

Tuesday, 6th February, 1951



PARLIAMENTARY DEBATES

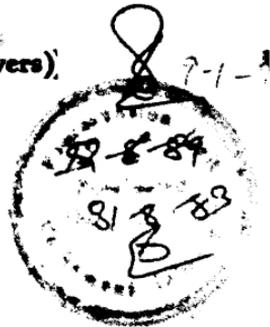
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PARLIAMENTARY DEBATES

(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

1175

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PARLIAMENT OF INDIA

Tuesday, 6th February, 1951

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS
PAPER

*1186. **Shri A. C. Guha:** (a) Will the Minister of Commerce and Industry be pleased to state what were the measures taken by Government for exercising control on paper up to 1948?

(b) How many of these measures are still in force?

(c) How are the existing and proposed paper mills distributed state-wise?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement is laid on the Table of the House. [See Appendix X, annexure No. 11.]

(b) There is no control on paper now.

(c) A statement is laid on the Table of the House. [See Appendix X, annexure No. 12.]

Shri A. C. Guha: May I know what is the production capacity and what is the imported quantity of paper now?

Shri Mahtab: The total requirement is estimated at about 2,20,000 tons. Our total capacity is about 1,90,000 tons; but the actual production is only 1,09,000 tons.

Shri A. C. Guha: What is the total quantity of paper imported?

Shri Mahtab: That item was on the OGL with the result that the exact quantity of import cannot be easily ascertained.

Shri A. C. Guha: How is the production distributed State-wise?

Shri Mahtab: The exact figures of production State-wise are not available. But in the statement I have given, the location and the capacity of the mills are given.

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Shri A. C. Guha: Is there any control over the distribution of paper now?

Shri Mahtab: There is no control now.

Shri E. L. Malviya: May I know, Sir, what financial help has so far been given to the Balarpur and Nepa Mills in Madhya Pradesh and how much further assistance is going to be given in future?

Shri Mahtab: The Government of India have not given any financial assistance to those mills; the State Government of Madhya Pradesh have, of course, given assistance.

Shri Sidhva: What is the present position of stock in the country?

Shri Mahtab: From the prevailing prices it appears the position is quite satisfactory, because in regard to some varieties of paper—to which the Government of Bombay have drawn our attention—the prices are not rising in spite of the war scare. From that it appears that the stock position is good. As soon as the stock position deteriorates, steps will be taken to control it.

Shri Hussain Imam: May I know whether it is a fact that news-print is selling in price in Bihar?

Shri Mahtab: This question relates to paper and not news-print.

Shri A. C. Guha: What portion of the Indian produced paper is taken by the Government?

Shri Mahtab: This figure is not available, because as I told the House hardly 50 per cent. of our total requirement is produced here.

PAKISTAN TROOPS ON WEST BENGAL BORDER

*1187. **Shri A. C. Guha:** Will the Prime Minister be pleased to state:

(a) whether there was any concentration of Pakistan army or troops on the border of the District of Nadia in West Bengal in November and December 1950;

(b) whether there were any clashes between Pakistan troops or soldiers and Indian troops or soldiers or people during those two months in that area;

(c) if so, whether there was any loss of life or was any one wounded; and

(d) whether there was any theft or forcible taking away of Indian property including standing crops, cattle etc., due to any raids or inroads from Pakistan on the Indian territory in that region?

The Deputy Minister of External Affairs (Dr. Keskar): (a) No exact information is available about the concentration of Pakistan troops near the border of Nadia District but it is believed that there was a concentration of Pakistan armed personnel at Meherpur about four miles from the West Bengal border within Pakistan territory.

(b) There was no clash between Pakistan and Indian troops but there were exchanges of fire between the Pakistan and Indian border Police.

(c) In West Bengal one constable was injured and one civilian died as a result of the firing. Casualties on the other side are not known.

(d) Trouble arose on account of several attempts made by Pakistanis, with the help of their armed Police, to forcibly reap and remove paddy from Indian territory in that region.

Shri A. C. Guha: Was there any penetration of Pakistan Police force or troops into Indian territory?

Dr. Keskar: In one particular village the Pakistan armed police penetrated for more than five hundred yards.

Shri A. C. Guha: Was there any firing from that side from Indian territory?

Dr. Keskar: There was no firing from our side to begin with. Our police was ordered to fire to return their fire.

Shri A. C. Guha: My question was when the Pakistan Police force penetrated within Indian territory, was there any firing from the Pakistan police force from within Indian territory?

Dr. Keskar: In the village of Bhatupara, the Pakistan Police penetrated into Indian territory for a few hundred yards, dug themselves in and fired from that spot.

Shri A. C. Guha: Was any enquiry held by the two Governments?

Dr. Keskar: A protest was made to the Pakistan Government. After a certain exchange of correspondence it was ultimately decided that the matter should be enquired at the highest level and cease fire was ordered. From that time there was no exchange of fire.

Shri A. C. Guha: Was there any dispute over the sovereignty of the territory?

Dr. Keskar: The Pakistan District Magistrate on the other side claimed that that particular village is Pakistan territory.

Shri Tyagi: What is the position of that village today?

Dr. Keskar: Of the two villages in dispute, a portion of a village where the Pakistan police penetrated is still in their possession.

Shri Syammandan Sahaya: Will Government please state what steps they are taking to prevent the recurrence of such incidents on the borders of West Bengal and East Bengal, because these incidents are happening rather frequently?

Dr. Keskar: We have taken necessary precautions for the protection of our borders through armed police; secondly, we have drawn the attention of the Pakistan Government to frequent violation of our territory by their police.

Shri Hussain Imam: Was this included in the disputes which were referred to the Bagge Tribunal?

Dr. Keskar: No, it was not a question of dispute referred to the Bagge Tribunal; it had nothing to do with demarcation.

Shri A. C. Guha: Who has been collecting revenue from that village, which is now Pakistan territory, since Partition?

Dr. Keskar: We have been collecting the revenue.

Prof. Banga: Are we to understand that the Government are taking no steps at all to regain that village for our Republic?

Dr. Keskar: The firing that ensued in that village led to a series of correspondence and claims and counter-claims between ourselves and the Pakistan Government. It has now been decided between the two Governments that there shall be a conference at which they have to prove that the village belongs to them—otherwise, they will have to give it up.

INDIAN SUPPLY MISSION, WASHINGTON

*1188. Prof. S. N. Mishra: Will the Minister of Works, Production and Supply be pleased to state:

(a) whether any action has been taken on the report of the Estimates Committee for the immediate closing down of the Indian Supply Mission in Washington; and

(b) if not, whether Government propose to take any action in future?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). In the present circumstances, it is not possible to close down the India Supply Mission, Washington, but Government are exercising all the economies possible in respect of this organisation.

Prof. S. N. Mishra: May I know what is the necessity of retaining this Mission when there are consulates and commercial secretariats attached to the Indian Embassy in Washington?

Shri Gadgil: The explanation is that this organisation has been in existence for the last so many years and it is an organisation which does better work in this sphere.

Prof. S. N. Mishra: May I know what is the amount that is annually spent over this Mission?

Shri Gadgil: I cannot give it off-hand, but it is about Rs. 20 lakhs.

सेठ गोविन्द दास : जितना खर्च इस पर हो रहा है वह अब घटाया जा रहा है, या बढ़ाया जा रहा है, या उतना ही है जितना कि शुरू से होता था ?

[Seth Govind Das: May I know whether the expenditure incurred over this Mission is being decreased or increased or the amount that is being spent is same as it has been since the beginning?]

श्री गडगिल : इस बारे में मैं यह कह सकता हूँ कि पहले १०६ अफसर थे। अब उन में से १५ कम कर दिये गये हैं अब ९१ हैं। और वह २८ फरवरी तक रहने वाले हैं। १५ फरवरी को पूरी पोखीशन पर रिब्यू किया जायगा। उस के बाद देखा जायगा कि काम को नजर के सामने रखते हुए कितनी तादाद कम कर सकते हैं।

[Shri Gadgil: In this connection, I can say that previously there were 106 officers. The number has been reduced by 15 and now there are 91 officers. They will remain up to 28th February. The entire position will be reviewed

on the 15th February. It will then be decided that keeping in view the amount of work, how much staff should be reduced].

Shri Sidhva: Is it not a fact that the Estimates Committee has stated that fifty per cent. of the articles have been disposed of, and in view of that may I know, if my hon. friend has read the report, whether they have proportionately reduced the staff?

Shri Gadgil: Apparently my hon. friend is completely confused. The question is about the Supply Mission position at Washington. There we purchase; we have nothing on our hand to be disposed of there.

Prof. S. N. Mishra: In view of the policy of the Government to cut down imports from dollar areas, in what way is the Mission necessary; and if it is not, may I know whether Government wants to economise expenditure in this regard?

Shri Gadgil: We are anxious to follow to as greater an extent as possible the recommendation of the Estimates Committee. But since its recommendations the position has changed, because the United States Government have tightened up the export control and also a number of items including a number of key materials have been brought under further control. In these circumstances, to use Indian agents of foreign firms here will do no good. We will have to take the matter at government level and negotiate with the U.S.A. and the Canadian Governments directly. In this matter the Indian agency will be absolutely of no use.

Shri B. Das: Sir, on a point of information, can the hon. Minister refer to the hon. Member Mr. Sidhva's brain being confused?

Mr. Speaker: I do not think we need pursue the matter.

Shri Hussain Imam: May I know the particular year to which the number of officers that the hon. Minister gave—the original number of 106—refers? Was it 1946-47? What was the position in 1946-47 and what is it today? Secondly, what was the amount of purchases in 1946-47 and what is it in 1950-51?

Shri Gadgil: I will satisfy the curiosity of the hon. Member. In 1945-46 the value of the contracts was Rs. 6.52 crores.

1946-47	...	Rs. 7.63 crores
1947-48	...	Rs. 32.57 crores
1948-49	...	Rs. 71.99 crores
1949-50	...	Rs. 13.52 crores
and in 1950-51, upto 31st October, it was Rs. 25.07 crores.		

Shri A. C. Guha: Are there any Indian Consuls in the United States?

Shri Gadgil: I think the position is sufficiently well-known to the House.

STATE PURCHASE CORPORATION

*1189. **Prof. S. N. Mishra:** Will the Minister of Works, Production and Supply be pleased to state:

(a) whether any steps have been taken on the Estimates Committee's recommendation for the establishment of a State Purchase Corporation to deal with all Government purchases, Indian or foreign; and

(b) if not, the reasons for the delay?

The Minister of Works, Production and Supply (Shri Gadgil): (a) and (b). The recommendation of the Estimates Committee is under consideration.

Prof. S. N. Mishra: May I know whether Government contemplate to accept the general principle?

Shri Gadgil: The principle that there must be some central organisation to deal with the matter is already accepted. The only change proposed is that instead of having a Mission directly under the Government there should be a State Corporation.

Shri Sidhva: The Estimates Committee's recommendation is that pending the establishment of this Corporation there should be a revision in the Department. May I know whether Government is taking that question of revision in the Department into consideration?

Shri Gadgil: That is being done.

Shri Hussain Imam: May I know whether the Government have examined the position and come to any conclusion now or do they wish to consult the House before they come to any conclusion?

Shri Gadgil: I suppose that the Estimates Committee Report has been generally endorsed by the House. If that position is correct, then the Government will give its recommendations their best consideration.

