of a plebiscite it is because of his apprehension that he cannot carry the country with him. If he is afraid of any other legislature but a packed Parliament in an indirectly elected legislature, it is because of his apprehension that so bitter a pill as this cannot be swallowed by any other. It is these apprehensions that make the hon. Minister and those of his way of thinking to rush the measure through this Legislature. Because my leader the hon. the Prime Minister stated that he stands or falls by this Code, and though that statement was made without the concurrence of the party, we have to stand by him. And we do stand by him, and I appeal to him and I do so through the hon. Minister of Law.....

Dr. Ambedkar: A bad medium.

Shri Syamnandan Sahaya: But that is the only medium left.

Shri Biswanath Das: If it is a bad medium, I leave it and I would appeal to you, Sir, for that is the only medium left to me now.

Mr. Deputy-Speaker: This medium is colourless.

Shri Biswanath Das: I appeal to him to eliminate the most controversial items in the Code so that there may be an easy passage. I have already stated, and I repeat it, that we cannot agree to this Code, and so far as I am concerned even on my death-bed I will record my protest and say "no" to any attempt to constitute Hindu society on a rationalistic basis, as is being proposed in this Bill.

My hon. friend said that he was only making the legislation easy. As a student I knew, and most of my friends here also know that we were accustomed to read not text-books but "made easies". Some of the professors of the Calcutta university used to make a lot of money by bringing out such "made easies" editions. And I know the terrible trouble that the students had to take because of this. Hon. Members will find reference in the Calcutta University Commission's Report—I think it is the Sadler Commission's Report—to the system of cramming. It is called the "cramming system" and I refuse to follow that cramming system in Hindu Code; and I implore my hon. friend not to

think of constituting any society—leave alone Hindu society—on the basis of—I have no other expression by which to call it—of cramming.

To give an illustration from ordinary life there are among *Vaidyas* both learned and quacks. The learned *vaidya* never takes to *rasa* or *pashan*: they dread them. But a quack throws open his *batua* and immediately treats you with *rasa* and *pashan*, such as mercury and arsenic. I refuse to have this arsenic treatment from my hon. friend and I would beg of him not to apply the treatment to a society which has lived thousands of years with harmony. Looking at the history of the world you will see that the Hindu family or the Hindu home is the only happy home you find. There may be difficulties in some cases: they are bound to arise in a society of 30 crores of people. But the fact remains that you do not have here the horrible and tragic incidents that mar the social life of the West. I do not say that our society does not want changes: it does. Have changes by revolution or evolution as you like but let proper consideration be given to them before you launch on a legislation of this character.

While talking of marriage under this Code, my hon. friend from Bihar, who is a jurist of eminence, stated that in marriage, the husband and wife are partners. I join issue with him on that. The Bill does not make them partners. If they were partners I would have little difficulty in accepting it. But the Law Minister is bringing contractual relations, thereby doing away with the sanctity of marriages enjoined by *samskara*. He is introducing contractual relationship of the Western type into our society and enforcing it in all its rigidity by means of registration. Are you going to have legislation for 'haves' or 'have-nots'? If you want to have legislation for 'haves' by all means have it with all your pleaders, *vakils*, advocates, etc.....

Shri Syamnandan Sahaya: By 'haves' do you mean those who have wives?

Shri Biswanath Das: I am not concerned with them. You go to the mofussil. India lives in its villages and Indian life is village life. Barring the few upper class people the rest of the people celebrate their marriages for Rs. ten, 15 or even less in some cases. You are now going to have registration departments with all their formalities, making it more expensive.

I want to know from my hon. friend whether he has calculated what the expense under this head is going to be to the State. I record my strongest caveat in this regard against the bills that have been thrust upon this House without any calculation of the expenditure that a Bill entails on State Treasury in its operation. I was a member of the old legislative council and I know that under the Devolution Rules it was a part of the business of the then irresponsible Government to calculate the financial implications of each Bill. I have a claim to ask my hon. friend to give us the financial implications of a Bill of this important nature and the expenditure it will involve on the State treasury.

[MR. SPEAKER in the Chair]

You are going to have your cases mostly decided by the district court, which means a higher court than the Munsiff's court. As a member I am being called upon to give my assent to this Bill. I have a right to know what is the money that I have to spend under each of the items. You are going to open registration department. You are going to have special marriage courts. I have a right to know what you are spending now and what you propose to spend hereafter. It seems to me that the expense that the State would have to incur under this head would be unimaginable. Think of a population of 33 crores. You can laugh.....

Mr. Speaker: The hon. Member may address the Chair.

Shri Biswanath Das: I am sorry, Sir. The hon. Law Minister may laugh or others may laugh. I do not worry. But I claim that Government have the responsibility to place a working sheet before the House to show what they would have to spend to give effect to the various provisions of the Bill as used to be done by former Governments. Taking one per cent. of the total population as people resorting to courts your country will be flooded with courts and registration departments.

Mr. Speaker: May I point out that we are at present discussing clause 2 of the Bill which refers to the application of the Code. The point that the hon. Member seems to make relates to the cost to be incurred in the administration of the provisions of the Code. Could that not more appropriately be taken up when we consider the question of marriages? In the clause where it is provided that marriages shall be registered this question will

[Mr. Speaker]

arise. This is not the stage of a general discussion of the entire Bill. We are at present at the clause by clause stage. Therefore, instead of interfering with the hon. Member's speech now and then, I would request him to reserve his remarks till we come to the clause which provides for compulsory registration of marriages.

Shri Biswanath Das: Sir, I thank you for the guidance you have given me, which I bear in mind. But I have also to make my submission in this regard. There are amendments to clause 2 to the effect that State Legislatures may be given the option to give effect to the provisions of the Bill after it is passed into law. Therefore I submit the question of finance comes in prominently in various States. You have been good enough to refer to marriage. But it is not about marriage that you have to spend money.....

Mr. Speaker: I referred to marriage because the hon. Member was referring to it. It was only by way of illustration that I referred to it. The State Governments would be required to give effect only in case the amendment is carried. But assuming that 3 P.M. that amendment is accepted, still effect will be given only to such provisions as are ultimately accepted by the House. So, when we come to any provision which involves expenditure then it will be competent for the hon. Member to advance that argument—not at this stage. That is what I was pointing out.

Shri Biswanath Das: Thank you very much, Sir. I would not go further into it.

Shri Syamhandan Sabaya: May I make a submission, Sir, in this connection? Under our new rules every legislation which involves any expenditure has to be presented to this House accompanied by an estimate of such expenditure. Therefore, perhaps my hon. friend was referring to those rules.....

Mr. Speaker: There is nothing to be further discussed about it. It does not affect the point of relevancy. But I believe this Bill was introduced long before that rule came into force.

Dr. Ambedkar: Yes, Sir. And I can tell my friend that this Bill is going to be a revenue-paying measure.

Mr. Speaker: That is another matter. We are not concerned with it.

Shri Biswanath Das: My hon. friend says that this will be a revenue-paying measure.....

Mr. Speaker: We need not go into that now.

Shri Biswanath Das: Well my hon. friend claims the passage of this Bill and especially of this clause on the score that this is progressive. If it is so, I have no objection. If he convinces me that the legislation that he has adumbrated is progressive, I will certainly go with him. But I feel that it is as reactionary in certain respects as anyone could think of. I would in this connection invite my hon. friend's attention to the Child Marriage Restraint Act, an Act which has been in existence for the last twenty years or more and is a dead letter.

Several Hon. Members: No, no.

Mr. Speaker: Let him proceed. That is his opinion.

Dr. Ambedkar: His wrong opinion.

Shri Biswanath Das: I will be glad if it is really "no" but my experience is otherwise. But what has my hon. friend the Law Minister done? Whether the Child Marriage Restraint Act is dead or is alive, what has my hon. friend done with his show of progressiveness? He has kept up and carried on the same age of marriage of 18. Why should you have the age of 18? I cannot see why he is so much enamoured of this 18. A boy to be put to married life and conjugal bliss in his eighteenth year is a thing unimaginable. I cannot think of it. I would appeal to him to consult his advisers of public health and ask whether such a course is desirable. Extend it to twenty or twenty-one years. If you really claim to be progressive, extend it. If you want to restrict, let the restriction be on justifiable grounds which will be for the well-being of the greatest number. That is why I claim that in certain respects the Bill is not at all progressive. In fact in ordinary instances you will not find people taking to married life at eighteen. Very few people do it. Therefore, the age limits of 18 and 16 that you have fixed in the Bill to me look retrograde from the national point of view. (Interruption).

Mr. Speaker: I must be very clear on this point that interruptions not only prolong the speeches but they add to the irrelevancies of the debate. I was again going to remind the hon. Member who is on his legs that he is going into questions which do not form the subject-matter of clause 2 or any of the amendments. He is now going into the age of marriage as if this is a general discussion on the Bill. I do

not propose to allow any irrelevant discussion. We are taking the Bill clause by clause now; let us be strictly within the relevant scope of the clause. Otherwise we will never see the end of this legislation. I am not keen that it should be passed—it may be passed, it may not be passed—but at any rate I am keen to see that the debate on the clauses proceeds within the limits of relevancy and we go clause by clause to the end of the consideration. That is my point. I am not concerned one way or another. Therefore, the hon. Member will confine his remarks strictly to the provisions of clause 2 and the amendments thereto.

Shri Biswanath Das: Sir, I am very thankful to you but my reference was necessitated by the fact that my hon. friend the Law Minister claimed in the course of his speech that his legislation is a progressive one. Therefore, I was forced to say that it is not.

I have stated that the Code is intended for the "have-nots" and I have explained it. My objection to the clause is that the proviso to clause 2 is unnecessary and redundant. Unnecessary because it creates new complications and redundant because if anything is added without real necessity to the structure of the clause it creates further complications. Therefore, in any legislation such a redundancy is always given up.

I fail to see why sub-clause (4) is being retained. I don't mind the daughter having more than the son or the son getting more than the daughter. Let it be a matter between the daughter and the son. I for myself would not hesitate to accept *Marumakkattayam* law instead of accepting division of the family property into bits. That being so, if my hon. friend would propose to give all the property to the daughter I would not object. Let the women have it. In fact, in Malabar the women are by inheritance having almost all the property. Therefore, you may do that or you can give the daughters and the sons equal rights: this is not a matter with which I am very much concerned. Speaking for myself, I have no daughter to claim any share from me, but I feel for the daughters in general. Now, if you add to the share that the daughter gets from her father's house by sub-clause (4), it means that you add to the financial possibilities of the women.

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She gets her *sthridhan*; her share of the property and also special facilities as provided in the Special Marriage Act of 1872. Therefore, the continuance of sub-clause (4) is, I think, unnecessary and also, I believe, unwarranted.

I feel that the time has come when something has to be done to change the social structure of India. That something has to be done with the concurrence of the people and the thinking sections of the society. Therefore, I appeal to the Treasury Benches and to you to see that Government remove the objectionable features of clause 2 as also of the Bill, so that the Bill will have a smooth passage.

Shri M. A. Ayyangar: At no stage of the Bill hitherto have I had the good fortune to take part in the debate. You, Sir, were absent in the earlier stages and I had to take the chair. I have always tried to keep my opinions to myself, but the time has come when I should express my opinion regarding this matter. Let me first of all declare to the House and to the hon. the sponsor of this Bill that I am not wedded to whatever is ancient merely because it is ancient nor opposed to whatever is new simply because it is new. Merely because something is old, let us not cling to it; nor decry something that is new because it is new. It is up to us, as wise men, to consider both the pros and cons and accept what is good and reject what is bad. I shall try therefore quite dispassionately to go through some of the points that have been urged. I shall not go over the ground and make this a speech on the second reading of the Bill, but whatever is relevant in general I shall address myself to.

I shall, first of all, try to dispose of some of the amendments that have been placed before the House and the objections that have been raised in regard to them by the sponsor of this Bill. It is said in one of the amendments that because this Bill has far-reaching consequences it must be only an enabling measure. It is said that option should be given to any individual to declare that he will be governed by the provisions of this Bill from the date of registration or declaration to this effect. The hon. the Law Minister said that down from the earliest times when legislation was embarked upon in this country by the Britishers, there has been no precedent whatever for a measure being passed and option being given to any individual or class to accept or reject that measure by declaration. I am afraid

[Shri M. A. Ayyangar]

his memory is too short. Now, let us take the Cutchi Memons Act of 1920. Indians who got converted to Islam were very often governed by the Hindu law, the law in which they were born. So the Cutchi Memons had the joint family law and they also made adoptions among themselves. But later on it was urged by some reformers that the Shariat, i.e. the law of Islam, should apply to all persons embracing Islam. Islam has its own code of laws regulating inheritance, marriage, succession, divorce etc. The Hindu faith has attached to it its own law made by the *smritihikars* relating to the same items which are also regulated by the Islamic law. For those persons who got converted to Islam, an enabling provision was made in this Act whereby any Cutchi Memon who wanted to adopt the Hindu law could by declaration before a prescribed authority do so. He could either ask to be governed by the Hindu law or by the customary law which prevailed before his conversion.