Shri Syamsundaran Sahaya: Are not the Supply Department of the Government of India doing this work of purchasing materials for the Government already, both in India and in foreign countries?

Shri Gadgil: Yes, they are doing the work of purchasing.

INDIAN NEWSPAPERS BANNED IN GOA

*1190. **Shri Sidhva:** Will the Prime Minister be pleased to state how many newspapers from India have been banned entry into Portuguese India by the Government of Goa?

The Deputy Minister of External Affairs (Dr. Keskar): Our information is that about 50 Indian newspapers have been banned entry into Goa by the Portuguese India Government.

Shri Sidhva: May I know how many of these are dailies and how many are in English and in the Indian languages?

Dr. Keskar: I have not got tabulated figures about dailies. There are 27 Mahratti papers, 12 English papers, about 7 Konkani papers, 3 Gujarati papers and one Hindi paper.

Shri Sidhva: Is the *Times of India* included in the ban?

Dr. Keskar: The *Times of India* is not banned, but many times certain issues of it have also been banned.

Shri Sidhva: Sir, arising out of this, if you will permit me to enquire, may I know as to what is the present position of the Portuguese possessions as regards their transfer of power to India?

Mr. Speaker: Order, order.

Shri Chattopadhyay: What was the reason given for banning these papers?

Dr. Keskar: They have not given any special reason for banning them.

Shri Rathnaswamy: Is it a fact that a representative of the journalists in Goa was refused an interview and insulted by a Portuguese officer when he asked for an interview?

Dr. Keskar: I do not know.

Dr. Deshmukh: Have the Portuguese got any papers that we could ban?

Mr. Speaker: Next question.

PRIVATE ESTABLISHMENTS IN CEYLON (EMPLOYMENT OF CEYLON NATIONALS)

*1191. **Dr. Ram Subhas Singh:** (a) Will the Prime Minister be pleased to state whether it is a fact that an agreement has been signed between the Government of Ceylon and the Presidents of the Indian Mercantile Chamber and other Indian and Pakistani Trade Associations in regard to employment of Ceylon Nationals in Indian and Pakistani business establishments in Ceylon?

(b) If so, what are the chief points of that agreement?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Yes.

(b) The main points of the agreement are:

(1) No person shall be recruited or employed as a new entrant unless he is a citizen of Ceylon. This rule shall not apply (i) to persons who merely change employment or are transferred from one firm or establishment to another; (ii) to classes of posts for which citizens of Ceylon are not available; and (iii) also to posts of confidence such as those of Managers or Attorneys, Bank Agents and Accountants.

(2) A non-Citizen of Ceylon, who has secured employment in Ceylon for the first time subsequent to 1st July, 1948, shall be discontinued from employment immediately, provided he is not a child of the proprietor or a Director of a limited liability company.

(3) This agreement on Ceylonisation shall not apply to firms where three or less persons are employed.

Dr. Ram Subhag Singh: Is it a fact that Indians who failed to make at least three remittances between July 1948 and April 1949 are now prohibited from making further remittances to their dependents in India?

Dr. Keskar: I am not sure whether people have been forbidden to send remittances on this excuse but there is a complaint with regard to remittances, which we are looking into at this time.

Dr. Ram Subhag Singh: May I know whether Indians in Ceylon are treated on an equal footing with those of non-Indian foreigners over there?

Dr. Keskar: This is a very general question and I think, if I remember aright, on many times on the floor of this House, we have referred to this question. It will require a little time and if you like, I will go into that.

Prof. Raaga: The idea is whether any discrimination is being exercised there with regard to Indians as distinguished from non-Indians but who are not Ceylonese citizens?

Dr. Keskar: There is no doubt that in some form or other there is discrimination between Indians and non-Ceylonese and other foreigners.

Prof. Raaga: Are any steps being taken by Government to provide some employment whenever it is available

here on this side to those Indians who have not chosen to accept Ceylonese citizenship and who therefore have come to be unemployed there?

Dr. Keskar: Government certainly will make every effort to provide employment, keeping in view our other commitments and difficulties with regard to this matter here.

Dr. Ram Subhag Singh: May I know whether this agreement will apply to children and relatives of Indian proprietors?

Dr. Keskar: Many resultants of this agreement are being looked into and I may inform the House that this agreement was signed by the merchants themselves without consulting the Government of India.

STANDARD CODE ON TRADE AND TARIFFS

*1192. **Dr. Ram Subhag Singh:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that a Standard Code has been approved by the Governments, including the Government of India, signing the General Agreement on Tariffs and Trade?

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

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Presumably the hon. Member has in mind the Code of Standard practices for import and export restrictions and exchange controls. If so, the answer is in the affirmative.

(b) A copy of a pamphlet containing the terms of the Code is placed on the Table of the House. [See Appendix X, annexure No. 13.]

INDIAN TRADE DELEGATION TO SOUTH-EAST ASIAN COUNTRIES (REPORT)

*1193. **Dr. Ram Subhag Singh:** (a) Will the Minister of Commerce and Industry be pleased to state whether the Indian Trade Delegation which recently visited some countries in South-East Asia has submitted its report to Government?

(b) If so, what are the important recommendations made in that report?

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

(b) Copies of the report have been made available to the library of the Parliament from where they can be obtained by Members for purposes of reference. The main conclusions and recommendations are summarised in

part V of the report. Briefly stated, the important recommendations are as follows:

(i) We should develop our trade with the South-East Asian Countries and the present is the most opportune time to do so.

(ii) Indian manufacturers should send their representatives to these countries for the purpose of studying the markets and organisation of sales and agencies.

(iii) Permanent show-rooms may be opened in collaboration with the representatives of Trade and Industry in certain places in order that Indian goods may be properly displayed.

(iv) Facilities should be afforded to Indian banks and Insurance Companies to open their branches in these countries.

(v) Indian shipping may be developed so that direct sailings to some of the important ports in South-East Asia may be provided for facilitating movement of goods between India and these countries.

Prof. Banga: Are any steps being taken to implement any of these recommendations, and if so, what are they?

Shri Karmarkar: We are actively considering the report and when our consideration is over, action will be taken.

Shri Sidhva: May I know whether any suggestion has been made by this delegation that Government should take steps to maintain the proper quality of cotton piecegoods as the one exported to Indonesia and if so, what steps have Government taken in that direction?

Shri Karmarkar: I require notice.

Shri Raj Bahadur: Which are the countries that were visited by this delegation and in which of the countries visited by the delegation have we got our Trade Commissioners?

Shri Karmarkar: The delegation that left Calcutta on the 6th September returned on the 15th October after visiting Jakarta, Sourabaya, Bandoeng, Bali in Indonesia, Singapore, Kaulalampur, Penang in Malaya, Bangkok and Rangoon.

Shri Raj Bahadur: The latter part of my question about the trade commissioners remains to be answered.

Shri Karmarkar: We have our representation in Indonesia, Singapore, Burmah and Bangkok.

Shri Raj Bahadur: May I know whether these Trade Commissioners ever made any recommendations on the lines that have been made by this delegation?

Shri Karmarkar: Yes. We are receiving regular reports from the Trade Commissioners.

Shri Raj Bahadur: Then what was the reason to send this delegation after those recommendations were received?

Shri Karmarkar: The reason is that we are actively interested in developing trade as much as possible with foreign countries and we thought that a delegation would be very useful in that respect.

Shri T. N. Singh: May I know what are the commodities in which the export market from India to those countries are expected to be developed and what does the Committee think about that? What is the actual scope of export to those areas?

Shri Karmarkar: I am afraid, it will lead me into a long list but if the House is interested, I am prepared to read the list.

Mr. Speaker: It is not necessary.

COTTON PRICES

*1194. **Pandit M. B. Bhargava:** Will the Minister of Commerce and Industry be pleased to state:

(a) the ceiling prices fixed by the Government of India in respect of various qualities of short and long staple cotton produced in India and how these prices compare with the prices of this commodity prevailing in the various foreign markets of the world specially in U.S.A. and U.K.;

(b) whether Government have any intention of revising the rates and if not, why not;

(c) what were the average prices of *Kapas* prevailing in the big commercial centres of India during the years 1949 and 1950 and how these prices of *Kapas* compare with the ceiling price of cotton fixed by the Government of India; and

(d) what arrangements have been made by the Government of India to ensure the supply of cotton at the ceiling prices to the manufacturers in the country?

The Minister of Commerce and Industry (Shri Mahtab): (a) A statement showing the ceiling prices fixed by the Government in respect of various qualities of short, medium and long staple cotton produced in India and the prices of fairly comparable

cotton produced in U.S.A. is placed on the Table of the House. [See Appendix X, annexure No. 14.]

(b) There is no intention to revise the prices as the prices fixed are considered quite remunerative to the cotton grower.

(c) A statement is placed on the Table of the House. [See Appendix X, annexure No. 15.]

(d) The following steps have been taken for making cotton available to mills at controlled prices with particular reference to the nearness of the mill to the zone, the cotton of which is usually consumed by that mill:

(i) Every mill has been given a quota of cotton from cotton growing zones;

(ii) India has been divided into a number of zones, each corresponding to a principal cotton growing State and the movement of cotton from one zone to another is prohibited except under a movement permit issued by the Textile Commissioner, Bombay, or any other officer authorised by him in this behalf.

(iii) It was found that the prices in the Ferozepur district of the Punjab, in the Buldana, Akola and Amraoti districts of the Madhya Pradesh were piercing the ceilings. Stringent action has therefore been taken for the purpose of regulating distribution and price of cotton currently moving in those areas. Under these measures no person can contract for sale of cotton grown there except to the Government nominees. Simultaneously a ban on movement of cotton and Kapas has been imposed in the districts of Kaira, Panch Mahals, Baroda, Broach, Surat, East Khandesh and West Khandesh districts of Bombay State and cotton and Kapas in these areas can be moved only with the permission of the Textile Commissioner, Bombay.

These measures are bearing fruitful results.

Pandit M. B. Bhargava: May I know what has been the extent of rise in the price of Kapas after the ceiling price of cotton has been fixed?

Shri Mahtab: As a matter of fact it is much below the cotton price. The ceiling price is now maintained.

Pandit M. B. Bhargava: My question is, what has been the extent of rise in the price of Kapas after the ceiling price of cotton has been fixed?

Shri Mahtab: Since the ceiling price of cotton is maintained, the price of Kapas is not allowed to raise.

Shri Hussain Imam: May I know whether it is a fact that certain mills have closed down and their statement is that they have closed down because of the want of cotton at controlled prices?

Shri Mahtab: This is the report published in the newspapers. I am investigating into that and if it be a fact, we shall certainly make cotton available to the mills.

Shri Sakhya: Is it not a fact that 6 mills have been closed in the Indore State for want of cotton?

Shri Mahtab: That was reported in the papers but on subsequent investigation, it was found out that that report was incorrect. So far as some Bengal mills are concerned, that matter is being investigated.

Shri Gautam: What steps have Government taken to control the price of Kapas?

Shri Mahtab: Collective purchase of cotton is the only step which will keep the price of Kapas under control.

Shri Jhunjhunwala: Are the prices in the U.S.A. and the U.K. higher than the ceiling prices for the same quality of cotton in India, or lower?

Shri Mahtab: Much higher as will be seen from the statement.