Shri Raj Bahadur: That was a very special case.

Shri M. A. Ayyangar: I would refer to a general case also. My friend should be a little patient. Under the Cutchi Memons Act, as amended in 1923, there are the following provisions:

"Any person who satisfies the prescribed authority—

- (a) that he is a Cutchi Memon and is the person whom he represents himself to be;
- (b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872; and
- (c) that he is resident in British India

may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the declarant and all his minor children and their descendants shall in matters of succession and inheritance be governed by the Muhammadan law."

Now, the argument of my hon. friend Shri Raj Bahadur cuts his own case, because this was not a law intended for the whole of India but was a law specially to safeguard the interests of a particular community. This section is an enabling provision. Cutchi

Memons are not the only Musalmans in this country. The majority of Musalmans far outweigh the Cutchi Memons. When 99.9 recurring per cent. of Muslims follow the Shariat, why should a special provision be made for the Cutchi Memons? Therefore, this interjection from my hon. friend, far from helping him, helps the other side. Even if there is one instance, it is enough. Now, is it possible for you to enforce Buddhism on me or for me to impose Hinduism on another man? This law of inheritance, marriage, succession etc. is based upon the same tenets. But if a person who got himself converted wanted to be governed by the ancient law which prevailed before his conversion, he was given an option to change over to the other law. Though he got himself converted, he had to convert himself voluntarily to the new legal institutions, changing one from the other. There was no coercion whatever. But without the suggested amendment, this Bill will be a piece of legislation which is of a coercive nature, bringing various other persons into its fold. So far as Hindus are concerned, if you want to marry out of the ancient law, there is the Civil Marriage Act. It was originally intended to apply to persons who had to declare that they were neither Hindus nor Christians nor Jains nor Parsis. Later on, it was changed. No two Christians could marry unless they disavow their religion. No two Muslims could marry unless they disavow their religion under the Civil Marriage Act. But we are always progressive. We are self-denying. We are all-embracing even to the point of self-destruction. We have amended this Act by saying that Hindus need not disavow their religion. Hindus, however they are married, may adopt the Civil Marriage Act. That is what we have done. What more is necessary? Now you want to convert those people who follow the ancient law at the point of the bayonet to your way of thinking. Why do you want me to change my religion? I have already quoted an instance where a special piece of legislation was made for the Cutchi Memons, a microscopic minority. It is because Dr. Ambedkar feels that a majority of us are archaic—to use the mildest word—that he has brought forward this piece of legislation. It won't be wrong for me to say that he is still finding it difficult at the age of sixty to know to what faith he has to belong. But he is asking me to decide overnight that I should change. If I may raise my voice—let me not be misunderstood—I am as fit to be in the society as other members can claim to be. I am not ashamed of my religion. I am speak-

ing not only to the men and women in this country but also to the outside world, that we have everything to be proud of the tenets by which we are governed and proud of the law that our ancestors gave us. If only the other nations of the world followed our religion and the principles we have adumbrated there, there won't be these constant wars and all would be peace and peaceful. We are always accustomed to adopt things which are found wanting in the western countries. A motor car which has been discarded in Europe becomes a model of a car here; an institution which has been discarded in the west becomes a model in our country.

In 1937 we passed a law in this House that in the case of converts to Islam, their customary law according to Hindu system would prevail in regard to adoption etc. Similarly, in the South the Moplahs of Malabar had adopted certain of the Hindu customs, though they were Muslims. It is not even a question of adoption: they were born with such customs. Therefore, they followed one rule so far as their inheritance and succession was concerned and another rule so far as their faith was concerned. We passed in 1937 what was known as the Shariat Law. This is for all India and all Muslims. Section 3 of the Shariat Act says:

(1) any person who satisfies the prescribed authority—(a) that he is a Muslim, (b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act (IX of 1872), (c) that he is a resident of British India—may by declaration in prescribed form and filed before prescribed authority declare that he desires to obtain benefit of this Act and thereafter provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to matters enumerated therein, adoption, wills and legacies were also specified.

Therefore, there is absolutely nothing novel in my hon. friend Shri Jaspal Roy's amendment. This is a measure which ought to be accepted cautiously. A majority of the community do not want this, and not only do they not want it, but also they are able to take care of themselves. Is this House particularly under the leadership of my hon. friend, entitled to tell and advise people outside that what they are following is wrong and that they should change

their method? I am not basing my argument on the ground that this Parliament is not entitled to do that, though my personal view is that this Parliament cannot enact legislation in the way it was doing during the British days. We are now guided by a written Constitution. My own personal impression is that the personal matters of an individual, and the practice by which he is governed so far as his marital relationship is concerned are governed by his fundamental rights and should not be touched by anybody. So long as the practice which I follow and the procedure I adopt in regard to marriage is not opposed to public morality and is not obnoxious, or indecent, it is my own business and nobody has any right to interfere with it. Therefore, we have to go slow in this matter.

So far as the progressive elements are concerned, we have made a number of enactments now. The Hindu Widow Remarriage Acts are there. My hon. friend referred to the Child Marriage Restraint Act. True, it has put down child marriages. But it has put down marriages also. Everywhere a new problem has arisen: there are armies of unmarried girls today. There will be no dearth of girls if only you want to enlist them in the army as nurses or doctors. This is a new problem that you have created—have you heard of it before? Our friends, including Pandit Thakur Das Bhargava, cried hoarse, that by early marriage girls became widows. But is there any guarantee that a man will continue to live, the moment he marries a girl of fifteen. I do not think God in his wisdom has arranged that a man marrying a girl of fifteen will live long, and that a man marrying a girl less than fifteen would die early. Therefore, nobody can stand guarantee on this matter. It is a question of balancing the convenience.

We have not heard of any marriage except in the human kingdom. Animals don't marry; there is no law of divorce among them; they don't have family life. It is only with respect to human beings that the institution of marriage is prescribed as one of the *purushatras* with a view to avoid inconvenience. As the Maharishi said, of the four *purushatras*, the three, that is *moksha*, the other word *dharma* maintenance of society, and *artha*, politics or economics, depend upon a happy family life. This is one thing on which all our ancestors laid emphasis, whereas in the Western society individualism has been all along in *excelsis*. Here family is the unit of our society.

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I do not mean to say that any human institution is so perfect as to obviate any inconvenience. So far as our marriage laws are concerned, no woman remains unmarried unless she chooses to remain a *sanyasin*. A Sanskrit *sloka* says that no woman is entitled to freedom. But it has been misunderstood. A woman is not born twenty-five years old. She is born out of a mother's womb, has to become an adult, marry and become old also. Both of them, whether a man or a woman, when they are in their teens and are minors have to be under the guiding hand of some other person. So long as the girl remains a minor the father has to maintain her. When she becomes old is there any better person to look after her than her son? Therefore at the dawn of life as well as at the close of life both man and woman depend upon the father or the son respectively. The only question is during coverture. If God has created both man and woman, either the woman should go and live with the man or the man has to go and live with the woman. In a happy marriage the woman must live with the husband or the man must live with the wife. Is there a middle course, I ask Dr. Ambedkar. (An hon. Member: They live together). Yes, both of them live together. That is what I am saying. Therefore either the man's voice dominates in the house or the woman's. Let us assume there is a difference. If the man's voice prevails there is no trouble. Or the man must get himself submerged in which case also there is no trouble. But if there is a difference between the man and the wife as to whom the girl should be given, when is the marriage to be celebrated? I am only thinking aloud of the inconveniences. It is not as if man produces sons and woman produces daughters. In all seriousness I am addressing this House. What I am submitting to the House is this. Some people have misunderstood, merely because some of our sisters are going about with regard to their share and their sufferings—on account of the experiences that they possibly have had—and the corresponding chilliness on the part of our friends here, that it is a woman's Code. It is something like a husband and wife quarrelling "to whom does this child belong?" It is not either to the one or to the other. Therefore, if this Code emerges, it will belong both to the men and women of this country. Let us therefore look at it dispassionately.

We have been brought up for three thousand years in a particular institu-

of jurists who came from the West and who were attracted by the institutions that prevailed here. Some of them even became converts and Max Muller created an *ashram* also. You have their opinions. They have compared their own institution with that which was prevailing in this country. They wanted to be converted but for their social habits and customs which weighed strongly with them. As they got enamoured of our institutions we are also now getting enamoured of their ways.

Let us examine whether it is useful or not. Let us see what the authors, the Members of the Hindu Law Committee said. Mr. Rau himself said that this is a concurrent subject and as regards such of the chapters the Provinces may be left some voice as to whether this portion should be applied to this community or not. The territory to which it should be applied, whether it should be enacted at the present time or should be postponed—all these are matters which any reformer, the sponsor of the Bill including, ought to take into consideration, so that there may be no impression left in the mind of any person that his conscience or religious faith or scruples have been trodden over. We have to gradually take people along. It is not as if we are declaring a war on Hindu religion. It is not an immediate question like deciding whether we should join America or not in declaring China as an aggressor. Here and there an inconvenience might have been felt by some people. I am asking this House, through you, Sir, to see the balance of convenience. It is not as if any human institution is perfect.

Without going into details, taking the question of marriage, it is a proved fact that till the Sarda Act came into being, the majority of our women—99 per cent. of them—were married. Do you want to say, let women remain unmarried, let men remain unmarried, let there be children who have no parents—like forty thousand war babies to be taken care of by others? Is it right for you to do so in our country? You will be creating a new problem. Is it right? So far either the man had to obey the voice of the woman or the woman had to subordinate her voice. Otherwise where is the house and the household? That is exactly why the woman is not under the law. The modern woman who is educated in a foreign system, who has lost moorings in her own faith, wants that she should inherit the property of her father and not her husband. She is indifferent. She wants to have the money in her pocket and feel "Why should I be subordinate to a man?" I

know the difficulty in every household, but if I am saying these things I am saying so with experience. Girls refuse to marry now because they feel "Why should I subordinate myself to a man? Give me a portion of the property". Does my daughter expect me to live perpetually? It is not money alone that makes for happiness. Suppose there is a rich man and his daughter inherits his property. When she is married does it prevent the other man to belabour her and to beat her? What prevents him from doing that? Many people speak supporting this Code. I am not referring to Members of Parliament—they know everything. I am only suggesting what many people outside are saying. Today under the Hindu Law the girl is not absolutely taboo. If a man dies leaving no children behind, the widow inherits the entire property. Apart from *Deshmukh's Act*, under the ancient Hindu Law she is the heir of all the property of the husband in cases where there are no children. Secondly, if there is a daughter and the mother predeceases the father and there are no other children, she becomes the heir to the entire property. There is absolutely no difficulty. What is sought to be done here is that simultaneously with the son the girl also must have a share. The responsibility of maintaining the household is that of the boy. We are not rich millionaires. The *zamindars* have also been liquidated. *Rajahs* have gone. Only the middle class people are there. I am addressing myself only to them. There are the poorest people where both the husband and wife eke out their living by working as coolies. And what happens to the majority of middle class people? The husband may be working as a clerk getting Rs. 100 or Rs. 200 a month. He educates his boy and expects that when he comes of the age of 21 or 25 he would take charge of the family at a time when he is himself fifty or fifty-five. When he retires there are a number of children to be taken care of. The property that he has accumulated is so small. I know in my part of the country persons who have any holdings over five crores are only ten or five per cent. of the entire persons holding land. Land is the wealth in our country. There may be a few industrialists in Bombay and a few in Ahmedabad. But generally people have neither industry nor land. The only industry for a middle class man is to become a clerk and earn some money, and by the sweat of his labour he earns it. The responsibility of looking after the family is thrown upon that boy. He may get a small land or a thatched house as patrimony. The

society expects him to take charge of his younger brothers and sisters and also to maintain the old parents. When the Britishers were ruling us the officials in the Railway Department, station-masters and others, used to get passes sometime in the year to go round. The pass is for the family. I am sorry to note that the same practice is still continuing as regards the description of the family, namely that the family means himself, his wife and children. What about the old parents? This may be in consonance with the western system where as soon as the boy comes of age he marries and goes away. The girl also marries and goes away. The old people have to be looking at each other's face! Do we want that kind of animal life in our country? I have no quarrel with the rest. It is a misfortune that their individualism is in excelsis. The husband and the wife are one unit and they ought to protect the old people. Our joint family system was brought about by our ancestors many years ago and that is a natural unit and there the father, mother, the son and grandson all of them go together. I say that this is a happy unit where unemployment never existed. People who talk of socialism and communism pay lip sympathy and I say that this tendency is the germ of Socialism. The husband in a particular family works for the maintenance of his own children on the one side and for the maintenance of the older people on the other side.

In Madras after this marriage-divorce law was passed 38 applications were filed. (*Interruption*) Boys alone can marry and no girl can marry a boy. Out of these 38 applications for divorce, 30 applications were filed only by the husbands.

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): Are they from the middle-class?

Shri M. A. Ayyangar: Most of them were from middle-classes, most of them were educated men, unfortunately in western style. As I said, the majority of the petitions were from husbands. I think there was only one case where a woman was said to be sterile. I would bring that under this Code. One other case was the husband, an educated lawyer and he is employed in Bombay. He gets Rs. 100 as salary. The girl is employed somewhere as a Doctor getting Rs. 400. The girl wants the husband and the husband wants the wife. The only pull was that the wife wants the husband to come and live with her and

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the husband wants the wife to come and live with him. After marriage this trouble has been going on between the husband and wife for three years. The husband said: "How long am I to be without her company" and the Court found that it was a case of desertion by the girl and they dissolved this marriage. I ask all my sisters here present and others outside in a widow re-marriage after the husband's death nobody knows whether the man has not touched the woman before her re-marriage. Even after this the widow-remarriage has not progressed considerably. (*Inter-ruption*). My friend says that what I say is a lecture. What my friend says is all truth. The Widow Re-marriage Act was passed long ago but still it requires a lot of persuasion.

There was an hon. Member of the Assembly—he was a Member from Bengal—and he brought a single clause Bill which stated that no widower shall marry a spinster. His idea was that a widower may marry at least some widows and when some of our friends pooh-poohed the idea, he withdrew the Bill and said that he committed a mistake. When once a man has learnt that a woman has been divorced, would that woman be touched as a wife and married again as a wife? I do not want the society to be disrupted in that manner to suit the few conveniences here and there of some individuals. There are difficulties but the other difficulty is far more appalling than this difficulty.

I was told this morning that some delegation is coming from Pakistan for the purpose of recovering abducted women. Have you ever heard of an 'abducted man'? Nature has so made us that without the husband and the wife, there is no unity in this world. Even among the Patagonians the wife is as tall as the husband. In any other community the male is taller than the woman. Is it good if I talk like a woman with a squealish voice and a woman goes on talking like a man. Therefore I must be a man and a woman must be a woman. I see I am evoking laughter of my friends but I feel that God has made the best arrangement by creating a happy family in which the parents will be protected, the minor children will be protected. The affection is not as a result of wealth. Love and affection must flow of its own and it does not depend upon money at all. Most of us are poor and we marry and get a son and in our old age he takes charge of the management of the household and we feel that since we have discharged the responsibility to the aged

parents, similarly he will maintain us in our old age. Sanction has the mighty force. That old law has much greater sanction than any other law which has prevailed so far for the last 3,000 years.

When I become a Member of Parliament you do not allow me to sit here unless I take the oath of allegiance, but so far as this marriage is concerned, I ask you all, are you to displace these old customs such as taking hold of a woman, taking her hand and placing her feet upon straw and saying that "our hearts are placed together like the Ganges and Jamuna"? This is not such a drab affair. Is it for the purpose of conjugal facility that a man is marrying and a woman is marrying? Our ancient scriptures enjoined it for the purpose of a happy married life and for the purpose of a good progeny. It is not open to me to leave a legacy of blind, lame and dumb children to the rest of the community and ask them to take charge of them. Even among race-horses we talk of pedigree and for humanity alone any man can marry any woman and still expect the children to be perfect angels. The new marriage that is proposed will be like tying a race-horse to a lame donkey.

Jayaswal an able commentator of Hindu law said that our ancients had big herds of cattle and they were also anxious to have first-class progeny so that they may take charge of the rest of the community. That is an honoured practice of our country. Hitler also wanted a good progeny for his country. Even Mussolini got a number of marriages celebrated in his country.

We say in our Sastras: "*Aputrasya gathir-nasthi*"; "*Punnamno Narakadya-smath thrayathe pitharam suthah*". That is, the son saves the father from the *Naraka* called *puh*. It is that sanction that has produced a lot of children in our country. Otherwise, we would have had to give a hundred pounds to every mother to get children. Are we to pooh-pooh this culture? What makes me say all this is that it is unfortunate that the Chairman of the Rau Committee is a gentleman who did not marry according to the Hindu law. Many of the Members of the Select Committee were not married according to the Hindu Law; some were bachelors who did not marry at all.

Shri Kesava Rao (Madras): Who says that they were not married?

Mr. Speaker: Order, order. I think we are having this discussion a little beyond scope.

Shri M. A. Ayyangar: I will come within the scope of the Bill.

Mr. Speaker: He has already taken more than 35 minutes; I am afraid it is rather too long. He may be short and to the point.

Shri M. A. Ayyangar: I am only referring.....

Shri Thirumala Rao: The reference is too personal with regard to the personnel of the Committee.

Shri M. A. Ayyangar: After all, let it not be said outside that that is quality opinion; it is only a question of personal opinion. I am as much aggrieved about this. Am I to bow down when it is said of the *Smritikartas* that they had absolutely no business to go on changing the *smritis*? What else are we doing? We are passing a law in the morning; we are amending it in the afternoon. The *smritikartas* wanted to change the *smritis* according to the changed circumstances. They are tabooed as archaic persons. If they have changed, they are equally condemned for having changed. Why are there so many *smritis*? Each is addressed to particular branch of law. My point is this. The reverence that is due in a change of law of this magnitude is not there. We are looking at the question from a different point of view. I submit that by means of this legislation Hindu society is cut vertically, horizontally, diagonally, into bits and bits. You say, let a man say, "I do not belong to Hinduism". Even the wording "professing the Hindu religion" is obnoxious. Why do you call yourself a Hindu? What is there in Hinduism? There are certain things; there is the doctrine of *Karma* which even the Buddha and the Jaina believed. The *Vedas* are not peculiar to me. I believe in the hoary antiquity of the *Vedas* as an inspired document. Do not the Muslims believe that there is a *Veda*. Even the Sikhs who belong to a reformist religion, worship a Book. Why should I be ashamed of my *Vedas* and of calling myself a Hindu? Whether I am a *Brahmo samajin*, or *Arya samajin* or a *Vaishnav*, if I do not believe in the *Vedas*, I am not a Hindu.

Unfortunately, in this country, religion has entered into politics also. It is said that on account of these vicissitudes of castes and creeds, so many Muslims became converts. I ask, was there not one religion in China, Buddhism; was there not one

religion in Indonesia, Buddhism? Where is Buddhism in Indonesia today? Where is Buddhism in Malaya? Were not a number of people converted to Islam in China? Again and again, wherever there is any difficulty you attack Hinduism and say that it is this ancient system that is responsible for all this. I say, the remedy is elsewhere. Apart from its disadvantages, it is the Hindu system of marriage and not allowing a divorce, of property not being dissipated by division amongst daughters also, who have no responsibility to maintain the family, etc., that has been the source of strength to the people. I would ask a simple question. If the daughter gets married, do you ask me to live with my son or my son-in-law? It is said: "*Jamatha dasamo grahah*", the son-in-law is the tenth planet. I must be supported by somebody in my old age. Why not live with the son instead of the son-in-law? What happens if you give a share to the daughter? Of course, she will say, "come and live with me". But, my fate will be that of King Lear. I am appealing to all mothers and sisters to anxiously and seriously consider the situation. Let them not be under the impression that I have not consulted my partner at home. We have deliberated for a long time.

In these circumstances, I say, let us go slowly. Whoever wants to have liberal views, let him have his own way of life. Incidentally, I may say that *sati* is opposed to morality; that was rightly put down. You say this is an enabling provision. Why don't you say that a brother may marry a sister? That would also be an enabling provision. Up to certain limits we can go; beyond limits, we ought not to go. We should not allow incest. The question is whether the marriage should be beyond three degrees or seven degrees. I have also read some books on genetics. New things are being discovered. They say there are three kinds of blood and that one does not agree with another. I have also read astrology in the old school. They say that before marriage you must consult the *Rajju*, *Sarpa*, and *Gana* agreement. This *Gana* seems to have been discovered by the westerners. The late Dr. Rabindranath Tagore was a great poet; but we recognised him as a great poet only after the westerners recognised him. Similarly we want somebody from the west to come and say that marriages should be only of a particular order and that the points in the old *smritis* are very good. I am a conservative in the sense that I do not want to leap before I know that the other ground is steady and strong.

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I would only urge upon this House to stick on to whatever has endured you for such a long time.

Before I finish, I would like to refer to one other aspect of the question, that is the *Marumakkattayam* law. They are all intellectuals; practically in the Secretariat, every Secretary is a Menon, coming from Malabar. I am proud of them. They have got a different way of life. Ask them if they are more happy. Why don't you impose this law on them also? Take the *Aliyasanthana* Law. You may think that it is opposed to all nature, where a man visits his wife and the wife remains in her house, where the children are maintained by the mother and her brother, not by himself. To you it may appear strange. Natural affection is different. Would I embrace my sister's sons with more affection, then my own? Well, that is their law and we are allowing them to continue under this law. But, when my hon. friend Pandit Thakur Das Bhargava says that there are certain customs in the Punjab, you say that they should be thrown overboard because my hon. friend is not so vociferous. After all, it is a wrong principle of jurisprudence. Law does not go in advance of custom. It is a human institution. It is something like saying that grammar does not go in advance of language. A child learns to speak first and then comes in grammar. It is a wrong principle of jurisprudence to say that custom is a wrong thing. It is said that a custom, to have the validity of a custom, must be ancient, must be moral, must be definite, etc. These are principles under which customs will be recognised in courts of law. I say it is wrong to say that, notwithstanding the validity of any established practice, we abrogate that because we have come to a different conclusion. What right have you to say so? It is not that I am questioning the competence of this Parliament to go into this matter. I am only saying to my hon. friend, let him not force this law on the community. It may become a dead letter. Let the people come forward and ask for these reforms. I would like to have statistics as to how many persons have married under the Civil Marriages Act. We may call the people ignorant; after all, time will judge whether they are ignorant. Therefore, I would appeal to hon. Members not to jump before you are sure of the ground. Let us have piecemeal legislations. We had the Widow Re-marriage Act. We had the Act to give women the power to inherit pro-

perty. We had the Act to restrain child-marriages and so on. Therefore, I say, let us wait and see. Let us go slow. Nothing will be lost thereby. Nothing will be lost because we do not allow divorce. Allow it to those who want a divorce. Let those who have solemnised their marriages under the civil authority, to jointly make a declaration that they will be governed by the Civil Marriage Act. If there is a volume of opinion against a measure, let us try to change that volume of opinion. Let hon. Members consider the question coolly and deliberately. Let us not displace the existing system merely because something is novel or strange so that you may go with the rest of the universe. We understand what is meant by Christianity. Germany is a Christian country, but were there no fightings in Germany? Do not Christians fight with each other? How can we say that because of castes and creeds in our country the nation went down to the Greeks? Why give a platform and a point to every other man to abuse us? We have progressed, and progressed considerably. In Switzerland, they say no woman has a vote. Then why not our women go there and ask them to demand votes? There is no use giving a lurid picture of our society and of our women. Our women have produced Sitas and Savitris. They followed their husbands. Perhaps we have now to follow our wives. Let them write our *Puranas* and say that men should follow their wives, if that would bring domestic peace. To-day we are husband and wife. To-morrow I go to a cinema and see a woman well made up with powdered face and all that. Am I to come home and beat my wife, just because she is not as pretty as the one I saw in the picture? And the next day, am I to apply for a divorce? No. Woman is the weaker sex. Perhaps they may quarrel with me for saying so. But you cannot get rid of these institutions unless you pray to God to have only women in the world or only men. These institutions are very necessary. They are necessary for the proper balancing of domestic life. They are necessary in the interest of economy, in the interest of solidarity and in the interest of avoiding unemployment and in so many other interests. If the husband dies, there is the brother-in-law to take care of the widow. We have also the maintenance laws to give at least a temporary strength to the widow, to stand by herself. I am only opposing those ladies who want to take away a chunk of their father's property and leave the husband alone. May God save us from them and from having an army of unmarried women.

Shri T. N. Singh (Uttar Pradesh): Sir, I have an amendment in my name.

Mr. Speaker: All those who have tabled amendments and others also will get a chance.