Shri Hussain Imam: May I know whether the Government propose to start a Central organisation for the monopoly purchase of cotton in India?

Shri Mahtab: That is very much under consideration. As a matter of fact, we are developing that idea. The present collective purchase will probably end in the setting up of a Cotton Purchasing Board as in the U. K.

Shri Tyagi: Has it come to the notice of Government that in the villages, more than half of the population have not been able to get any cotton to fill in their quilts during the winter season?

Shri Mahtab: That may be a fact. But, when the problem of cloth is there, we can easily overlook the problem of quilts.

Ch. Rambr Singh: Is it a fact that the manufacturers have failed to supply cloth at controlled rates to the cotton growers?

Mr. Speaker: Order, order.

Shri Hussain Imam: Is it proposed to form a Cotton Board...

of the I.J.M.A. or as a Government sponsored body?

Shri Mahtab: I need not go into that now. At present, we are purchasing collectively. That idea is being developed. That is very much under consideration.

Dr. Deshmukh: May I know whether the Ministry has come to know of mill-owners who have sold their cotton in the black market after getting their quota from Government? Has there been any such instance?

Shri Mahtab: If they do so, it is at their risk. I do not think the report is correct. The mills have been allotted quotas. I do not think they will make more profit by black-marketing in cotton than by producing and black-marketing cloth, if they possibly can.

Shri Sidhva: Is it correct to understand from the hon. Minister's reply that there is no mill that has closed down in India?

Mr. Speaker: He said something about the West Bengal mills.

Shri Sidhva: In Ahmedabad?

Shri Mahtab: For instance in Ahmedabad, mills have been closed for various reasons; want of supply of raw material is not the only reason.

Shri Sidhva: One of the reasons.

Pandit M. B. Bhargava: What is the extent of disparity in the prices of cotton in the U.K. and the U.S.A., and the prices prevailing in India, and how has this disparity affected the textile industry in India?

Shri Mahtab: I suppose the hon. Member refers to the prices prevalent in the U.S.A. U.K. is not a cotton supplying country. I can read out the prices from the statement.

Pandit M. B. Bhargava: What is the percentage of disparity?

Mr. Speaker: Has he placed the statement on the Table of the House?

Shri Mahtab: Yes.

Mr. Speaker: I think the hon. Member may better refer to that.

Shri Tyagi: I read about a Textile Advisory Board meeting which was lately summoned at Bombay by telegrams. May I know if the question of the price of cotton and Kapas was considered in that meeting?

Shri Mahtab: It was summoned to Ahmedabad by me. This was not one of the subjects. There is no complaint on this score. The complaint was

with regard to the prices which are fixed for cloth.

COMMONWEALTH PRIME MINISTERS' CONFERENCE

*1195. **Shri Barman:** Will the Prime Minister be pleased to state:

(a) the subjects that were discussed in the Commonwealth Prime Ministers' Conference in London;

(b) whether the Kashmir question was discussed; and

(c) whether Colombo Plan was going to be expedited as a result of the talk in that Conference, if any?

The Prime Minister (Shri Jawaharlal Nehru): (a) The final communique of the Conference and the Declaration made by Commonwealth Prime Ministers at the conclusion of the Conference are placed on the Table of the House. [See Appendix X, annexure No. 16.]

These papers will give some idea of the nature and scope of the subjects discussed. The proceedings of the Conference were confidential and it is not possible to give further detailed information.

(b) No, this was not discussed in the Conference.

(c) The Colombo Plan was not discussed, though occasional references to it were made.

Shri Barman: In the Declaration of the Prime Ministers, it is stated, so far as Asia is concerned, that peace is to be secured on a basis of justice and prosperity. May I enquire whether any effective steps were discussed at the Conference and if so when are the steps going to be taken?

Shri Jawaharlal Nehru: The hon. Member no doubt reads newspapers and keeps in touch with events. I can hardly answer on behalf of other Governments. So far as our Government's policy is concerned, it has been sufficiently elucidated previously and recently and I hope soon to inform the House of what we have done and what our policy at present is. I do not quite understand the hon. Member's question. In this Declaration certain statements are made. In applying the policy, each Government does what it thinks best. It may be that some Governments are not trying to fully apply this policy; we are trying to apply it, any way.

Shrimati Dargabai: May I know whether there is any truth in the statement made by the Prime Minister of Pakistan both in London and Karachi that certain proposals were made for the settlement of the Kashmir issue by some of the Prime Ministers,

which proposals be accepted and the Prime Minister of India had rejected; if so, what are those proposals and for what reasons they were rejected?

Shri Jawaharlal Nehru: I am perfectly prepared to deal with this matter; but that has nothing to do with the Conference. On some other occasion, I am prepared to deal with this matter.

Shri Brajeshwar Prasad: Is the hon. Prime Minister in a position to assure the House that nothing in furtherance of the discussions held in London will be done without taking the House into confidence?

Shri Jawaharlal Nehru: No, Sir.

Shri Tyagi: May I know whether the hon. Prime Minister's eye has caught the news item in the Press today to the effect that Mr. Attlee, the Prime Minister of the U.K., was taking into consultation some other Commonwealth countries with regard to the dispute in Kashmir? Was it with the consent of our Prime Minister that he is having consultations?

Shri Jawaharlal Nehru: Surely I cannot be called upon to comment on newspaper items. I know nothing about it, apart from the fact that, as I said, the question of Kashmir is a very important one, which I should like to deal with at some slight length. I can hardly deal with it in connection with this question about the Conference because I do repeat that the Conference had nothing to do with Kashmir.

Mr. Speaker: Next question:

Shri Tyagi: Neither Mr. Attlee.

CHANDERNAGORE

*1196. **Shri B. K. Das:** (a) Will the Prime Minister be pleased to state what date has been fixed for the handing over of the administration of Chandernagore *de jure* to the Government of India?

(b) What will be its status as an administrative unit?

(c) What is the plan for its representation to the Legislatures of the country?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The Treaty for the Cession of Chandernagore was signed in Paris on February 2, 1951, by representatives of the Governments of India and France. The Government of India will assume *de jure* authority over Chandernagore as soon as the Treaty is ratified by the French

Parliament. It is hoped that the ratification will take place shortly.

(b) Chandernagore will be treated more or less as a Chief Commissioner's Province for the time being and will, therefore, be a Part C State.

(c) The matter will be soon taken into consideration.

Shri B. K. Das: May I know whether, as soon as the Treaty is ratified by the French Parliament and the Indian Parliament, the territory of Chandernagore becomes part of India and the citizens of Chandernagore get the citizenship rights of India, or is it necessary to have an Act passed by our Parliament for the accession of territory and for giving citizenship rights to the citizens of Chandernagore?

Dr. Keskar: According to the French law, it is necessary for them to pass an Act of Parliament when they want to cede any part of French territory; but for us, it is not necessary to pass an Act of Parliament.

Pandit Kusru: Does the Treaty require that Chandernagore when taken over by the Government of India should be treated as a Chief Commissioner's province?

Dr. Keskar: No, Sir.

Pandit Kusru: Why is it necessary then so to treat it? Is it not possible to place it under the Government of West Bengal, but ask it to respect the laws and language now in force in Chandernagore?

Dr. Keskar: I think the hon. Member did not hear my reply thoroughly. I said, for the time being. It is not possible immediately to settle the status of Chandernagore. That will have to be done in consultation with the wish of the people of Chandernagore itself. That is one of the conditions that we have already promised to the people of Chandernagore. If they so desire, it will be so adjusted; it might be with the West Bengal Government or whatever they decide.

Shri B. K. Das: May I know what is the method of ascertaining the wishes of the people of Chandernagore in this respect?

Dr. Keskar: The ordinary democratic method.

IMPORT OF BAMBOO

*1197. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that from bamboos imported from Burma fishing rods can be made which have extensive markets in dollar areas;

(b) if so, how much bamboo was imported from Burma and subsequently exported as fishing rods in foreign countries in the years 1949 and 1950;

(c) how many applications were received during the aforesaid period for the import of raw bamboo and export of finished products; and

(d) whether it is a fact that the applicants were ready to furnish guarantee of import if they were granted import licence to bring bamboo from Burma?

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

(b) Information regarding imports is not available as bomboos are not separately classified by Customs. Separate statistics regarding export of fishing rods made from indigenous and imported bamboos are also not maintained. Total export figures of bamboo fishing rods are as follows:

1948-49	...	Rs. 12,085
1949-50	...	Rs. 23,207

(c) Information is being collected.

(d) Under the Export Promotion Scheme import licences are granted only after export has taken place. There are no restrictions on exports. The question of applicants guaranteeing exports in advance does not arise.

After this reply was drafted I received some fresh information in which the hon. Member may perhaps be interested.

So far as import applications are concerned, I find that during July—December, 1950, three applications were received, and amounts of Rs. 20,000, Rs. 52,000 and Rs. 3,000 were granted against them.

Under the Export Promotion Scheme, during 1950, three applications were received, one case was rejected and another is receiving consideration.

Shri S. C. Samanta: Sir, may I know whether some firms from Calcutta, last year, received import licences for importing bamboos from Burma and they gave a guarantee that they would export the same as finished products to the U.S.A.?

Shri Karmarkar: The question of giving a guarantee does not arise. I find that during July—December, 1950, three applications were received and those were granted.

HIGH SCHOOLS FOR DISPLACED PERSONS IN WEST BENGAL

*1198. Shri S. C. Samanta: Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that the grant of a loan of Rs. 5.77 lakhs was sanctioned to the West Bengal Government to meet the cost of construction of nine high schools in areas where colonies for displaced persons from Eastern Pakistan have been or are being established;

(b) if so, how many schools have been started and where they are located; and

(c) the number of displaced students reading in those schools?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) Four Schools have been started at Habra (Kalyangar), Gayeshpur (Kanchrapara), Raiganj (West Dinajpur) and Mohitnagar (Jalpaiguri).

(c) 879.

Shri S. C. Samanta: May I know whether the loan sanctioned and paid brings interest and if so for how many years?

Shri A. P. Jain: I have not got with me at the moment, the exact terms on which the loan was sanctioned.

Shri S. C. Samanta: Are the displaced students taught free?

Shri A. P. Jain: Some are free; others pay fees

Pandit Munishwar Datt Upadhyay: Is the grant only for the buildings or does it cover the cost of the equipment also?

Shri A. P. Jain: The grant is both for buildings and for equipment. The break-up is something like this:

Rs. 44,000 for each school for construction, Rs. 6,000 for sanitary fittings, Rs. 4,000 for tube-wells, Rs. 14,000 for teachers, office, library, furniture, sloping desks etc. for each school, and minimum reserve fund required by the university—Rs. 1,500.

Shri A. C. Guha: Is the grant meant only for the establishing of the new schools?

Shri A. P. Jain: Yes.

Shri A. C. Guha: Am I to understand that no separate grants are allotted for subsidising the existing schools where refugee students are being taught?

Shri A. P. Jain: That comes under a different scheme. This grant relates to the new schools.

Shri A. C. Guha: What is the amount spent for subsidising the existing schools where refugee students also are being taught?

Shri A. P. Jain: There is no such subsidising of existing schools. Refugee students are being taken in the secondary schools, and if they are unable to pay their fees, then Government pays the fees.

Shri A. C. Guha: What is the amount already spent out of this sum of Rs. 5.77 lakhs?