Shri Raj Bahadur: I have listened very patiently to the speeches of the hon. Members who have spoken before me, although I raised certain pertinent questions for them to throw light upon. I find myself in complete agreement with the provisions of this Bill. And my support is based not on any misplaced enthusiasm or the rashness of youth, but because I feel that this measure is necessary because of the exigencies of the moment and the situation created by the attainment of independence by our country. I feel that unless we have a measure of this kind and keep pace with the times, we are bound to fail.

It is wellknown that perhaps during the last three years no other Bill or legislative measure has provoked so much controversy as the Hindu Code Bill, and passion, prejudice, sentiment and superstition have all come in to cloud our judgments. It is a little difficult in an atmosphere so surcharged with superstition and suspicion for the country and also for this House to come to a balanced conclusion, a balanced judgment on the merits and demerits of the Bill.

The critics of the measure can be divided into three categories. First of all there are the people who like the hon. Deputy-Speaker genuinely and sincerely feel that we are definitely marching ahead of the time and the adoption of a measure of this kind would do us harm, that it would harm Hindu society which would be irreparable. Then there are others who day in and day out criticise those who are responsible for this measure, and to them what matters is not what is being said, but who says it. These people have clouded the judgments of the masses also. It is wellknown that our masses are ignorant and they are tossed violently between these two extremes. It is also wellknown that when a country attains independence, there is a natural desire felt by the people to have uniform laws and to codify their existing laws. This has synchronised with national awakening. This is not the first time that such a desire has been expressed by the Indian people, through their representatives in the Legislature. As early as 1921 there was a resolution to that effect by a Member from the Central Provinces. **Shri K. J. Bagde** and

Sir Tej Bahadur Sapru was the then Law Member. The resolution was to the effect that all the various branches of the Hindu Law as then existing should be properly codified. From time to time this question was also raised in the Central Legislature and I find that as eminent a person as **Shri Ganganath Jha** has put a question on the floor of the House asking when the codification of Hindu Law would take place. We may note that that was also a period of national awakening and this desire to codify the law was being voiced at that time.

The opinion has been expressed that this Code should be made applicable to non-Hindus also, to Christians and Muslims and others also that there should be a common Civil Code. Articles in the Constitution have been referred to and it has been said that this Code violates some of those articles. But I am sure when the Civil Code comes up for consideration, these very same persons would come forward to say that this Civil Code violates article 44 which guarantees the liberty of thought or religion. That will be the objection raised, of that I have no doubt in my mind. The demand for a Civil Code, seems to be bogus and without any meaning.

If we apply our minds to the present condition of Hindu society we will find that there are various differences and divisions in various matters, in the matter of marriage, of adoption, of succession and so on. It is impossible for the country to make any progress unless there is some codification of these various laws. So far as other sections of society are concerned they have this in some measure. For instance Christian and Muslim women have some rights and privileges which are sought to be given to Hindu women by this Code. Christian and Muslim women are now entitled in some measure to the right of inheritance. In the case of Muslim women, divorce is also obtainable to them.

An Hon. Member: No.

Shri Tyagi: It is not a right but a liability.

Shri Raj Bahadur: You may call it a liability but I would request you to apply your mind to the provisions of the Bill. There are many instances where a Hindu has deserted his wife for more than five years. Hindus have changed their religion and there are instances where Hindus keep other women while their first spouse is

[Shri Raj Bahadur]

living. In such cases of immorality will you not come out with your gallantry or chivalry and allow divorce to such miserable Hindu sisters? The right has been given to a Hindu male to marry four or five times. If the sanctity of marriage is there it should be for both man and woman. If a woman is expected to be pure, chaste and faithful to the husband, is it not for the man also to bind himself by the same obligation? Why should it be one-sided. If we say that man is God's favourite creature, it will not help our society or country in any way.

Let us look at it from another angle. In the present state of the world whenever there is a threat to the frontiers of a country and there is a war, it is not fought on the old lines. It is a total war. In the last great war while British men went to the trenches and the firing line British women folk applied themselves to the various tasks of national responsibility. For example, they ran railways, worked on the buses and in munition factories. Unfortunately it is a fact that we regard woman as a liability, as something which is below ourselves. The common man's conception of a woman is that she is like the shoes on our feet. If they are torn we can throw them away and take a new pair.

An Hon. Member: Is that the conception in Rajasthan?

Shri Raj Bahadur: That is so not only in Rajasthan but in most of our rural areas. It is so in high families also. It is time that we realise the bitter truth. It is time that we recognise it if we want to shoulder the responsibilities that have devolved upon us as a result of our independence. If we want to make our home and this country Bharat Varsh secure we should have to see that our women folk are brought on a par with man. It is not Westernism or Modernism but the exigencies of the moment that require it. You cannot face all the threats to your security as a nation unless you radically change our attitude towards the women of our country. It is impossible to go ahead with the task of reorganisation of our country unless and until our women get the same status as man in our society and it is a patent fact that today that status is not granted to them. Unless and until the law that is there is codified and brought within the reach of the common man it will be impossible for our people to be unified.

May I in this connection refer in passing to the difficulties that we are experiencing today? Our law has been

what the British Judges in the Privy Council have interpreted till now. It is a well known fact that conflicting judgments exist on the same points. For example you can cite many contradictory rulings on either side. Apart from that the law as it exists today is only within the reach of experts, lawyers or judges and the common man does not know what the law is. Is it not good that by codifying the law and making it more rational by modifying it to the extent desirable we may make the law within easy reach of the people? Otherwise our progress towards unification and solidarity will be impossible.

The question before us is not whether we should codify. Even the bitterest opponents of codification have veered round to the opinion that codification is necessary. How far should we codify it is the question. There are only three or four points which have aroused bitter controversy...

An Hon. Member: This is not a general discussion.

Shri Raj Bahadur: It is a discussion on the points hon. Members have made that the whole Code should be made applicable to the entire nation.

Bitter controversy has raged firstly about divorce and marriage laws and secondly about inheritance. I will confine myself to these two important points. I would say that the provisions of the Bill and the latest amendments proposed by the hon. Law Minister may be modified to a certain extent, if we find that we cannot go whole hog. But so far as the basic principle of divorce is concerned we shall have to recognise it.

I might give you an example. If a man happens to convert himself to Islam or any other religion at the present time his wife and children are also compelled to do so. Is it not necessary that at least in such cases our women folk should be allowed to remain within the Hindu fold? Can anybody object in principle to divorce being allowed in such cases?

So far as inheritance is concerned I am not in favour of allowing the daughter any share after her marriage in the father's property. But if she is unmarried she must be allowed the same share as her brother. That is an amendment which would meet the viewpoint of my learned friend Pandit Thakur Das Bhargava.

In conclusion I would say that so far as the opposition to the Bill is concerned it has been made out of

certain political considerations also. The elections are looming large on the horizon and people consider any stick good enough to beat the Congress with. People outside the Congress are trying to whip up passion against the measure just because the elections are coming. They want to use it as a weapon in the election fight. It is therefore meet and proper that we should consider each provision of the Bill as coolly as possible, thrash out every issue threadbare, so that people may be able to see the Code in the proper light without the mist that now surrounds it. It is obvious that when we come to the clause by clause discussion most of the superstitions and suspicions will be removed and controversial matters may be settled by mutual agreement and nothing will be there which will offend public conscience and public morality.

With these words, Sir, I oppose the amendments moved and support the clause.

[MR. DEPUTY-SPEAKER in the Chair.]

सेठ गोविन्द दास : सब से पहले तो मैं यह कहना चाहता हूँ कि बड़ा अच्छा होता यदि . . .

[Seth Govind Das (Madhya Pradesh): First of all I want to say that it would have been very good if . . .]

Shri Hussain Imam (Bihar): On a point of information, Sir. Will the hon. Minister of Works, Production and Supply, who is now here, tell the House about the tragedy of the Delhi clock tower? The Delhi clock tower has fallen.

Some Hon. Members: This is not the time.

सेठ गोविन्द दास : वह भाषण के बाद आप कह सकते हैं भाषण के बीच में से तो नहीं हो सकता ।

[Seth Govind Das : You can ask that after the speech, not in the middle of it.]

Mr. Deputy-Speaker: It is possible some hon. Members are anxious to know what has happened. If the hon. Minister has any statement to make he may do so after Seth Govind Das concludes his speech and we shall have an opportunity of having more information about the tragedy.

The Minister of Works, Production and Supply (Shri Gadgil): I have learnt about it only an hour ago. Secondly, I am not administratively responsible for what has happened in Delhi. The property known as the clock tower is managed by the Delhi Administration and probably by the Delhi Municipal

Committee. But if it is the desire of the House that it should know some facts I shall try to contact the proper authority and at about five I may be able to give some information.

Mr. Deputy-Speaker: Yes. The hon. Member may continue his speech.

सेठ गोविन्द दास : सभापति जी, मैं यह कह रहा कि बड़ा अच्छा होता यदि माननीय मंत्री जी इस विधेयक को इस समय हमारे सामने उपस्थित न करते। यह बात जब मैं कहता हूँ तो यह न समझा जाये कि मैं किसी पुरानी लकीर को पीटना चाहता हूँ या मैं हर बात में हमारे शास्त्रों ने या हमारी स्मृतियों ने जो कुछ कहा है उस के अनुसार चलना चाहता हूँ। जहाँ तक हमारी स्मृतियों और शास्त्रों का सम्बन्ध है, क्योंकि मैं थोड़ा सा संस्कृत का ज्ञान रखता हूँ, और चूँकि मुझे थोड़ा सा भारतीय संस्कृति से भी प्रेम है, शास्त्रों और स्मृतियों का हर विषय में एक ढी मत नहीं है। यदि एक शास्त्र एक बात कहता तो दूसरा शास्त्र दूसरी बात कहता है उस विषय के लिये। यदि एक स्मृति एक बात कहती है तो दूसरी स्मृति दूसरी बात कहती है उस विषय के लिये। हम तो सदा बुद्धिवादी रहे हैं। बुद्धि का हमारे भारतीय इतिहास और संस्कृति में सदा सर्व श्रेष्ठ स्थान रहा है। हम इस बात को मानते हैं कि "काल भेदेन धर्म भेदः" जब समय में परिवर्तन होता है तो उसी के अनुसार धर्म में भी परिवर्तन होता है। मैं इस बात को भी मानता हूँ कि हमें सुधार की आवश्यकता है और सुधार हमारे कानूनों के द्वारा भी होना चाहिये। मुझे उस समय का स्मरण है जब राजा राम मोहन राय ने सती प्रथा के विरुद्ध आन्दोलन किया था। उस समय इस देश में सती प्रथा के समर्थक भी मौजूद थे। मुझे उस समय का भी स्मरण है जब ईश्वरचन्द्र विद्यासागर ने विधवा विवाह के

[सेट गोविन्ददास]

सम्बन्ध में कानून बनाने की बात कही थी और उस का भी बहुत अधिक विरोध हुआ। शारदा कानून के सम्बन्ध में यहां बहुत कहा गया। मैं इस बात को मानता हूँ कि शारदा कानून से बाल विवाह का निरोध बहुत दूर तक हुआ है और हमारी उस बुरी प्रथा को शारदा कानून ने बहुत दूर तक कम करने का प्रयत्न किया। तो मैं इस बात को मानता हूँ कि हम बुद्धिवादी हैं। हमें हर बात में शास्त्रों और स्मृतियों के मत पर नहीं चलना चाहिये। और हमारे समाज सुधार के लिये भी हमें कानून की आवश्यकता है। परन्तु एक बात मेरी समझ में नहीं आई जो कल हमारे मंत्रीजी ने कही। उन्होंने उन लोगों का मजाक उड़ाया जिन्होंने यह कहा कि यह विधेयक सभी समाजों पर लागू होना चाहिये। यदि हम इस देश को एक सूत्र में बांधना चाहते हैं, यदि हम इस देश में ऐसे समाज की रचना करना चाहते हैं जिस समाज में वर्ण भेद, जिस समाज में जाति भेद, जिस समाज में इतना भेदभाव न हो कि जिस प्रकार का भेद भाव आज हम देख रहे हैं, तो मैं यह कहना चाहता हूँ कि हमें एक ऐसा कानून चाहिये जो सभी समाजों पर समान रूप से लागू हो। कल माननीय मंत्री जी ने कुछ ऐसी बातें कहीं कि जो बातें मेरी दृष्टि से सम्भव है मैं गलती करता हूँ, उन के लिये शोभाप्रद नहीं थीं। मुझे ऐसा मालूम हुआ कि वह कुछ चिढ़ गये या कुछ क्रोध में आ गये, या उन्हें कुछ ऐसा मालूम हुआ कि हम इस कानून में अड़ंगा लगाना चाहते हैं। ऐसी बात नहीं है। अधिकांश लोगों का विश्वास है, और मैं उन में से एक हूँ कि जिन का यह विश्वास है कि अच्छा होता