Shri A. P. Jain: I have not got the figures with me here.

लाला अचिंत राम : वेस्ट बंगाल में ऐसी कितनी कॉलोनीज हैं जहां कि अभी तक हाई स्कूल शिक्षा का प्रबन्ध नहीं हो सका ?

[**Lala Achint Ram:** How many colonies in West Bengal are such where facilities have not been provided for imparting education up to High School standard?]

श्री ए० पी० जैन : नौ कॉलोनीज के अन्दर स्कूल बनाने की तजवीज थी, जिसमें चार में बन गये हैं और पांच में बन रहे हैं।

[**Shri A. P. Jain:** It was proposed to start schools in nine colonies. Schools have been constructed in four of them and in the remaining five, they are being constructed.]

Shri A. C. Guha: Is the hon. Minister aware that there are several colonies near about Calcutta where there are no schools for the education of the boys and girls?

Shri A. P. Jain: There are a number of schools and colleges in Calcutta and the students residing near about Calcutta can come and attend those schools and colleges.

Shri A. C. Guha: There are colonies some ten or twelve miles off from Calcutta and will it be possible for the students from those places to come to Calcutta to attend the schools and colleges?

Mr. Speaker: I am afraid that is entering into arguments.

Shri T. N. Singh: With regard to the fee charged in these schools, are the rates the same as those in other schools?

Shri A. P. Jain: In the same school there is no difference. Where the student is in a position to pay, he pays

the fees, if not. Government pays the fees for him.

Shri Chattopadhyay: Out of the number of 879 given in the answer, may I know how many are really displaced students?

Shri A. P. Jain: My information is that except in the two schools at Raiganj and Mohitnagar where some students are local students, the rest are all displaced students.

Lala Achint Ram: Sir, no answer was given to my question.

Mr. Speaker: What was the question?

लाला अचिंत राम : मेन दारखास्त की थी कि मुझ बतलाइये कि कितनी ऐसी कॉलोनीज हैं जहां हाई स्कूल की शिक्षा का प्रबन्ध नहीं हुआ। उन्होंने जवाब दिया नहीं मैं। मैं पूछना चाहता हूँ कि कितनी कॉलोनीज ऐसी हैं जहां शिक्षा का प्रबन्ध नहीं हुआ, कितनी कॉलोनीज ऐसी हैं जहां कि हाई स्कूल शिक्षा का प्रबन्ध नहीं हो सका ?

[**Lala Achint Ram:** I wanted to know the number of such colonies where provision has not been made for the education of High School Standard. The hon. Minister replied that there are nine such colonies. I want to know the number of colonies where facilities for education have not been provided for as also the number of colonies where provision could not be made for imparting education up to High School Standard?]

श्री ए० पी० जैन : जहां तक मेरी हसिला है, जहां पर भी कॉलोनीज हैं, वहां पर उसके आस पास हाई स्कूल मौजूद हैं।

[**Shri A. P. Jain:** As far as I know, High Schools are situated near all those places where colonies have been set up.]

लाला अचिंत राम : उनकी गिनती कितनी है ?

[**Lala Achint Ram:** What is their number?]

IMPORTS

*1200. **Shri B. R. Bhagat:** (a) Will the Minister of Commerce and Industry be pleased to lay on the Table of

House a statement showing the amount of imports during the years 1948-49, 1949-50 and 1950-51 under the heads—(i) capital goods, (ii) raw-materials, and (iii) consumer goods?

(b) Have overseas prices of the above-mentioned goods increased after the Korean War?

(c) If so, how will it affect our future imports?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) I place on the Table of the House a statement showing the amount of imports during the years 1948-49, 1949-50 and 1950-51, under the heads (i) capital, (ii) raw-materials, and (iii) consumer goods.

(b) Prices of some scarce commodities have gone up in overseas markets where in case of some there has been a slight decrease.

(c) Imports will be regulated according to the amount of foreign exchange available from exports and sterling releases.

STATEMENT

The total imports of Plant & Machinery, Raw Materials and Consumer Goods for the years 1948-49, 1949-50 and 1950-51 (April to October 1950).

(Figures in thousand of rupees.)

Years	Plant & Machinery	Raw Materials
1948-49	79,53,93	1,27,50,25
1949-50	93,92,28	1,44,29,54
1950-51 (April to October, 50)	44,55,02	1,27,98,96

Years	Consumer Goods	Total
1948-49	2,36,11,11	44,31,529
1949-50	2,01,72,76	43,99,466
1950-51 (April to October, 50)	71,26,65	24,28,063

Shri B. R. Bhagat: Sir, it appears from the statement that the imports under the head—"Plant and Machinery" for the year 1949-50 was as much as Rs. 93,92,28,000 and it has fallen to Rs. 44 crores during the year 1950-51. May I know whether this fall is due to the policy of the Government to curtail the import of capital goods or is it due to the scarcity of those goods, or their non-availability?

Shri Karmarkar: The reason is obvious, if the hon. Member goes through the statement carefully. The figure for 1949-50 is for the whole year, whereas the one for 1950-51 is only for six months.

Shri Sidhva: Arising out of answer to part (b), may I know what is the price of razor blades and rubber tyres at the moment, and whether there are sufficient stocks available?

Shri Karmarkar: The stocks are available. Regarding the prices, I shall find them out and communicate them to the hon. Member.

Shri Sidhva: What is the stock available? There is no blade in the market to-day.

Prof. Ranga: In view of the fact that there is a clear evidence of a continued trend of prices rising, are Government taking any special steps to ensure that adequate orders are being placed for these capital goods and for other goods essential for the development of our industries?

Shri Karmarkar: As the hon. Member is perhaps aware, this question of capital goods and raw materials has been fully gone into and I may say that all the necessary steps are being taken in the proper direction.

Dr. Deshmukh: Is it not a fact that steel is a very important material essential for our industries, and may I know what is the price of steel and is it possible to get adequate quantities of steel?

Shri Karmarkar: Regarding the first part of the question, obviously, steel is very important. And as regards the second part of the question, I want notice.

Shri B. R. Bhagat: May I know whether it is a fact that the Government has appointed a committee to study the supply position and the needs of the

country in regard to important raw materials?

Shri Karmarkar: Yes, Sir: we are trying to implement the recommendations of the sub-committee as early as possible.

Shri Sidhva: Sir, my question regarding rubber tyres and blades has not been answered.

Mr. Speaker: The hon Member is going into details and I am not inclined to allow it.

Shri A. C. Guba: On what basis was the ceiling amount for the three years divided into the three categories—capital, raw-materials and consumer goods?

Shri Karmarkar: The basis on which the allocation of foreign exchange for purposes of import is fixed is this. We judge as to what amount of foreign exchange is available during a particular period or year. For the time being we are fixing allocations on the basis of imports for six months. We see the relative importance of capital goods, raw-materials for industry and consumer goods in their relative order of merit and make allocations accordingly.

INDIAN HIGH COMMISSIONER IN PAKISTAN

*1201. **Shri Ghule:** Will the Prime Minister be pleased to state:

(a) the currency in which the Indian High Commissioner in Pakistan and his staff are paid; and

(b) if they are paid in Indian currency, whether their salaries have been raised in proportion to the value of the Pakistan rupee?

The Deputy Minister of External Affairs (Dr. Keskar): (a) The officers and staff in our Missions in Pakistan are being paid in Pakistan currency.

(b) Does not arise.

Shri Ghule: What is the amount which is required to pay in excess due to the difference in the exchange ratio of Pakistan and Indian currency?

Dr. Keskar: I require notice.

DISPOSAL OF CLOTH BY MILL-OWNERS

*1202. **Shri Ghule:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that one third of the total produce in cotton textile mills is left to be disposed of by the owners of the mills?

(b) When was such permission given?

The Minister of Commerce and Industry (Shri Mahtab): (a) and (b). Early in 1949, the mills were faced with closure due to accumulation of cotton textiles with them. To liquidate the accumulations, the mills were permitted in September 1949 to sell one-third of their production of cloth and yarn to buyers of their own choice. This concession continued till the end of July 1950 when there were signs of shortage of cloth and yarn. The concession was withdrawn totally in the case of yarn with effect from 1st August 1950. As regards cloth, the free sale concession is subject to (i) whatever the mills export or sell for export being the first charge on this quantity and (ii) if mills export or sell for export more than one-third of their production, they are not permitted to sell anything further to buyers of their own choice. The question of withdrawing this concession is under consideration.

Shri Ghule: How many State Governments have made representations to the effect that these concessions should be stopped immediately and when were these representations made?

Shri Mahtab: Some State Governments have made representations to that effect.

Shri Tyagi: Why have these concessions been given? Are they required to sell it at the price fixed by the Government or can they sell at any price in spite of the concession?

Shri Mahtab: When the concession was granted they were required to sell the cloth at the controlled price.

Shri Tyagi: What is the benefit that they had? Why should the concession be given to them when there is no benefit to them?

Shri Mahtab: The history is this. In 1949 there was so much glut that cloth could not be sold and there was considerable accumulation in many mills. Therefore a conference of the representatives of State Governments was called here by the then Minister in charge and it was decided that mills should make their own arrangements for sale to a certain extent.

Shri Goenka: Are Government aware that most of the one-third of their production is sold in the black-market?

Mr. Speaker: All that is inferential.

Shri Rudrappa: May I know whether any arrangement has been made with the mills to distribute or sell the one-third part of the cloth produced on a State-wise or population basis?

Shri Mahtab: As I have already said in the reply that concession is in the process of being withdrawn. First of all export has been charged to the one-third. Further, as I have said, we are now considering withdrawing that concession. That being the position we cannot ask the mills as to how they should sell that one-third of their cloth production.

Shri Goenka: May I know whether the attention of the hon. Minister was drawn to the fact that there was a black-market existing, when he was in Ahmedabad?

Mr. Speaker: Order, order.

Several Hon. Members rose—

Mr. Speaker: The best course is to go to the next question.

IMPERIAL PREFERENCES

*1203. **Shri R. Velayudhan:** Will the Minister of Commerce and Industry be pleased to state whether India has any intention to do away with Imperial Preferences under the Agreement of 1939 between India and the United Kingdom?

The Deputy Minister of Commerce and Industry (**Shri Karmarkar**): The question of continuance or otherwise of the preferences granted under the Indo-U.K. Trade Agreement of 1939 has been examined by the Fiscal Commission who have recommended that negotiations with the U.K. Government and the Colonies should be initiated for the review of the whole position. The Commission's recommendations are at present under examination.

PAKISTAN PILGRIMS VISITING INDIA

*1204. **Shri R. Velayudhan:** Will the Prime Minister be pleased to state:

(a) how many Pakistan Pilgrims visited India during the month of December 1950;

(b) whether the Government of India gave them free rail passage; and

(c) any other expenditure Government incurred on their account?

The Deputy Minister of External Affairs (**Dr. Keskar**): (a) During the month of December, 1950, the following pilgrim parties from Pakistan visited India:

(1) 195 Muslim pilgrims visited the Shrine of Kalyar Sharif in Roorkee (U.P.)

(ii) About 200 Muslim pilgrims visited Sirhind Sharif in PEPSU. The exact number is being ascertained from the Punjab (I) and PEPSU Governments.

(b) No

(c) The State Governments concerned had to provide escort for the parties and to make appropriate security arrangements.

Shri R. Velayudhan: May I know whether the Indian pilgrims who went to Pakistan were given any such facilities by the Pakistan Government?

Dr. Keskar: As I have said the only facility that we give is to provide escort and to make security arrangements. When we send parties the Pakistan Government also provide escort and make the security arrangements.

लाला अचिंत राम : पाकिस्तान से हिन्दु-
स्तान में जाने वाले यात्रियों की गिनती
बढ़ रही है, या घट रही है ?

[**Lala Achint Ram:** Is the number of pilgrims coming from Pakistan to India increasing or decreasing?]

Dr. Keskar: Does it arise out of the question, Sir?

Mr. Speaker: If he has got comparative figures he may reply.

Sardar Hukam Singh: Are there any such cases where permission was sought for and was refused by the Pakistan Government?

Dr. Keskar: There are one or two cases.

Sardar Hukam Singh: Was any representation made to the Pakistan Government asking whether there were any special grounds for the refusal of the permission?

Dr. Keskar: If a specific instance is brought to my notice I can answer the question.

Sardar Hukam Singh: Are there cases where our Government also refused permission likewise?

Dr. Keskar: In one case we have refused permission.

Sardar Hukam Singh: What was the ground?

Dr. Keskar: I have not got the particulars.

TRADE WITH AFGHANISTAN

*1265. **Shri R. Velayudhan:** Will the Minister of Commerce and Industry be pleased to state:

(a) what special facilities were given to the Afghan traders for the purchase and export of textiles to Afghanistan; and

(b) whether India is getting any special facilities from Afghanistan in matters of trade?

The Deputy Minister of Commerce and Industry (**Shri Karmarkar**): (a) There are no special facilities which are given to the Afghan traders who like all other traders in India are allowed to export cloth according to the rules and regulations prescribed from time to time.

(b) A treaty of trade and commerce between India and Afghanistan for the development of mutual trade has already been concluded and is at present awaiting notification by the Afghan Government.

Prof. Raaga: May I know whether the recent order issued by the Government of India prohibiting the export of yarn to any other country applies to Afghanistan also?

Shri Karmarkar: Of course, yes.

Shri R. Velayudhan: May I know whether the Afghan traders who came to India a few months ago requested the Government for special facilities for the export of textiles from India?

Shri Karmarkar: They asked for special facilities in respect of the cloth that used to be exported earlier to Afghanistan. In view of that request we did grant facilities to local traders who used to deal with Afghanistan earlier.

Shri R. Velayudhan: May I know the quality of textiles that is allowed to be exported to Afghanistan?

Shri Karmarkar: The quality of our cloth is always good.

Shri Tyagi: Are any cattle imported from Afghanistan?

Mr. Speaker: The question hour is over.

WRITTEN ANSWERS TO QUESTIONS

INDUSTRIAL TRUCE

*1199. **Shri Balmiki:** Will the Minister of Labour be pleased to state what steps Government have taken to renew the Industrial Truce and with what results?

The Minister of Labour (**Shri Jagjivan Ram**): Government have not taken any steps in this connection.

COTTON IMPORTS FROM U.S.A.

*1266. **Shri Kahndiram Mahata:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of cotton imported from U.S.A. during 1950-51;

(b) what percentage it forms of the total requirement of cotton in our country in the same year; and

(c) whether the total import has reached India?

The Minister of Commerce and Industry (**Shri Mahtab**): (a) During the cotton year September 1950 to August 1951, 17,192 bales (of 400 lbs. each) have been imported up to 20th January 1951.

(b) 0.38 per cent.

(c) The quantity actually received up to 20th January 1951 is indicated above. About estimated imports it is yet too early to say to what extent they will actually materialise.

INDIAN FOREIGN SERVICE (PROBATIONERS)

*1267. **Shri Ghale:** Will the Prime Minister be pleased to refer to the explanatory note (t) to Demand No. 38 in respect of External Affairs (Supplementary Demands for Grants for expenditure in 1950-51) and state:

(a) the number of probationers originally intended to be trained in England and the Continent;

(b) how many more probationers are being trained now; and

(c) the names of the places where they are being trained?

The Deputy Minister of External Affairs (**Dr. Keekar**): (a) Seven—four recruited in 1949 and three in 1950.

(b) Two—this does not mean an increase in the number of recruits but extension up to end of February 1951 of the period of training on the continent of two probationers recruited in 1948. Their period of training abroad should have normally expired early in 1950.

(c) Both are in Moscow.

REHABILITATION IN VINDHYA PRADESH

*1268. **Shri Dwivedi:** (a) Will the Minister of Rehabilitation be pleased to state what are the sums of money sanctioned and actually given for purposes of rehabilitation of displaced persons in various camps in Vindhya Pradesh?

(b) What is the total number of displaced families and how many of them have been permanently settled?

and how many still remain to be settled?

(c) What are the sums of money given to them as subsidies and those that are given as loans in the years 1949-50 and 1950-51?

(d) Is any interest charged on the loans given and what are the terms of repayment?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) A sum of Rs. 29.62 lakhs has been sanctioned for urban and rural loans up to the end of the year 1950-51 to the State of Vindhya Pradesh. The amount actually distributed amongst displaced persons up to the end of November 1950 is Rs. 19,08,400. Another sum of Rs. 94,000 has been advanced by the Rehabilitation Finance Administration.

Information in regard to the amount of money disbursed among displaced persons in camps in Vindhya Pradesh is not available.

(b) Total number of displaced persons in the State is estimated at 21,000 but it is not possible to indicate precisely how many of them may be considered to be permanently settled in the absence of economic survey.

(c) The amount of money disbursed as loans upto date is Rs. 20,02,400. Information in regard to the amount spent on subsidies is being obtained and will be placed on the Table of the House.

(d) On loans advanced to State Governments by the Centre, interest is charged at the rate varying from 3 to 3½ per cent. depending upon the number of instalments in which the loan is to be repaid. No interest is, however, levied during the first year. Loans are repayable within six years from the date of payment of the last instalment. Recovery commences after 3 years after the payment of last instalment.

The procedure for recovery of Rural loans is as follows:

Loans for the purchase of bullocks are recovered in four half-yearly instalments after allowing the period of grace of 2½ years. Loans for the purchase of seed, fodder and agricultural implements are recovered in lump sum after allowing the maximum grace period of 1½ years. The rate of interest charged from displaced persons on rural loans is 4½ per cent. per annum.

INDUSTRIAL TRAINING CENTRES

*1209. **Giani G. S. Musafir:** Will the Minister of Labour be pleased to state:

(a) the number of Industrial Training Centres of the Government of India in the State of Punjab;

(b) the various places where these Centres are situated;

(c) the qualifications for admission to the said Centres; and

(d) the various trades and avocations in which training is imparted in the said Centres?

The Minister of Labour (Shri Jagjivan Ram): (a) Eight, including one in Pepsu.

(b) Ambala.

Jullundur.

Amritsar.

Mandi.

Ludhiana.

Rohtak.

Phagwara.

Ferozepur. #

(c) Candidates for training should, ordinarily, be between the ages of 18 and 25. They should have studied up to a standard two years below the Matriculation or its equivalent. Candidates for training as Draughtsmen, Surveyors, Instrument Mechanics, and other similar professions, should, however, have passed the Matriculation or an equivalent examination.

(d) A statement is laid on the Table of the House [See Appendix X, annexure No. 17].

LEATHER INDUSTRY

*1210. **Shri Chandrika Ram:** (a) Will the Minister of Commerce and Industry be pleased to state what is the amount that the Cottage Industry Board has sanctioned for the leather industry and in what way is this amount being distributed to the States?

(b) What is the quantity of export from and import to India of leather goods and raw hides in the years 1948-49 and 1949-50?

The Minister of Commerce and Industry (Shri Mahtab): (a) No specific grant has been made for the leather industry from the funds available for the development of cottage industries. Grants have, however, been made to certain States for the expansion of activities in the field of cottage industries especially in regard to their schemes for rural industrialisation and

the marketing of cottage Industries' products at home and abroad.

(b) A statement is laid on the Table of the House.

STATEMENT

Imports

Description	Quantity	
	1948-49	1949-50
(1) Hides, raw (Tons)	7,867	1,276
(2) Bags & Trunks (Cwt)	50	72
(3) Pickers ..	2,518	1,843
(4) Picking bands and straps ..	5,233	4,056
(5) Roller Skins ..	2,118	745
(6) Saddlery & Harness ..	2	2
(7) Boots and Shoes— all leather (pairs)	1,47,770	24,356
(8) Leather manufac- tures— other sorts (excluding boots and shoes) (Cwt)	1,608	1,806

Exports

Description	Quantity	
	1948-49	1949-50
(1) Hides, raw (Tons)	2,096	783
(2) Leather belting (Cwt)	15	48
(3) Boots and Shoes—all leather (Pairs)	18,09,479	6,81,632

WOOLLEN CLOTHES FOR DISPLACED PERSONS

*1211. Shri Ramraj Jajwara: (a) Will the Minister of Works, Production and Supply be pleased to state whether Government have purchased woollen clothes during this winter season for displaced persons?

(b) If so, when were the tenders called for and what are the figures of purchase?

The Minister of Works, Production and Supply (Shri Gadgil): (a) Yes. Only woollen blankets.

(b) 65,000 blankets were purchased for displaced persons during this winter season through the Directorate General of Industries and Supplies, who made purchases as follow:

(i) 50,000 against offers received in response to his telegraphic inquiry to his usual suppliers on 7th September, 1950.

(ii) 5,000 by means of a repeat order dated 27th November, 1950 on one of the suppliers of aforesaid blankets, and

(iii) 10,000 by negotiations on 2nd and 3rd January, 1951.

ENEMY PROPERTY AT AMRAVATI

*1212. Dr. Deshmukh: (a) Will the Minister of Commerce and Industry be pleased to state whether there was any property declared as enemy property in Amravati consisting of a ginning and pressing factory?

(b) Was it under the control of the Custodian of Enemy Property?

(c) Has this property been sold and if so, at what price, by whom and to whom?

(d) What were the previous offers communicated to the Custodian for this property?

(e) Were the State Government and the previous tenders consulted before finalizing the sale?

The Minister of Commerce and Industry (Shri Mahtab): (a) Yes, two cotton ginning and pressing factories.

(b) Yes.

(c) The properties were sold on the 19th July 1950 by the Custodian of Enemy Property, Bombay, to M/s. Bachhraj Factories Limited, Bombay, for a sum of Rs. 2,70,000.

(d) The previous offers made for the properties were as follows:

In 1946 Rs. 3,75,000.

In 1950 Rs. 2,00,000.

(e) Before the tenders were called for, the State Government were informed that the Central Government proposed to sell the factories by public tender. The invitation for tender was advertised in the newspapers. No special intimation was sent to the State Government or to those who had made earlier offers.

TEXTILE MILLS

*1213. Dr. Deshmukh: (a) Will the Minister of Commerce and Industry be pleased to state the number of textile mills established in India since 1945?

(b) What is the capacity of each of the textile mills along with their location and capital invested?

(c) What is the number of spindles and looms in each of the textile mills and the amount invested in establishing the same?

(d) Are there any proposals for the establishment of new textile mills?

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

The Minister of Commerce and Industry (Shri Mahtab): (a) to (c). A statement is placed on the Table of the House [See Appendix X, annexure No. 18].