यदि यह कानून सभी समाजों पर लागू किया जाता। माननीय मंत्री जी के मतानुसार बड़े हर्ष की बात है अगर यह कानून दो दिनों में लाया जा सकता है। बड़ी अच्छी बात है यदि ऐसा कानून आघ घंटे के अन्दर पास कराया जा सकता है। परन्तु अपने मत से विरुद्ध मत रखने वालों का एक उत्तरदायित्वपूर्ण स्थान रखने वाले हमारे मंत्री जी द्वारा इस प्रकार मजाक उड़ाना जिस प्रकार कल उन्होंने उड़ाया अच्छी बात नहीं थी। फिर हमारे विधान में स्पष्ट कहा गया है, वह चाहे मौलिक अधिकारों के परिच्छेद में न हो, परन्तु वह प्रेरक परिच्छेद में है।

"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

हमारे विधान में यह धारा स्पष्ट शब्दों में लिखी गई है। यह जो कानून हमारे सामने आज पेश किया जा रहा है इस धारा के प्रतिकूल जाता है। इस वर्णभेद और जातिभेद से हमारी बहुत हानि हुई है। स्वराज्य के पश्चात् हमने अपना विधान बनाया और विधान के पश्चात् यह पहला सामाजिक विधेयक है जो हमारे सामने आ रहा है। इस सामाजिक विधेयक में हमें कुछ आदर्शों को स्थापित करना चाहिये या और वह आदर्श बखूबी स्थापित किये जा सकते थे यदि यह कानून सब समाजों के लिये रखा गया होता। इस विधेयक की कुछ धाराओं को यदि आप छोड़ दें और जो इस की अच्छी धाराएँ हैं उन को ले लें तो एक ऐसे कानून की रचना हो सकती है जो सभी समाजों पर लागू हो। तब जो लोग आज इस विधेयक का विरोध कर रहे हैं वह इस का विरोध कभी नहीं करेंगे।

एक बात इस के साथ और है और वह बहुत स्पष्ट है । इस विधेयक में बहुत सी अच्छी बातें भी हैं । मैं तो कहूंगा कि अच्छी बातें इस में अधिक हैं और जिन बातों पर मतभेद हो सकता है वह बातें इस में कम हैं । इस विधेयक में जो मूल बातें हैं जिन का जिक्र यहां पर किया गया उन में मैं एक बात सब से प्रधान मानता हूं ।

और वह यह है कि नारियों को सम्पत्ति में उत्तराधिकार दिया जाये । कहना बड़ा सरल है जैसा कि मेरे मित्र श्यामानंदन सहाय जी ने कहा, मेरे मन में उन के लिए बड़ा आदर है, कि हम तो नारियों को अपने घरों का मालिक समझते हैं । मैं उन से कहना चाहता हूं कि यह वैसी ही कहावत है कि सारी तिजोरी पर तो आप का अधिकार है लेकिन चाबी मेरे पास ही रहने दीजिये । हम इस बात को देखते हैं और हमें इस बात का अनुभव हुआ है कि सम्पत्ति पर नारियों का अधिकार न रहने का क्या नतीजा निकला । कई नारियों की जो जिन्दगियां रही हैं उन का हम को अच्छी तरह से अनुभव है । क्या श्यामानंदन सहाय जी इस बात से इन्कार करेंगे या उन के मत के जो लोग हैं वह इस बात से इन्कार करेंगे कि अनेक सती साध्वी स्त्रियों का सम्मान उन के पास धन न रहने के कारण गया है और वह नारियां ऐसे कुलों की थीं कि जिन कुलों के पास यथेष्ट सम्पत्ति थी । तो नारियों को सम्पत्ति के उत्तराधिकार में हक रहना चाहिये इस से कम से कम मेरा कोई मतभेद नहीं है । प्रश्न यह है कि उन को उत्तराधिकार किस स्थान पर मिले, उन को अपने पिता की सम्पत्ति में अधिकार मिले या अपने स्वसुर की सम्पत्ति में अधिकार मिले ।

گھائی جی - ایس - م - الی : مسو
 کا تو اعتراض ہی نہیں ہے -
 सेठ गोविन्द दासा : तो यह बहुत बड़ा

प्रश्न है । आज हमारे यहां विवाह पद्धति ऐसी है कि नारी पति के घर में जाती है । एक समय ऐसा भी था जब समाज में विवाह पद्धति नहीं थी । महाभारत में उद्दलाक और श्वेतकेतु की कथा है जिस से स्पष्ट मालूम होता है कि एक ऐसा समय था जब विवाह नहीं होता था । फिर एक ऐसा समय आया जब मातृ गृहों की स्थापना हुई जब कि पति पत्नी के घर में आता था और जो सन्तानें होती थीं उन में से जो नारी सन्तति होती थी उस का सम्पत्ति पर उत्तराधिकार होता था । वह प्रथा अभी भी कुछ स्थानों पर है, जैसे मालाबार में है । फिर एक ऐसा समय आया जब पितृ गृहों की रचना हुई । आज हमारा अधिकांश समाज ऐसा समाज है कि जिस में पितृ गृह हैं मातृ गृह नहीं हैं और ऐसे समाज में नारी को पिता की सम्पत्ति में उत्तराधिकार होना कहां तक उचित होगा यह विवादग्रस्त विषय है । मैं यह कहना चाहता हूं कि जहां तक नारी के सम्पत्ति के उत्तराधिकार का सम्बन्ध है उसे उत्तराधिकार अवश्य होना चाहिये । पर वह इस प्रकार होना चाहिये कि जिस का विवाह न हुआ हो उसे पिता के घर में हो और जिस का विवाह हो गया हो तो उसे पति के घर में ।

इसी के साथ कुछ और भी धारार्यें हैं जिन में मतभेद हो सकता है । जहां तक इस विधेयक का सम्बन्ध है इस में दो बातें की गई हैं एक तो भिन्न भिन्न कानूनों का एकीकरण किया गया है । दूसरे इस में कुछ समाज सुधार की धारार्यें जोड़ी गई हैं । जैसा मैं ने अभी आप से कहा, बड़ा अच्छा होता यदि यह विधेयक न आता । जब हमारे राष्ट्रपति डाक्टर राजेन्द्र प्रसाद हमारी कांग्रेस के सभापति थे उन्होंने यह कहा था कि यह विधेयक इस समय न उपस्थित किया जाये और उच के मतानुसार अगर यह उपस्थित न किया जाता तो अच्छा होता । लेकिन

[सेठ गोविन्ददास]

आज यह विधेयक इतनी दूर बढ़ गया है कि अगर यह वापस ले लिया जाता है तो इसके अनेक अर्थ लगाये जायेंगे। अगले चुनाव लोगों के सामने हैं। मैं चुनावों को कोई बहुत बड़ा महत्व नहीं देता और मैं तो यह मानता हूँ कि कांग्रेस कोई ऐसी छुई मुई चीज़ नहीं है कि यदि यह विधेयक पास कर दिया गया और लोगों से कहा गया कि कांग्रेस ने यह विधेयक पास कर दिया है तो कांग्रेस हार जायेगी। अगर कांग्रेस इतनी छोटी सी चीज़ है कि कांग्रेस की हार इस प्रकार से हो सकती है तो मैं समझता हूँ कि कांग्रेस की हार जल्दी से जल्दी हो जाय तो अच्छी बात है। तो जो चुनावों को सामने रखते हैं और हर बात चुनावों की दृष्टि से करते हैं उन से मेरा मतभेद है। मुझे सन् २३ और सन् २६ का अनुभव है जिस वक्त पहले पहल स्वराज्य पार्टी ने चुनाव लड़े थे। सन् २३ में मैं जमींदारों की तरफ से केन्द्रीय असेम्बली के लिए खड़ा हुआ था और यह कहा गया था कि कहां कांग्रेस और कहां जमींदार, जमींदार कांग्रेस वालों को कैसे वोट देंगे पर मैं ने देखा कि मेरे विरोध में कोई भी खड़ा नहीं हुआ। उसके बाद सन् २५ में फिर काउंसिल आफ स्टेट (Council of State) के लिए मैं खड़ा हुआ और उस वक्त भी यह कहा गया कि क्या काउंसिल आफ स्टेट के वोटर कांग्रेस वालों को मत देंगे। सर मानक जी दादा भाई और सर हरीसिंह गौड़ मेरे विरुद्ध खड़े हुए पर उस वक्त भी मुझे तीन चौथाई वोट मिले। तो कांग्रेस को मैं इतनी छुई मुई संस्था नहीं मानता कि अगर हम इस प्रकार का एक विधेयक पास कर देंगे तो ऐसा करने से हम समझ लें कि हम हार जायेंगे और इस लिये हम चुनावों से डरते रहें। मैं मानता हूँ कि यदि हमारा मत इस विधेयक

के पक्ष में है और यदि हमारे नेता हमारे प्रधान मंत्री का यह मत है कि इसे पास होना चाहिये तो हम चुनावों से डर कर इसे पास न करें यह गलत बात होगी। यदि हम इसे पास नहीं करना चाहते तो कोई बात नहीं। पर यदि हम इसे चुनावों से डर कर पास न करें इससे तो बुरी और कोई बात नहीं हो सकती। और जो चुनावों से भयभीत हो कर इसे पास नहीं करना चाहते उन से भी मैं एक बात कह दूँ। यदि यह इस समय पास नहीं किया जाता तो वह देखेंगे कि चुनाव के समय यह कहा जायेगा कि अगर तुम ने कांग्रेस वालों को भेज दिया तो वह ऐसी बातें करेंगे जैसी बातें इस बिल तक में नहीं हैं। उस समय इस प्रकार के बड़े बड़े भयानक चित्र खींचे जायेंगे कि जिन की आज हम कल्पना भी नहीं कर सकते। तो हमें चुनावों से भयभीत हो कर या चुनावों के सम्बन्ध में कुछ इस प्रकार के विचार रखकर इस विधेयक के सम्बन्ध में विचार नहीं करना है। हमें जो विचार करना है वह इस विधेयक को ले कर करना है। इस सम्बन्ध में माननीय मंत्री जी से फिर वही बात कहूंगा जो मैं ने अभी कही थी कि इस विधेयक के दो भाग हैं, एक एकीकरण है और दूसरा समाज सुधार। समाज सुधार की कई धाराओं से हमारा घोर मतभेद है। मैं चाहता हूँ कि इस समय देश को जैसी परिस्थिति है उस को देखते हुए इस प्रकार की सारी धाराओं को इस में से निकाल दिया जाये क्योंकि जिस प्रकार की धारायें इस समय लाई गई हैं वह उचित नहीं हैं। मतभेद की चीजों को इस में न रखा जाये और केवल एकीकरण की चीजों को ले लिया जाये। मैं इन दोनों बातों में बहुत भेद कर रहा हूँ और मैं चाहता हूँ कि माननीय मंत्री

जी मेरे इस कथन को कृपा कर अच्छी तरह सुन लें। मैं यह चाहता हूँ कि इस में जहाँ तक एकीकरण का सम्बन्ध है वह हम ले लें और ऐसी धाराओं को हम ले लें कि जिन पर हमारा कोई मतभेद नहीं है। और उन धाराओं को हम पास कर लें। जितनी धारायें इसमें विवाद प्रस्त हैं, जिन के सम्बन्ध में देश भर में आन्दोलन हो रहा है उन को हम छोड़ दें। अगला चुनाव हम हो जाने दें जिस में बालिग मताधिकार पर लोग यहां आयेंगे। यदि उस समय हम यह आवश्यक समझें कि इस में जितनी समाज सुधार की धारायें हैं उन को लाना चाहिये तो उन धाराओं को इस विधेयक के संशोधक विधेयक के रूप में ला सकते हैं और उन्हें पास कर सकते हैं। इस में दोनों बातें हो जायेंगी। कानूनों का एकीकरण हो जायेगा और उस के साथ ही जो विवाद प्रस्त विषय हैं उन से हम दूर हट जायेंगे।

एक बात और भी की जाये। वह यह कि जैसा मेरे मित्र जसपत राय कपूर जी ने कहा कि इस विधेयक को लोगों पर जबरदस्ती लागू न किया जाये। इस प्रकार का समाज सुधार कानून के द्वारा होना चाहिये पर उसके बास्ते हमें लोकमत भी तैयार करना चाहिये। तो यह करना बहुत अनर्थ की बात नहीं होगी कि हम इसे इस समय जबरदस्ती सब पर लागू करने का प्रयत्न न कर केवल उन लोगों पर लागू करें जो इसे स्वीकार करें। तो इस सम्बन्ध में मैं फिर आप से यह कहना चाहता हूँ कि मैं इस मत का हूँ कि इस विधेयक का हमारे सामने न आना अच्छा था। मैं इस मत का भी हूँ कि हम अपने विधान के अनुसार चल कर इस विधेयक को जसपत राय कपूर जी के या दूसरे जो संशोधन यहां पर पेश हैं उन में से किसी को स्वीकार कर सारे समाज के लिए

इसे बना सकें तो इसे हमें वैसा बनाने का प्रयत्न करना चाहिए। इसी के साथ हम इस बात की कोशिश करें कि यह विधेयक जबरदस्ती लोगों पर लागू न किया जाये। जो इस को चाहते हैं उन पर ही यह लागू किया जाये। या इस समय जैसी परिस्थिति है उसको देखते हुए हम इस विधेयक की विवाद प्रस्त धाराओं को छोड़ दें और जहाँ तक एकीकरण का मामला है उस को ले कर जितनी चीज हम यहां पर एक मत से कर सकते हैं उसे करने का प्रयत्न करें।

(English translation of the above speech)

Seth Govind Das : Sir, I was submitting that it would have been very good if the hon. Minister had not introduced this Bill at the present time. When I say this, it should not be inferred that I want to stick to the old customs or want to follow all that is given in our *Smritis* and *Vedas*. I have some knowledge of Sanskrit and I love my Indian culture, therefore, as far as *Smritis* and *Vedas* are concerned, they are not of the same opinion on every subject. If one *Veda* or *Smriti* says one thing regarding a particular subject another *Veda* or *Smriti* says another thing regarding the same. We have always been lover of knowledge. Knowledge has always been given first place in our history and culture. We have admitted the fact that *Kala bheden dharma bhedah* i.e. Religion changes according to times. I admit that we need reforms and reforms should also be brought about through legislations. I remember the days when Raja Ram Mohan Ray pleaded the case for the abolition of *Sati*. Even in those days there were people in the country who were in favour of *Sati* custom. I also remember those days when Iswarchandra Vidhyasagar advocated the cause of widow remarriage and it was strongly opposed. Enough has been said regarding Sharda Act. I admit that child marriages have been prevented to a large extent due to the Sharda Act and to a greater extent this Sharda Act has tried to put an end to this bad custom of ours. Therefore, I admit that we have always been rational in our outlook. We should not follow the *Vedas* and *Smritis* blindly and we need laws to reform our society. But I could not understand one thing which our Minister said yesterday. He laughed at those persons who suggested that this Bill

[Seth Govind Das] should be made applicable to the entire society as a whole. If we want to get our different societies knit in such a way, if we want to create such a society where there should be no class or caste distinction or so much difference as at present, then I submit that we need such a law which may be applicable to the entire society without any distinction. Yesterday, the hon. Minister made certain observations which in my opinion do not befit him, it is just possible that I may be wrong. I thought that he became somewhat irritated and lost his temper or he felt that we were putting obstruction in the passage of the Bill. But this is not the thing. This is the opinion of the most of the people, and I am one of them, that it would have been far better had this law been made applicable to the entire society without distinction. According to the hon. Minister, it will be a matter of great pleasure if such a Bill could be introduced within two days. It will be very good if this Bill could be got passed within half an hour. It was not a good thing for our hon. Minister, holding such a responsible post, to laugh at those people who hold different opinions than what he holds. It has been clearly stated in our Constitution, it may not be in the chapter relating to fundamental rights but it is in the preamble chapter:

"That State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

It has been clearly stated in our Constitution. The Bill which has been presented before us today is opposed to this clause. We have suffered a lot as a result of this class and caste distinctions. After attaining independence, we framed our constitution and this is the first social Bill which has been presented before us after the passing of the Constitution. We should have incorporated some of the ideals in this social Bill and that could have been easily done, if only this was to be applied to the entire society. If some clauses of this Bill are deleted and the good ones selected then a bill could be prepared which could be applied to the entire society as a whole. Then, the people who are opposing this Bill today would not have done so.

There is one thing more and which is quite apparent. There are many good things in this Bill as well. I would rather say that it abounds in good things and the points of disagreement are very few. There is one important point in the fundamental things, which have been laid down in this Bill. One of the disputed points

is that women should also be given the right of succession to property. It is easy to say a thing as my friend Shri Syamanandan Sahaya has done, I hold him in great esteem, by declaring that we already treat women as masters of our household. I would like to tell him that that is akin to the maxim "the safe is yours but let the keys remain with me." We have seen and are aware of the consequences resulting from non-existence of the rights of women to property. We know of the lives that many women had to lead. Will Shri Syamanandan Sahaya or those who are of his opinion deny the fact that many a chaste and respectable women belonging to wealthy families had to lose their prestige and status on account of having been left without property? As far as I am concerned, I have, therefore, no difference of opinion about women's right of succession to property. The question is whether they should obtain share in the father's property or in the father-in-law's.

Giani G. S. Musafir (Punjab): There is no objection to father-in-law's.

Seth Govind Das: So this is a big question. Today our system of marriage is such that the woman goes to her husband's place. There was also a time when there existed no system of marriage in the society. The story of Uddalak and Shwetketu in the Mahabharat clearly shows that there was a time when no marriages were held. Then came a period of matriarchy, where the husband used to go to the wife's place and the female child among their children inherited the property. That system still prevails in some places, in Malabar for example. Then the period of patriarchy came. Most of our social structure today comprises of patriarchy, not matriarchy, and how far would it be proper to make a woman inheritor of father's property in such society is a controversial matter. I would like to impress that so far as the women's right of succession to property is concerned that must be there, but that should exist in such a manner that an unmarried woman should be entitled to it at her father's place and a married one at her husband's.

There are also some other clauses of this Bill about which there may be a difference of opinion. So far as this Bill is concerned, it incorporates two things. First, various existing laws have been amalgamated. Secondly, some clauses for the purpose of social reform have been added. As I had just said, it would have been in the fitness of things had this Bill not come

up. When our President Dr. Rajendra Prasad was the President of the Congress, he had pleaded for not presenting such a Bill and so according to him it had better not come up. But now it has been carried so far that if it is withdrawn at this juncture, various interpretations shall be forthcoming for that. The next election is before the people. I do not give very much importance to the elections and believe that the Congress is not so ineffectual that if the present Bill is passed and people are told that the Congress has done it, the Congress Party would be defeated. But if the Congress is such a trifle that it can thus be defeated, I would say that the earlier it is defeated the better. So I differ from those who keep the elections before them and proceed with that point in view. I have recollections of 1923 and 1926 when the Swarajya Party went to polls for the first time. I was a candidate for the Central Assembly from the zamindar party and it was being said that the Congress and zamindars were far apart, that zamindars would not vote with the Congress; but still nobody contested my seat. After that I stood again for the Council of State in 1925 and then too it was doubted whether the voters of the Council of State would vote for the Congress. Sir Manekji Dadabhai and Sir Hari Singh Gour opposed me, but I got three-fourth of the votes. Therefore, I do not consider the Congress to be a touch-me-not institution which may wane into a defeat if we pass such a Bill, which thought may continue to give us a constant fear of elections. I am of the opinion that if we are in favour of this Bill and if our leader, our Prime Minister, considers that it should be passed, it would be a mistake for us not to pass it for fear of elections. It is a different thing if we do not want to pass it. But if we do not pass it for fear of elections, there would be nothing worse than that. And I would say a word to those also who would not like to see it go through for fear of elections. If the Bill is not passed now, they shall find people saying that if the Congressmen were returned they would do such things as were not there even in the Bill. Such horrid pictures would be drawn before the people the like of which we cannot even imagine today. So we have not to deal with this Bill for consideration or fear of election. We have to deal with it on its merits. In this connection, I would reiterate before the hon. Minister what I have just said, namely, that the Bill has two parts—one of amalgamation and the other of social reforms. We are utterly opposed to many provisions of social reforms. I want that under the prevailing circumstances in the

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country all such provisions should be left out because their incorporation is inopportune. Things over which there is divergence of opinion should be excluded and those of amalgamation may be taken up. I make considerable distinction between these two things and wish the hon. Minister to give sufficient heed to this suggestion of mine. I want that so far as amalgamation is concerned we should take that up as also the provisions with which we are not at variance, and these provisions may be passed. Those provisions that are controversial and with regard to which there is going on a campaign in the country should be left out. We must let the next election take place when representatives would be elected on adult franchise. If at that time we think it necessary to bring up the provisions concerning social reforms, we may move them as amendments to this present Bill and pass them. Such an approach will cover both the things. It would bring about an amalgamation of the laws and with that we would also avoid the controversial points.

One thing more should be done. As my friend Shri Jaspat Roy Kapoor said, its application should not be made obligatory on all people. Of course, such social reforms should be brought about through legislation; but it is imperative to mould public opinion in their favour. It would not be ill-advised to make it applicable only over those who accept it and not try to make it binding on the entire population. Therefore, I would again submit that it were better for this Bill not to have come up before us at all. I am also of the opinion that in keeping with the ideals of our Constitution if we could make this Bill in the times to come applicable to the entire society, according to the amendments moved by Shri Jaspat Roy Kapoor or others we must endeavour to make it such. Along with this we should also endeavour not to make it applicable compulsorily over the people. It may be applied to those people only who accept it, or else in the existing conditions we may leave out its controversial portions and so far as the matter of amalgamation goes, we may do it in as much as we are unanimous about it.

شری حسین امام : میں چاہتا

ہوں کہ آج میں بھی اپنی زبان

میں تقریر کروں، کیونکہ ہمارے ساتھ

گووند داس جی نے بڑی اچھی تقریر

کی ہے ۔

[**Shri Hussain Imam:** Sir, today I also want to speak in my own language as our Seth Govind Das has delivered a good speech.]

Prof. Ranga: Why not speak in English, so that we may follow?

Shri Hussain Imam: In considering the Hindu Code Bill, ordinarily, I would not have taken part in the debate, because it is a measure applicable to my sister community and as such they should have the right to have whatever they wish for themselves.

Shri Tyagi (Uttar Pradesh): But the amendment covers you.

Shri Hussain Imam: That is the reason for my rising to speak.

Some of my hon. friends are anxious to bring us under the purview of this measure. Well, there would have been no objection on our part to come under a common code had it been in advance of our own system. But my complaint is that it is very much backward; and you want to draw up and bring us down to the level to which you have brought yourself down. I, therefore, wish to be excused from coming down to your level.

I may mention that the Hindu Code Bill has a very long history behind it. At one stage of it I had occasion to participate in the Committee on Hindu Law that was appointed in 1944-45. As such I have my sympathies with those who wish to advance the cause of the weaker sex. I believe that no country or society can advance if it has got submerged and suppressed people in its fold. It is very necessary that everyone should have equality before the law and in the matter of inheritance and other things. But it would be idle on our part to ignore the feelings of others. Feel as I may for myself, I must also realise what others are feeling, and as you, Sir, very poignantly pointed out, it is very necessary that there should be no dictatorship.

The hon. the Law Minister in his speech in the Constituent Assembly on the memorable day we completed the drawing up of the Constitution said as follows:

"It is quite possible in a country like India—where democracy from its long disuse must be regarded as something quite new—there is danger of democracy giving place to dictatorship. It is quite possible for this new born democracy to retain its form but give place to dictatorship in fact. If there is a

landslide, the danger of the second possibility becoming actuality is much greater."

I commend to him his own speech and ask whether it would not be dictatorship on the part of this House to dictate to the thirty-six crores of people of India to come under a law compulsorily, just as the old orthodoxy was denying the right of going forward to the more-advanced members of society. It is a dictatorship which a minority is going to exercise on a vast majority. I wish to tell my sisters and the reformist brothers that they must take heart. In everything there is a fair way of fructification. They have the whole field before them. I find that orthodoxy is not only not aggressive, but is on the defensive—is putting on the garb of reformists to fight its retreating battles. It is fast losing its momentum. We have the eternal dilemma of an irresistible force meeting an irremovable mass. But that mass is becoming every day lighter and lighter and its roots are getting uprooted every day. Therefore, this orthodoxy will not remain adamant, as it has been in the past. But is it necessary that the reformist should become aggressive? Should they play the game of the old orthodox people and try to dictate what they feel to be the best to people who do not regard them as the best but as the worst? Why should you do that? That is the question and in that question my community also joins.

We feel that our system of law, and our system of distribution of wealth is more democratic and more socialistic and more, if I may say so, akin to the communistic, than the system which is proposed in this piece of legislation before us.