(d) and (e). A statement giving the location and the spindles allotted to each of the textile mills proposed to be established in nursuance of the

Cotton Textile Expansion Plan approved by the Government of India in their Resolution No. 205/TA/45 dated 4th May, 1946 is placed on the Table of the House [See Appendix X, annexure No. 19].

Out of them, 19 mills have already started production and 23 others are in the course of erection. Remaining allottees have not received machinery from the suppliers and no definite date can be given as to when they will start production.

YARN

*1214. Shri Munavalli: (a) Will the Minister of Commerce and Industry be pleased to state what is the quantity of yarn produced during 1948-49, 1949-50 and 1950-51?

(b) What is the quantity of yarn exported during the respective periods of 1948-49, 1949-50 and 1950-51?

(c) What are the requirements of the country in yarn?

The Minister of Commerce and Industry (Shri Mahtab):

	Yarn in Lbs.
(a) 1948-49	1,474,338,000
1949-50	1,303,445,000
1950-51	870,122,000

(upto December 1950).

	Yarn in Lbs.
(b) 1948-49	7,407,540
1949-50	64,853,863
1950-51	31,460,142

(upto October 1950).

(c) Yarn.....400 million lbs. (For Handloom Industry and other Industrial purposes.)

DIPLOMATIC RELATIONS WITH GERMANY

*1215. Shri Kamath: Will the Prime Minister be pleased to state:

(a) whether, in pursuance of termination of the state of war with Germany, India proposes to wind up her Military Mission in Berlin; if so, when;

(b) whether there is a proposal to exchange diplomatic representatives with Germany, if so of what status or rank;

(c) whether our representative will be accredited simultaneously to East Germany as well as to West Germany; and

(d) if not, whether there is any proposal to open separate diplomatic relations with East Germany?

The Deputy Minister of External Affairs (Dr. Keshar): (a) No.

(b) Yes. The matter is under consideration. But certain preliminary

steps have to be taken before there can be an exchange of diplomatic representatives. For the present it is proposed to transfer the headquarters of the Head of our Military Mission to Bonn, the seat of the Government of West Germany.

(c) and (d). No approach has been made to us in this matter by the East German Government.

INVESTMENTS IN TEA INDUSTRY

*1216. Shri Ramraj Jajwari: Will the Minister of Commerce and Industry be pleased to state what are the amounts of foreign and Indian investments in India's tea industry at present?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Accurate date as to the different holding interests in the tea industry are being collected but out of 645 Joint Stock Companies with paid-up capital of over Rs. 50 crores engaged in the industry, 178 are sterling companies with a paid-up capital of about £28 millions and 467 are Indian companies with a paid up capital of about Rs. 13 crores.

IMPORT OF BICYCLES

*1217. Shri Ramaswamy Naidu: (a) Will the Minister of Commerce and Industry be pleased to state whether the policy in regard to the import of bicycles has been decided by Government?

(b) If so, what is the number of cycles that will be imported in the half year January—June, 1951?

(c) What is the quota allowed to established trade?

(d) What is the quota allowed to newcomers?

(e) Is any quota allowed to cycle manufacturers?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir. Attention is invited to Commerce Ministry's Public Notice No. 161-ITC(PN)/50 dated the 15th December 1950.

(b) About one lakh cycles are expected to be licensed in the half year January—June 1951.

(c) and (d). Established Importers will be granted licences on the basis of a quota of 40 per cent. of half of best Year's imports. Newcomers are not granted licences on a quota basis, but a monetary provision has been reserved for licensing to newcomers.

(e) The two newly established manufacturing concerns have been allowed to import complete cycles on an ad hoc basis. These firms are sole agents in India of the U. K. Manu-

facturers of Hercules and Raleigh cycles and are establishing factories in collaboration with those manufacturers. These prospective manufacturers will import cycles minus those parts and accessories which can be had of a satisfactory quality from indigenous sources and thereby it will be possible to import a larger number of cycles within the value licensed.

TEA (EXPORT)

*1218. **Shri Kishorimohan Tripathi:** (a) Will the Minister of Commerce and Industry be pleased to state the quantity of tea exported out of India during the year 1950?

(b) What part of the export was sent to the United Kingdom?

(c) What was the value of the export referred to in part (b) above?

(d) Which are the countries which purchase Indian Tea at preferential rates?

The Deputy Minister of Commerce and Industry (Shri Karmarkar):

(a) 1949-50	439,604.653 lbs.
1950-51	
(upto October, 1950)	212,808,578 lbs.

(b) and (c).	Quantity lbs.	Value Rs.
1949-50	275,396,988	42,11,14,474
1950-51	138,828,929	22,90,14,414
(upto October 1950)		

(d) No country purchases tea at preferential rates.

INDIANS IN FIJI ISLANDS

*1219. **Shri Venkataraman:** Will the Prime Minister be pleased to state:

(a) whether the Indians in Fiji Islands have any disability in respect of ownership of lands in Fiji Islands;

(b) if so, whether any representations have been made by the Government of India to the Government of Fiji or the U.K. Colonial Office in respect of such disabilities; and

(c) if so, with what results?

The Deputy Minister of External Affairs (Dr. Keskar): (a) to (c). A large majority of the holdings of Indians in Fiji are leases of lands owned by the indigenous inhabitants. A Native Land Reserve Commission appointed by the Colonial Government has proposed setting up a Native Reserve, from which all non-indigenous inhabitants will be dispossessed on the expiry of existing leases. Although it is stated that alternative land will be found for tenants thus dispossessed, no compensation for improvement of land is provided. This has caused great anxiety to the Indians in Fiji. The question of compensation has been

taken up with the Administration of Fiji and the United Kingdom Colonial office.

TRADE AGREEMENT WITH BURMA

*1220. **Shri Sivaprakasam:** (a) Will the Minister of Commerce and Industry be pleased to state whether the Government of India are negotiating for a Trade Agreement with Burma mainly for securing a stable arrangement for the purchase of rice and timber?

(b) Is India at present having a favourable Balance of Trade with Burma?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The matter is under consideration.

(b) Yes, for the year 1949-50, and also for the period April to November 1950, during the current financial year.

TRADE AGREEMENT WITH INDONESIA

*1221. **Shri Sivaprakasam:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that a Trade Agreement with Indonesia was recently signed by India and Indonesia for the supply of textiles and agricultural implements from India to that country?

(b) If so, what are the reciprocal arrangements with that country?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A trade agreement between India and Indonesia was signed recently, which includes textiles and agricultural implements in the list of Indian exports.

(b) A copy of the Agreement is laid on the Table of the House. [See Appendix X, annexure No. 20.]

STATE AID TO COTTAGE INDUSTRIES

*1222. **Shri Sivaprakasam:** Will the Minister of Commerce and Industry be pleased to state:

(a) the recommendations made by the Cottage Industry Board which met recently at Santiniketan regarding State aid to the existing cottage industries; and

(b) whether Government propose to implement those recommendations immediately and if not, why not?

The Minister of Commerce and Industry (Shri Mahtab): (a) The following recommendations were made by the Cottage Industries Board at their meeting at Santiniketan on 20th and 21st January 1951 regarding State Aid to Cottage Industries:

(i) The Cottage Industries Directorate should collect information from the various States,

specially from the States of Bombay, Uttar Pradesh, Bihar and Hyderabad-Deccan with regard to the financial assistance that is being given to cottage industries in their areas. A note containing the information collected from the various States should be circulated to all the States inviting their comments on the subject.

- (ii) The rigour regarding the security and the rate of interest demanded for advancing loans to Cottage Industries under the State Aid to Industries Acts in the States should be relaxed.

(b) The recommendations are under consideration.

BUILDING MATERIALS FOR ASSAM

*1223. **Shri R. K. Chaudhuri:** Will the Minister of Commerce and Industry be pleased to state whether the Government of Assam has been fully supplied with building materials, particularly corrugated iron sheets, asked for by them to rehabilitate the earthquake sufferers and if not, why not?

The Minister of Commerce and Industry (**Shri Mahtab**): The immediate requirements of corrugated iron sheets, mild steel rods and cement of the Government of Assam have been fully met.

ASSAULT ON INDIANS AT KATHMANDU

*1224. **Shri R. K. Chaudhuri:** (a) Will the Prime Minister be pleased to state whether it is a fact that one Mr. Tribeni Sukla of Indian Embassy Staff and Mr. Ram Asis Ojha, both Indian Nationals, were seriously injured on the 26th December 1950, due to an assault made on them at Kathmandu by the Military and Police of Nepal Government?

(b) If so, what were the circumstances in which the assault took place?

(c) Have any steps been taken by Government to prevent recurrence of such incidents?

The Deputy Minister of External Affairs (**Dr. Keskar**): (a) Yes.

(b) and (c). According to the report received from our Embassy at Kathmandu, Mr. Tribeni Sukla and Mr. Ram Asis Ojha, were deliberately assaulted and injured by Nepalese Police and Military personnel when they were returning from the market at about 5 P.M. on the 26th December, 1950. The Nepalese Government who have since conducted an enquiry into the incident, at our instance, maintain,

however, that the two persons were injured while participating in an anti-Government demonstration which was lathi-charged by the Nepalese Police and Armed Forces. They have assured us that they would take all steps to prevent the recurrence of such incidents. We have urged them to make further enquiries into the matter with a view to tracing the culprits and punishing them. We are also pressing them for the payment of compensation to the injured.

कामिक संघ

*1225 **श्री खपरडे:** क्या कम मंत्री यह कतलाने की कृपा करेंगे :

(ए) उन श्रमिकों की संख्या जिनका कार्य एन. टी. यू. सी. प्रतिनिधित्व करती है और उससे कितने संघ सम्बन्ध हैं ;

(बी) उन संघों तथा श्रमिकों की संख्या जो बम्बिल भारतीय ट्रेड यूनियन कांग्रेस के संघ हैं; तथा

(सी) उन संघों को संस्था जो हिन्द मजदूर सभा से सम्बन्धित हैं ?

TRADE UNIONS

[*1225. **Shri Khaparde:** Will the Minister of Labour be pleased to state:

(a) the number of labourers that the I. N. T. U. C. represents and how many Unions are affiliated to it;

(b) the number of Unions and labourers that are with the All India Trade Union Congress; and

(c) the number of Unions that are affiliated to the Hind Mazdoor Sabha?]

The Minister of Labour (**Shri Jagjivan Ram**): (a) to (c). According to the latest information obtained from the trade union organisation's concerned, their total all India membership figures together with the number of unions affiliated to them is as under:

Name of trade union organisation.	No. of affil. listed unions.	Total membership.
(i) Indian National Trade Union Congress.	1235	15,14,082
(ii) All India Trade Union Congress.	729	7,06,194
(iii) Hind Mazdoor Sabha.	468	6,86,65

These have not yet been fully verified by the Government of India.

अधिकों का प्रवचन

*१२२६ श्री खारडे: क्या अम मंत्री यह बतकाने की कृपा करेंगे :

(ए) उन अधिकों की संख्या जो १९४७, १९४८, १९४९ तथा १९५० में दिल्ली में बाहर से जाये हैं और जो बिना किसी घरदार के उसमें तथा बूके स्थानों में रह रहे हैं, तथा

(बी) क्या सरकार इन अधिकों को दिल्ली में बसाने के प्रबन्ध पर विचार कर रही है, यदि हां, तो इस में कितना समय लग जायेगा ?

MIGRATION OF LABOURERS

[*1226. Shri Khaparde: Will the Minister of Labour be pleased to state:

(a) the number of labourers who have migrated to Delhi during the years 1947, 1948, 1949 and 1950 and who are living on footpaths and other open spaces without any shelter worth the name; and

(b) whether Government are contemplating to make arrangements for rehabilitating such labourers in Delhi and, if so, how long it will take to do so?]

The Minister of Labour (Shri Jagjivan Ram): (a) There is no information regarding the number of migrated labourers who are without proper accommodation in Delhi.

(b) Besides trying to improve industrial housing in general, Government are not taking any steps to make any specific arrangement for housing labour of this particular category.

SHORT TERM PLAN

92. Shri Ghule: (a) Will the Prime Minister be pleased to state whether the Planning Commission has prepared any short term plan for the country?

(b) If so, will it be laid on the Table of the House?

The Prime Minister (Shri Jawaharlal Nehru): (a) The Commission is engaged in considering the plans of States Governments and the Central Ministries which have been recently received.

(b) The procedure for placing the proposals prepared by the Planning Commission before Parliament is under consideration.

DEVELOPMENT OF COLLIERIES

93. Shri R. L. Malviya: Will the Minister of Works, Production and Supply be pleased to state how Government propose to fulfil the financial obligations involved in the development of various Government Railway Collieries?

The Minister of Works, Production and Supply (Shri Gadgil): It is presumed that the hon. Member refers to the development schemes recommended by the Railway Collieries Enquiry Committee. These eighteen development schemes as well as arrangements for financing those finally approved by Government are under examination.

WORLD PRICES OF COAL

94. Shri R. L. Malviya: Will the Minister of Works, Production and Supply be pleased to state:

(a) the comparative prices of various grades of coal per ton in terms of rupee, in India and other coal-producing countries, such as America, England, Russia, France, Germany, Japan etc.;

(b) the comparative wage level per labourer;

(c) the comparative per capita output;

(d) the causes of lower output per capita in India and the steps which Government have taken or propose to take for increasing the per capita output;

(e) how far the health of Indian miner is responsible for lower efficiency and output; and

(f) what steps have Government taken to improve the health of the Indian miner to bring it to the level of a foreign miner?

The Minister of Works, Production and Supply (Shri Gadgil): (a) to (c). Information in respect of other countries is not available and it is not therefore possible to give the comparative figures.

(d) to (f). The Working Party for the Coal Industry in which the Industry, Labour and Government are all represented, is examining these questions and their report is awaited.

HOUSES FOR DISPLACED PERSONS

95. Dr. Ram Subhag Singh: (a) Will the Minister of Rehabilitation be pleased to state whether any plan has

been made for providing alternate accommodation to the squatters as well as those displaced persons who are to be evicted from Government quarters in Delhi?

(b) If so, what is the estimated expenditure to be incurred on that plan?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) Yes.

(b) It is not possible to estimate the total expenditure involved at this stage.



Volume VIII

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

Tuesday, 6th 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.

MOTION FOR ADJOURNMENT

**ABOLITION OF CENTRAL ENFORCEMENT
DIRECTORATE**

Mr. Speaker: I have received notice of an adjournment motion which, of course, appears to me to be obviously inadmissible. The motion seeks to discuss some definite matter of urgent public importance, namely, Government's decision to abolish the Central Enforcement Directorate as from the 28th of February, 1951. I do not think the matter is either of any public importance or urgency. Obviously Government have acted in pursuance of the recommendation made by the Estimates Committee.

The Prime Minister (Shri Jawaharlal Nehru): There is no basis for that.

Mr. Speaker: Oh, there is no basis? But whatever that may be, even if they have acted like that, it is a matter which can be discussed on the floor of the House during the Budget discussion. It could not be a matter for any adjournment motion. I, therefore, rule it out of order. There is nothing further to be discussed over it.

297 P. S. D.

**LEAVE OF ABSENCE FROM THE
HOUSE**

Mr. Speaker: Before the House proceeds with any other business, I would like to inform hon. Members that Shri Abdul Halim Ghuznavi has requested for leave of absence under article 101(4) of the Constitution on account of illness.

Is it the pleasure of the House to grant him leave?

Leave was granted.

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 was under discussion. Mr. Naziruddin Ahmad will continue his speech.

Shri Naziruddin Ahmad (West Bengal): Sir, at the very outset the House is in a very hilarious mood. I believe the subject is extremely important and it requires very grave consideration. Yesterday I dealt with some of my amendments. I shall now come to amendment No. 31 which reads:

After sub-clause (4) of clause 2 add the following new sub-clause:

"(5) Notwithstanding anything in this section this Code shall apply only to such areas or to such persons or classes of persons in any State from such time or by such stages as the State Legislature may from time to time by Act provide."

The Bill is highly controversial and it is improper even for those who be-

[Shri Naziruddin Ahmad]

lieve it to be highly beneficial to the country to force this Bill upon the entire Hindu population. I submit that this House should not take this hasty step. I do not contend that this House has no jurisdiction, but I do submit that this House should not take upon itself the serious responsibility of forcing a law upon an unwilling people. This House was specially constituted to obtain independence from the British Government, and in due course through its Constituent side it passed the Constitution.

The Minister of Law (Dr. Ambedkar): Sir, is this relevant at this stage? I do not like to interfere in the debate but certainly we have spent more than four hours in discussing a single clause.

Mr. Speaker: I was just watching for a minute or two whether the hon. Member's reference was leading to some sound argument that he was coming to.

Shri Naziruddin Ahmad: I was submitting that this House has not the mandate of the country to pass this Bill. This is a fundamental matter affecting the religious and social structure of India. Therefore, it is proper and relevant to consider our exact position. I am not going elaborately into all the history because that has been done at the proper stage, but I cannot forget the fact that a large number of hon. Members of this House are new Members and were not present at that stage. So, a very brief resume of those points may, I submit, be not irrelevant.

Mr. Speaker: I may inform the hon. Member that, so far as the representative character of this House is concerned, as also its competency to consider such a Bill, that has been sufficiently thrashed out before and the present stage is not the proper stage of again raising that kind of an argument. We are now discussing the Bill clause by clause and clause 2 is before the House. So, he will restrict his remarks only to the provisions in clause 2 and the amendments before the House. Of course, the scope for that is wide enough, but not for questioning or even doubting the representative character of the House or its capacity to pass this Bill. That will be unnecessarily repeating what was said at the previous stages.

Shri Naziruddin Ahmad: Sir, I bow down to your ruling. I am not at all questioning the representative character of the House or its competency. But the question is that we have not

consulted the people. Not that we have no jurisdiction, not that we do not represent the people, but on a social legislation of an all-embracing character like this we should have obtained some mandate. That was the point which I was going to submit. I do not wish to elaborate it. I wished to refer to this matter in order to develop my argument with regard to amendment No. 31. I want by this amendment to restrict the application of the Bill to the different States, upon the State, by Act, prescribing its application, and also limiting the conditions on which the Bill should apply, the persons or classes of persons to whom the Bill should apply and the stage or stages through which this application should come. Therefore, my point, so far as this amendment is concerned, is that the Bill should not be made applicable to all persons outright.

The State Governments are in a better position to know the conditions of the people, their wishes and desires and their needs. It is therefore proper to allow each State to apply the Law and to such extent and through such stages as the Legislature, by Act, may provide. I know that so far as reports are concerned the Government of Bengal has opposed this Bill. Though it was given out yesterday that in private conversation some hon. Member was told that some individual Minister in Bengal was in favour of the Bill, that is not the official position taken by the Government of Bengal. I dare say that each State has its different problems to solve with regard to this Bill: its stage of civilisation, its state of economic condition and various other factors must, I believe, obtain in different degrees and in different circumstances in the different States. My point is that for those hon. Members who feel that this Bill is good there are a much larger number of hon. Members who feel that the Bill is not good for them. Therefore, my submission would be to strike a *via media*. Let the Bill be accepted by those who think that it is good for them, but let them not force the Bill upon others.

Now, so far as the States are concerned, the State Legislatures would be the proper authority to apply the law, adapting the application to suit the differing circumstances of the case. Though the hon. Minister in charge of the Bill is enamoured of uniformity in the laws, I think that it is a principle which should yield to practical considerations. I submit that the State Legislatures are the proper authority to ascertain the actual opinion

on the Bill and the application of the Bill should also be controlled by them. To this principle, there should be no objection. If, as is claimed, the Bill is a very beneficial one, acceptable to the people, acceptable to the Hindus of India, nothing could be lost by letting the State Legislatures express their opinion. The State Governments have their Departments through which they are in a position to know the wishes of the people and the Members of the State Legislatures are also in a position to know the minds of the people. I therefore submit that the application of the Bill in different circumstances and to different people should be left to the local Legislatures. If this is done, then much of the sting about the Bill and much of the objectionable features of the Bill would at once disappear and the controversy would immediately stop. The more the supporters of the Bill are convinced that the Bill is highly acceptable, the more they should be ready to subject themselves to this test of acceptance of the Bill by the local Legislatures. I submit that this amendment raises an important principle and if the claims are as high as they are alleged, then this principle should be accepted. It is conceivable that there are corners in the States where this law would act adversely. There are various provisions bearing on divorce and there are various customs in different parts of the country for marriage and divorce. If we apply this Bill to them straightaway, that would take away the simplified marriage and simplified divorce and substitute complicated forms of divorce and marriage. To that extent, their existing rights would be affected. There are, again, people who do not like to enjoy the rights of marriage and divorce as prescribed in this Bill. To them also, it would be a hardship. From any point of view, therefore, the application of this law to the peculiar circumstances of each State must be left to the local Legislature.

Then Sir, I have been jeered and jibed at many times.

12 Noon

Babu Ramnarayan Singh (Bihar): No.

Shri Naziruddin Ahmad: That has been my privilege. I believe that the delay that has occurred was due to two reasons, the author of both the reasons being Dr. Ambedkar himself. First of all, the Bill was sent to the Select Committee. For reasons best known to him, it came back from the Select Committee in the form of an altogether new Bill. That led to some controversy, which took about six

months' time. I submit that this portion of the delay was not due to me. If I had any fault, it was to point out the error and thereafter it was for the House to give a ruling.

Shri B. Das (Orissa): Why apologise?

Shri Naziruddin Ahmad: That delay was due to Dr. Ambedkar himself. I do not blame him for this. I do not attribute any motive to him.

Dr. Ambedkar: He forgives me!

Shri Naziruddin Ahmad: Probably, he wanted to improve matters and make matters worse.

The next reason for the delay was...

Dr. Ambedkar: I do not think any hon. Member of this House has charged my hon. friend with dilatory tactics and I do not see why he should indulge in an explanation which is certainly not wanted, so far as I am concerned. He is wasting time.

Shri Naziruddin Ahmad: No, Sir. At least one word by way of explanation is necessary. Although I might not have referred to it, the charge has definitely been made and it goes in the proceedings to be read even after 100 years. I submit that the next reason for the delay was that in the Bill which was referred to the Select Committee, there were enormous numbers of substantial changes and those matters had to be put before the House just to argue that the Members of the Select Committee had not a proper opportunity to consider them in detail. Those controversies are gone, but public memory is short and Ministerial memory is shorter. By a strange coincidence, by a strange freak of fate, the delay is attributed to me. I think it is quite unnecessary to rake it up and discuss it. So far as this matter is concerned, as Dr. Pattabhi Sitaramayya said on one occasion, dilatory tactics are permissible. If any Member is satisfied that a Bill must be opposed, dilatory tactics are permissible. He may oppose—so long as he may—fairly, and even unfairly, if he must. I submit that I do not take recourse to this extreme step. I believe that the Bill is a controversial one and therefore some amount of controversy is inevitable. The controversy is embedded in the Bill itself.