I think the major amendments to clause 2 can be divided into three categories. Firstly, some of the amendments, notably amendment Nos. 13 and 14 of the Consolidated List want to increase its applicability. Amendment No. 13 of the supplementary list also. Then there are certain amendments, like No. 18 which wants to decrease its applicability. Then there is the third category, which wants to restrict its applicability to only those who wish to come under this. I think it is a very good media which has been suggested by Shri Jaspal Roy Kapoor and deserves the most serious consideration of this House—whether it would not serve our purpose by having a better code than the reformed code which Dr. Ambedkar has brought before the House. He had to give some concessions much against his wish.

I wish to state a few facts for the consideration of the House. These

facts are that the Bill sought to be amended by Dr. Ambedkar is so materially different from the Report of the Select Committee that we should in common justice recirculate these amendments and get the opinion of the country whether they wish to have this in the form in which they have been brought or not, and there is no time for that. This House is under dissolution. It will last probably, if things do not move in an untoward direction—which may quite possibly happen on account of the war—for a few more months. Now, I ask my lady friends and reformists whether it would not be better for them to take up the challenge of the orthodoxy now. According to Shri Jaspat Roy Kapoor's amendment it is only a question of how far you are going to get the co-operation of the people to come and be under this Act. There is no occasion better than the election. In the election booth all the adult population of the country will be coming. If you have a system of registration running side by side with the election booth and have a register in which every voter will put in his thumb impression to indicate that he is willing to come under this Code, you can get the mandate of the people. Then you can confront orthodoxy and come and say that a vast majority of the country wants this reform, orthodoxy must go back and the day has been won for the reformists. But you do not do it. If you do not seriously convert the people to your idea, why do you ask that this body should get the odium of thrusting something on the people which it is professed they do not want and which you are unable to prove they want.

I therefore suggest that if the hon. the Law Minister is not prepared to accept the amendment of my hon. friend Mr. Jaspat Roy Kapoor *in toto*, he may at least follow the example set in the *Shariat* Act of ours where parts of it were made compulsorily applicable to all but parts of it were reserved for only those who would come and get themselves registered. This is the second suggestion which I wish to make to the hon. Minister.

Shri J. R. Kapoor: Will the hon. Member please say which are those parts?

Shri Hussain Imam: I wish to state that there are certain parts to which very serious objection has been taken, notably by you, Sir, about the distribution of property to the daughter. If you want that this portion should not apply to all, you can make it a provision of this nature, namely, that this part—Chapter IV—may apply only to those who wish to come into it.

I would also mention the possibility of the grave dangers which this amendment of Dr. Ambedkar on the question of property has brought in. My valued friend Pandit Thakur Das Bhargava suggested that the girls should get a share while they are unmarried and when they get married they should be entitled to the husband's property in the father-in-law's house. But you must not forget the divorced women. How has the modern Manu provided for them? Dr. Ambedkar has not provided for the divorced women who are deprived of the share. He has provided for the share to remain permanently for the girl—half a share for the unmarried girl and quarter of a share for the married girl. But Pandit Thakur Dasji has suggested no share for the divorced woman. Under Dr. Ambedkar's rule she will continue to have a quarter of a share. But Pandit Thakur Dasji would deprive her even of that quarter share because as soon as she gets married she will have no share.

Pandit Thakur Das Bhargava: According to me she would be entitled to the rights of partnership in the property of the new husband.

Shri Hussain Imam: If she does not remarry? I therefore think that another danger of the provision made by Dr. Ambedkar is that it might lead to immorality—the provision that on marriage a woman will lose half of her property and will be entitled only to a quarter of the father's property. A rich girl would never marry a poor husband.

Dr. Ambedkar: Why bother about the rich?

Shri Hussain Imam: As long as you have not changed the system and do not go to the Moscow-Peking axis of my hon. friend Mr. Brajeshwar Prasad, you have to care for wealth and capital. When you come to that day you will no longer bother about this.

I was rather surprised that Dr. Ambedkar who is a born democrat should have made disparaging remarks about the electorate. The electorate with all its ignorance is the only touch-stone by means of which we can test democracy. If that is removed, democracy will become meaningless, lifeless and only an effigy of democracy. Because, what did Hitler do? He had elections, but a system was evolved by means of which elections were made... (*An Hon. Member; Easy*)... not easy, but they were made only a cloak to cover the dictates

[Shri Hussain Imam]

of the dictator. The same thing will happen if we accept this dictum that the electorate has no right and the right is reserved to the Members of Parliament alone to decide whatever they like and in whatever manner they choose to do.

I would again mention one fact, not the competence of this House—I would be the last person, having been for twenty years in the Central Legislature, to question the competence of this Legislature—but would it not be better to leave a measure of this nature to the popularly elected representatives who would come to this House with the direct mandate of the electorate? I am suggesting this as a method of finding out the will of the people. As long as we pay at least lip service to democracy our ultimate masters and the arbiters of our fate are the electors. This is going to affect all. I wish to warn the House that as against the Bill as reported by the Select Committee, as a result of the change of the Constitution, we are going to hit each and every individual property. Even a small farm of an acre of land is not free from the ambit of this new Bill, because Land is now brought in under the purview of the Central Legislature, whereas what the Bill as reported by the Select Committee affected was only fifteen to sixteen per cent. of the population. Is it proper, is it democratic for you without going to a Select Committee even, to so change the nature of the Bill that it will affect hundred per cent. of the citizens of India—because Land has now been brought into the purview of the Central Legislature? I very respectfully beg to suggest that it is not proper for this Legislature, keeping self-respect in view, to go so much forward without even the formality of having a Select Committee to go over it. I know that now it is no good crying over spilt milk. But I am bringing all these arguments in favour of making this Bill elective. I do not say, having advanced so far and having made so many mistakes in the past, that you should now brush it away. But at least you should have the decency to say that you will allow the people to have their choice whether they wish to be under this Act or not. This choice may be either general as my hon. friend Mr. Jaspal Roy Kapoor has suggested, or it may be restricted as I am suggesting now for the con-

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sideration of Government. Government have got ample time according to present estimates. The Bill is not going to be proceeded with immediately

now. Therefore it is possible for Government to reconsider their position. In all humility I would appeal to Government to give it their best consideration and make it elective in full and if that is not possible for having it at least in part made elective and not compulsory. Otherwise it will be dictatorship and not democracy.

Mr. Speaker: We will now take up the half an hour discussion.

Shri Gadgil: A request was made by hon. Members to let the House know about a certain accident that has happened in the morning in the Chandni Chowk.

Mr. Speaker: I think it had better be taken at 5-30 instead of now.

SINDRI FERTILISER FACTORY

Shri Sidhva (Madhya Pradesh): I would like to refresh the memory of hon. Members that this matter is in relation to a question that I put, Starred question No. 901 on the 14th December 1950, regarding the Sindri Factory. The hon. Minister has given certain replies which are quite contrary to facts and therefore, I would like the facts to be placed before this House, so that we could know what really is the exact position. The question that I had asked was that the original cost of the scheme was Rs. 10.5 crores and it has now increased to Rs. 23 crores. The hon. Minister replied that up to 31st August 1950 the cost had been Rs. 16.5 crores. Then he says that the total ultimate cost is now expected to be in the neighbourhood of Rs. 23 crores. I want to know whether within a period of nearly nine months within which time he expects the completion of the work and starting of production, the remaining Rs. seven crores would be spent. I also asked him whether any estimate was prepared. My hon. friend Dr. Deshmukh twice asked and persistently too whether any estimate was prepared. I do not want to go into the previous history of 1944 because I do not want to whip a dead horse but I want to know, ever since this Government came into existence, whether for the amount that we spent later on over and above the estimate, whether those estimates were prepared. Although, of course, I am entitled to an answer from the hon. Minister but despite our questions these answers were not forthcoming from the hon. Minister. Our point is whether after 1947 revised estimates were ever placed before

the Finance Ministry or before the House. The answer to that was evasive. The hon. Minister says, that the cost of this factory work has increased because there will be a cement factory and other factories. He evaded the question despite repeated questions.

In this connection, I would like to draw the attention of hon. Members to the report of the Estimates Committee. I am not, of course, going into the details of that report, because that would be dealt with at the appropriate time, and it cannot be dealt with in this half-hour debate. I would like to invite attention to page 35 of the report where the Committee has quoted the Ministry's version, which is as follows:

"It was not an estimate at all. It was a rough guess."

"There was no estimate at all."

"Neither the Government nor Parliament at any time approved the estimate at all."

"This is a contract with two firms and number of sub-agencies and nobody knows the whole picture."

"Sindri work is something extraordinary over which nobody had any control."

This is the version of the officials of the Ministry. When the hon. Minister has evaded answering questions or has stated things which created the impression that everything was right, I want to know which is correct. Before the report of the Estimates Committee was presented to this House, it was sent to the Ministry to verify whether what was stated by the officers of the Ministry was correctly stated or not. They have sent it back saying that that was correct. The verbatim record of the speeches of the officials were also sent to them. A very systematic and methodic procedure was adopted by the Chairman of the Estimates Committee. Whenever a person gave evidence, it was sent to him, just as speeches are sent to us here, for correction or modification. They were returned duly as a certified copy.

I want to know who is responsible for this extra estimate that was passed from time to time. There was an Adviser from the Finance Ministry to the Industry and Supply Ministry at that time. They want to take

shelter upon the state of affairs between 1944 to 1947, and say that they had no control. As I stated, I do not want to go into that past history although certainly there must be some officers who are here even today. I want to know why, without a proper estimate, they passed those amounts. I am specifically asking Government which is responsible to this House, for things during the last three years. The version from the officials who gave evidence is that there was no estimate and that nobody knew anything about the Sindri factory.

As regards the contracts, we put a question to the hon. Minister at that time as to who were the contractors, and what were the terms of the contract. My hon. friend Dr. Deshmukh also pressed that point; but no answer was forthcoming. With regard to the contract, we want to know whether there is any contract, who has entered into the contract, whether the contract is duly signed, what the terms of the contract are, and how the conditions of the contract were exceeded in the estimates. We would also like to know who signs the cheques for payment. We understand that without a detailed estimate, the bills could not be checked and the amounts could not be paid. That is the policy of Government. If that is the policy, I would like to know how the amounts were disbursed in this case when no estimates were prepared. Originally, it was six crores; now it is stated to be about 23 crores. The hon. Minister has stated that up to August 1950, 16 crores have been spent. I would like to know how within eight months, they expect to spend the balance of seven crores, even if the work has been carried out. We would like to have some details. The hon. Minister in his reply has stated that the cost has gone up because there was an increase in the price of certain articles; for instance, steel by 100 per cent. In the Estimates Committee, the officials have given the variation as forty per cent. I want to know who is correct: whether the hon. Minister was correct or the officials of the Ministry. There are some conflicting opinions; I rely upon this report because this has been prepared by representatives of this House. The Estimates Committee of 25 Members was elected by this House. They have taken great pains to invite the officials and record their evidence; they have given this document great care, and this report has been prepared diligently. I want to know whether the hon. Minister would consider that this document is false. He cannot say so because this document is supposed to have gone to him.

[Shri Sidhva]

because the Ministry was supplied with copies of it. These are the points which...

Mr. Speaker: The hon. Member has asked for the information, and if he takes longer in putting the question all the time might be taken up by that. Let him not repeat his arguments.

Shri Sidhva: No Sir. I will not raise the question of estimates and all that. I have mentioned the points on which I want information and I would request the hon. Minister to let us have an exhaustive reply to all the points that I have raised.

The Minister of Commerce and Industry (Shri Mahtab): I am thankful to Mr. Sidhva for giving me this opportunity to place all the facts relating to the Sindri factory before the House. It is my senior colleague Shri Gadgil who is dealing with this, but I had gone into it and I have also done some sort of research work on this question. I have here brought with me all the publications—priced publications—on this question which the hon. Members may glance through. They can find them all in the Library. They are all published records, priced publications, and there is nothing secret.

I would like to give briefly the history of this factory. In June 1943, the Food Policy Committee recommended that 3,50,000 tons of ammonium sulphate should be produced in this country. That recommendation was considered by the then Government and they circulated it to the State Governments, because the idea at that time was to make the State Governments participants in this project. It seems to me from the records available and from the published reports of the Standing Finance Committee of 1944-1945...

Shri Jhunjhuwala (Bihar): Sir, on a point of order. The question is as to what the Ministry has done after 1947 and so what happened before is not relevant.

Shri Mahtab: The hon. Member himself was a member of the Standing Finance Committee and that is why he has raised this point. I can give chapter and verse of the report of the Standing Finance Committee. The hon. Member himself was a member of the Standing Finance Committee and he must have known all about it. The Standing Finance Committee of 1944-1945 approved the project. They have quoted the so-called estimate, the estimate which

has been referred to by the Estimates Committee and which it has been suggested in this House more than once as only a scrap of paper and so. Whatever that be, here is what the Report of the Technical Mission itself says about the estimate which is only an approximate estimate.

"It will readily be appreciated that the estimate of the capital cost of the factory recommended has been prepared at a time when prices and market conditions are unstable. The estimates have been prepared on the basis of conditions existing at present and no attempt has been made to forecast the trend of future changes in price levels."

Well, in 1944-1945 this matter was placed before the Standing Finance Committee and from the decision reached it would appear that...

Shri Tyagi (Uttar Pradesh): But are there no detailed estimates?

Mr. Speaker: Let him proceed. Why should the hon. Member be in a hurry? Let him finish his answer and if the hon. Member is not then satisfied, he can ask for more information. By the by, the hon. Member has not given notice of any question.

Shri Mahtab: I am prepared to supply as much information as possible, if information is sought. Let me give the whole history.

From the record it appears that the Government of 1944-45 decided to have an ammonium-sulphate factory producing 350,000 tons at whatever cost. As I read out to you, this cannot be called an estimate. Hon. Members must have known that when it was thought that a steel plant should be set up in India, Government appointed technical missions. The missions gave their own estimates which were considered by the Government. But, at that time no such mission was appointed first but only a sort of general report was obtained from the Technical Mission and on that report the Government decided to set up the factory, it appears, at any cost. At that time the probable cost was ten and odd crores. Subsequently various items were placed before the Standing Finance Committee. I find that in subsequent years the Standing Finance Committee have objected to items and wanted more information. It appears from the records that the opinions of the Standing Finance Committee were over-ruled by the then Finance Ministers. They accepted all the demands made and they had been placed before the Parliament in regular

forms—so much money is required for this year and so much for the next and so on. Nobody had demanded to have the entire cost.

Therefore it would appear that the decision was to have a factory at any cost. In 1946 the agreements were entered into with the Power Gas Corporation and Chemical Construction Corporation by the Governor-General in Council. One was made on the 8th February 1946 and another in June 1946. These agreements are now in operation, they have not been annulled nor can they be annulled. These agreements were signed in England, on one side on behalf of the Governor-General in Council and on the other side on behalf of the Chemical Construction Corporation of America and the Power Gas Corporation. As I said one was signed on the 8th February and the other in June 1946.

From the terms of the agreement it would appear that there was no specific plan that they would do such and such work within such and such time at such and such cost. That was not the stipulation. That the then Government could have stipulated all these is a different matter now.

When the Nehru Government was formed in September 1946 they took up these things, as it was a project on which several crores had been spent and the project was necessary so far as production of fertiliser was concerned.

A point has been made, which is incorrect, that the rise of cost of the project is due to the rise in the cost of the land. The Estimates Committee has suggested that a committee should be appointed to investigate that. If a notification is issued under section 4 of the Land Acquisition Act the price on that date alone is taken into consideration when compensation is paid. This notification was issued in 1945 soon after the decision was taken by the Government here. There has been no delay. It does not matter when the land came into possession, because compensation is to be calculated at the rate prevailing on the date of the notification. Anybody having any knowledge of the Land Acquisition law will bear out that the law provides that the date of notification is important. The notification was issued in August 1945.

After the Nehru Government took charge in September 1946, as Vice-President of the Viceroy's Council Pandit Nehru and Dr. Rajendra Prasad took interest in the land acquisition, because a popular government came into being in Bihar and they took up

the cause of the tenants whose land was being acquired. They held that the price offered to the tenants was inadequate and therefore a very serious agitation was apprehended. As a matter of fact the price was estimated at a low level. The estimate provided only Rs. six lakhs for 5,000 acres of land including 12 villages, with houses, temples, schools, etc. At no time 5,000 acres with 12 villages could be acquired at Rs. six lakhs which were provided for the purchase of land, survey, roads, etc. It was an impossible situation. Therefore there was an agitation and the Bihar Government went to the length of saying that if the Government of India insisted upon taking possession of the land at that price they would enact a separate law. That was the time when the Nehru Government came in. A controversy was going on between the popular government in Bihar and the unrepresentative Central Government of that period. So Pandit Nehru intervened, Dr. Rajendra Prasad intervened and ultimately a sort of compromise was arrived at. The price of houses, trees, etc. was taken into consideration and the price of land was fixed at twenty-one or twenty-five lakhs. Otherwise the demand was for Rs. 90 lakhs on behalf of the people supported by the Bihar Government.

That was the position at that time. That having been done, the Prime Minister deputed Dr. Trone to look into the work. Dr. Mookerjee, the then Industries Minister, visited the place at the beginning of 1948 or end of 1947 immediately the land came into possession. Orders for machinery had been placed earlier. Along with the decisions arrived at, along with the contracts entered into with these firms in February and June 1946 orders for machinery also were placed. So, there were firm orders which could not be cancelled. After Dr. Trone's report was available to Government, Dr. Mookerjee got an estimate prepared in 1948. It was a sort of a regular estimate and it was shown therein that Rs. 23 crores would be required for a project of that type. This estimate of Rs. 23 crores covers the ammonia plant, sulphate plant, storage and packing, boiler and power plant, water supply and water cooling systems. Well, that estimate was made and a general manager was appointed.

Now that estimate depends again on our decision today. As the estimate stands it does not include a coke oven plant. It does not include a catalyst plant. As the estimate stands the catalyst has to be imported from the U.S.A. or from some other country. The coke has to be manufactured by some other private firms. That also

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can be done if we decide that we will continue to import these things and have our supply from private firms. But if we decide that for this factory we have to manufacture all these things here, then the cost would be increased by another two or three crores. Therefore, I suggest that if it is the decision of the Government and the wish of the House that it should be kept at Rs. 23 crores, then it will produce ammonia sulphate to the extent of 350,000 tons, but for other things we have to depend on some other people.

Now, about the cost of machinery. It is a fact known to anybody having anything to do with any plant that the prices of plants imported from abroad have risen up to 200 or 300 per cent. in the course of these four years from 1944 to 1947.

Prof. Ranga (Madras): Even in the case on your firm orders?

Shri Mahtab: Everywhere.

You may collect information with regard to any plant imported from other countries. You will find that the same thing has happened.

With regard to the price of steel, the Estimates Committee has suggested that Government could have purchased the required steel at the control price. I am not sure whether indirectly the Estimates Committee has not suggested that Government purchased all this steel from the black market. Certainly Government have purchased steel at the prevailing control rate, but the control price itself has been raised from time to time. Information as to the control price in 1944 and the control price in 1947 or 1948 can be verified from records. There can be no dispute about it. It is not a question of opinion. The difference between the control price of steel in 1944 and the control price of steel in 1948 was certainly 100 per cent. The control price was 100 per cent. more when this estimate of Rs. 23 crores was made in 1948. This can be verified and I can be challenged only from records.

Now, the rise in cost was not due to the delay in land acquisition. As I have already said, there was no delay, because the notification was issued in time. Prices of plants and other materials actually rose. When we consider all these facts, we come to this conclusion, namely, that practically without any estimate and without any sort of detailed costs or idea about the cost the project was accepted in 1944 by the then Government and a decision was arrived at to proceed with the project, whatever the cost might be. That being the position and these

agreements having been entered into in February and June of 1946 and these agreements being of a firm nature and not temporary agreements, it was left to the Nehru Government to carry out the terms of the agreements and to make the best use of the bargain.

Today I may say that there has been no delay in the construction of the factory. Those who have visited the Sindri Factory will bear me out when I say that the show which they have put up is certainly one of which we can be proud. In the course of two years from 1948 to 1950, they have done things in a way that many foreign engineers have expressed their surprise at the progress made. Today the position is that three lakh 50 thousand tons of ammonium sulphate will be produced there. There will be no delay in the setting up of the plant. Whatever difference accrues is the difference between the so-called estimate of 1944 and the estimate of 1948. As I have already read out from the report, the Technical Mission also did not say that this was a regular estimate. It was a guess work and that guess work also, I find from the reports of the Standing Finance Committee of that period was accepted by it, although they wanted more information.

The suggestion that the Finance Ministry had nothing to do with it is incorrect because I find in the Parliamentary proceedings that it was at one time Demand No. 72. Then it became Demand No. 79. In 1948 the Demand read: "Administration of State industries in general and Sindri Factory in particular" and I find to my utter surprise that Shri M. Ananthasayanam Ayyangar was the first speaker on this Demand.

Prof. Ranga: What is the relevancy of this?

Shri Mahtab: The relevancy is that this was always placed before Parliament during the Budget Session and at other times before the Standing Finance Committee. Nothing has been done secretly. The question is how money was being paid. Anybody who has got any knowledge of Government Departments should know that unless a thing is passed by the Finance Ministry, no payment can be made. It is not as if there is some bank on which a cheque can be issued. It is a Treasury payment. Bills must be passed. And there is a Financial Adviser belonging to the Finance Ministry for Sindri itself.

Shrimati Renuka Ray (West Bengal): Since when?

Mr. Speaker: No interruptions.

Shri Mahtab: Therefore, the payment is made in a regular manner. I say this because the suggestion has been made that the thing has been done in a private manner—as if somebody issues a cheque on a certain bank and the money is paid. That is not the case. The Sindri Factory is like a Government Department as the Education Ministry or the Public Works Department. They cannot draw any money without proper sanction and without proper authority. Similar is the case here also. The Sindri Factory is a regular Government concern. It is not a factory in the ordinary sense. Now, the proposal is to convert it into a regular commercial concern.

These are all the facts which I have placed before the House. If any more information is required I am prepared to give it to the House.

Shri Sidhva: But has any complete and final estimate been prepared at least now? The hon. Minister stated that an oven plant has yet to be imported. Has the value of this taken into account and an estimate prepared?

Shri Mahtab: The estimate is Rs. 23 crores without the coke oven plant and the catalyst plant.

Shri Sidhva: But has any detailed estimate been prepared?

Shri Mahtab: A detailed estimate has been prepared. If the hon. Member so wishes, it will be placed on the Table.

Shri Sidhva: The hon. Minister could as well have brought it with him.

Mr. Speaker: Only half an hour is allotted under the rules and we cannot exceed that time-limit.

The hon. Minister, in the course of his reply, has referred to a number of priced publications and also the report of the Estimates Committee. As this subject may come before the House hon. Members will have ample opportunity of further studying the literature on the subject and discussing the matter.

Shri Tyagi: We shall make the best use of it.

Mr. Speaker: I wish Members really make the best use of them instead of merely questioning and cross-questioning.

The Minister of Works, Production and Supply (Shri Gadgil): In order to enable hon. members to study this subject, I propose to give everyone of them a note embodying all the facts, and the factual position as it stands today. That will be of help to them.

Shri Sidhva: Give us facts; do not conceal anything.

Mr. Speaker: It is not proper to say that; such insinuations should not be made.

CHANDNI CHOWK CLOCK TOWER ACCIDENT

The Minister of Works, Production and Supply (Shri Gadgil): The House wanted to know as to what happened in the morning in connection with the accident that took place in Chandni Chowk. The facts that I was able to gather from the Local Administration are as follows:

At 10-40 A.M. the top portion of the Clock Tower rolled down. The total height of the Clock Tower was 125 feet and a portion roughly 25 feet has come down, including the canopy which stands at the top. Four persons died on the spot. The injured persons were removed to the hospital and three persons died subsequently. The total number of people who died is therefore seven. Sixteen persons are in the hospital. Immediately the Superintending Engineer was asked to visit the place, inspect and make a report. The Superintending Engineer will naturally take some time, but from observations made in the course of three hours, he says that there is nothing wrong with the plinth. Obviously there may be something wrong in the foundation, because an underground drainage works through below the Clock Tower. He thinks that as a result of some tremor, maybe today or a few days ago, the tower seems to have tilted to the extent of a little less than half an inch. He, therefore, thinks that although there is no immediate danger of the rest of the tower falling, he has, however, taken precautions to cordon off the whole thing. A detailed report is awaited; when received it will be made available to hon. Members of this House.

Shri Kamath (Madhya Pradesh): How long has this Clock Tower been standing, when was it last inspected by the engineers, and what was the result of that last inspection?

Shri Gadgil: I require, naturally, time for this. But the Clock Tower has been standing there for the last sixty years.

Shri Kamath: Is this fall not an ill omen?

Mr. Speaker: Order, order.

The House then adjourned till a Quarter to Eleven of the Clock on Thursday, the 8th February, 1951.