Dr. Deshmukh (Madhya Pradesh): In Dr. Ambedkar?

Shri Naziruddin Ahmad: Yes, of course. When the draft Bill was circulated, the Hindu Law Commission went round the country and collected

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a large number of opinions. The opinions were preponderantly against the Bill. These very women who are supposed to be anxious to liberate themselves through this Bill opposed the sittings of that Commission in different places in large numbers.

Shri Tyagi (Uttar Pradesh): Clause 2 is now under discussion; what has all this to do with it?

Mr. Speaker: The Chair is taking care of it. But if hon. Members want to do so, they may; but in that case his speech will be prolonged and may go on till tomorrow evening. Therefore, let him go on in his own way. If he is irrelevant, the Chair will stop him.

Shri Naziruddin Ahmad: Sir, it is these interruptions which certainly create a certain amount of difficulty. When a question is asked, it certainly requires an answer. After all I am accustomed to these interruptions and nothing is more acceptable to me than these interruptions.

Sir, clause 2 is a very important one because it deals with the application of the Code. Many amendments have been suggested to this clause, the underlying idea of all of them being to prevent its universal application straightaway. Considering the magnitude of the legislation, I for one feel that the House should take serious consideration of the suggestion to proceed slowly and to adapt the Bill to suit local conditions. If that is done the impact of the Bill would be more tolerable and the objections would largely vanish.

Sir, I have done.

Pandit Thakur Das Bhargava (Punjab): Sir, in regard to the application of the Hindu Code to the various subjects and peoples who come within the purview of clause 2, I have to submit for your consideration a few words.

I agree with the previous speaker that the scope of clause 2 is very wide and, therefore, all these matters which have been submitted for the consideration of the House are quite appropriate and should be considered by the House in regard to application of clause 2. But, at the same time, I am of opinion that by practical considerations we are compelled to limit the scope of clause 2 to such persons to whom the Hindu law applied previously. I am not here to minimise the efforts of those who think that in pursuance of the directive principles we ought to have a civil code for this

country. I am for it; the whole country is for it. We should, therefore, endeavour to have a civil code for the whole country and I would very much like that hon. Dr. Ambedkar who has done so much for this country in the matter of giving us a Constitution and bringing forward the Hindu Code which affects about thirty crores of people will in time bring forth a new civil code for the whole country.

But at the same time I do not think it is practicable to say that this Hindu Code should be turned into a Civil Code. (*An Hon. Member:* Why not?) The question is being asked "Why not?". I would certainly submit the reason. Now, as I have just pointed out, I admire the spirit of the previous speakers, Mr. Sarwate, Shri Vidyavachaspati and Shri Jaspal Roy Kapoor, when they want one civil code for the whole country. As a matter of fact this attempt of Dr. Ambedkar in incorporating certain principles which ought to have been the real basis of the Hindu Code is simply laudable. This Hindu Code, according to some, is a Code which ought not to apply to Hindus alone, because this Hindu Code embodies principles which are not taken from the Hindu law alone. In regard to certain principles, they are so broad based that I should think they may eventually furnish a basis for having a Civil Code.

As remarked by the previous speaker, marriage is certainly one of the ten *samskars*. It is a religious affair. But in this Code we have got the provisions of the Civil Marriage Act also. My humble submission is that so far as the question of civil marriage is concerned it ought to have been contained in the Civil Code which we have all in view and which will be equally good for all the citizens of this country. Therefore, the complaint that this Hindu Code is neither based on Hindu law nor on any universal law is correct to a certain extent and my view is that the principles of the Civil Marriage Act which are embodied in the Act of 1872 should not have been incorporated in the Hindu Code. I would, therefore, very much like that these provisions are taken away and the Hindu Code remained only a Hindu Code. This inter-mixing of the principles of the Civil Marriage Act into the Hindu Code should not have been allowed.

Now, Sir, I maintain that today we cannot have a Hindu law like the one which was propounded by our ancestors. In those days Hindus lived in

an exclusive way. The impact of civilization and other religions had not begun so far as Hindus were concerned. Now in every Code, in the Muslim law, in the Christian law, and in the Hindu law we have got principles which are not germane to those laws alone, but which as a matter of fact have been made universal by the impact of other forces. For instance in this Hindu Code we have got monogamy which is a special feature of the Christian law. The authors of the Hindu Code want that daughters should be given a share of the property. Now this was not known to Hindu law, so far as married daughters were concerned for a very long time. Of course, there is no practice or principle which has not been experimented upon at one time or other by the Hindus.

[SHRIMATI DURGABAI in the Chair]

That is a different matter. But today I think he will be a bold man who would like to say that the principles of yore be introduced in the Hindu Code. As the society progresses there is also a progress of the principles. Now if anybody wants to say that the laws of Manu should be introduced in Republican India I think he will be a mad man. Does any one in this House want that no *Shudra* should be allowed to read the *Shrutis*? On the contrary I for one welcome the Code for the very reason that Dr. Ambedkar is supporting it. Now all things have changed and all values have changed. The Hindus have burnt their boats so far. Now he will be a bold man who will come and say, "I want that the caste system of the Hindus based, as it is, on birth should be introduced in the Hindu Code". I will have nothing to do with this Hindu Code if it is based on the caste theory. I know that so far as the original Hindu law is concerned the caste system was not based on birth. I challenge anybody in this House, or outside, if he could convince me that the Hindu law or the system of the Hindus was based on birth. But what do we find today? Birth is the real basis of caste, whereas according to the strict notions of Hindu law and the *Shastras*, birth has no place in it whatsoever. We find that Hindu society is not what it used to be. Are we now going to introduce all those laws of Manu, for instance, that a *Shudra* cannot read the *Shrutis*, etc.? Now we have finished with them.

So far as the criticism goes that the Code is very bad, so bad that it should apply only to Hindus, Muslims, etc., I am very sorry I have to challenge that statement and fight it. Some of the principles which are put in the Bill are exceptionally good, so good that I would

like to have this Hindu Code. As I stated, I am not an opponent of every clause and word in it. I want that all the good principles, which are consistent with the principles that we have accepted in our society today, should be passed in this House. I am opposed to certain provisions and I shall have occasion to speak about them at the proper time. But as regards the statement that it is so bad that it should not apply to Hindus or Muslims, etc., I for one do not agree with that statement.

I was considering the question whether it should apply to any but Hindus. Three or four motions have been made, by Mr. Sarwate, Mr. Indra Vidya-vachaspati, and Mr. Jaspal Roy Kapoor had something to say about it. In regard to them my submission is that if it were possible to do so I would have myself supported those motions. But may I humbly ask the non-Hindus in the House if they like this proposal? They do not like it.

Shri J. R. Kapoor (Uttar Pradesh): The non-Hindus have already been brought within its scope.

Pandit Thakur Das Bhargava: It is entirely wrong to suggest that. So far as Muslims, Christians, Parsis and Jews are concerned, it specifically says that the law shall not apply to them. Where is my friend's suggestion that it has already been applied to Muslims, Christians, Parsis and Jews?

Shri J. R. Kapoor: I said non-Hindus—excepting Muslims, Christians etc.

Mr. Chairman: Let there be no interruptions.

Shri R. K. Chaudhuri (Assam): On a point of information, Madam, may I know whether the Hindu Law is not applicable even now to the Muslims, Borahs and Cutch-Memons?

Pandit Thakur Das Bhargava: My friend has anticipated me. The present Hindu Law as we understand it does apply to many classes of persons. It does apply to persons who do not call themselves Hindus. And so long they have never objected to it. So far as Sikhs, Jains, Buddhists are concerned, it is the Hindu Law which is applied to them. And it has been applied to them from times immemorial, from the time that the British Government was established. They have always been using it. Even Muslims have been using it. (*An Hon. Member:* You are excluding them). We are not going to exclude them. This Hindu Code, according to clause 2, shall apply to all persons who are not Muslims, Christians, Parsis or Jews. So far as

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Muslims are concerned and so far as their law is concerned we have not changed anything and we have not made any law for them. We do not want to say that their customs as altered by the Hindu Law do not exist.

For instance take the Punjab. We were not bound by the Hindu Law as such. I am speaking of the villages of the Punjab. So far as the cities are concerned, many Hindus and Muslims are governed by the Hindu and Muslim law. But so far as the rest of the Punjab is concerned we were guided or dominated, or we were governed, by custom. Custom was the first rule of decision in the Punjab so far as Hindus, Muslims and Sikhs were concerned. Even today it is custom which governs us. May I with your permission, Madam, just read out the Preliminary Section of the Punjab Customary Law by Rattigan? It says:

“Custom in this Province is the first rule of decision in all questions regarding succession, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, any religious usage or institution, or alluvion and diluvion”

In regard to the Customary Law of the Punjab, all the Hindus, Muslims and Sikhs in the village areas were bound by the Customary Law which practically was the same for all. And it has furnished a very good basis for the Civil Code because the customs were the same. The result was that we were wedded to the agnatic theory of succession and all the customs flowed from that. It is difficult for the Punjabis to accept the principle of inheritance of married daughters because the agnatic theory is there. In fact it prevailed in Assam also before Assam came into the domain of the Bengal High Court. If we find out what was the source of custom, all the principles and notions of Hindu Law which prevailed throughout the country were the source from which this custom grew in the Punjab and in other parts. Not that custom is an exclusive feature of the Punjab only; in various parts of India custom has to a very great extent altered the original Hindu Law.

Shri R. K. Chaudhuri: I am sorry to interrupt. But may I ask whether the Customary Law in the Punjab will override the clear provisions of the Hindu Law, or what will be the position of the Punjab later, that is, after this Bill is passed?

Pandit Thakur Das Bhargava: So far as the Punjab law is concerned,

I have given the source of law, i.e., section 5 of the Punjab Laws Act. I have just read from section 1 from the preliminary observations of Rattigan which is based on the Regulation of 1825 and section 5 of the Act of 1872, so far as Punjab is concerned. This is the present law of the Punjab unless it is altered by this Hindu Code. This was my difficulty when I gave an amendment to that effect: Leave the Punjabees if they want to be governed by their *own* custom. I have given an amendment in regard to clause 1 to the effect that Punjab should be excluded from the operation. The reason is that from days immemorial we have been governed by custom and we want to stick to that custom because that custom is the mixture of the Hindu law as well as other notions of civil law.

I may be excused if I just divert for a minute to the present mentality of the Hindus as a whole. I want to see a Hindu in this country who can say that he is a Hindu according to the old notions of Hinduism. The present mentality of the educated Hindus of this country is a sort of eclecticism. They are followers of Arya Samaj, Brahma Samaj, some people have in the background of their minds or in the inner sub-consciousness, certain conceptions which we have imbibed from Muslims, Christians and from other religions and we educated Hindus—I can speak for myself and some of my friends—want to have a sort of eclecticism. We take the best out of every religion and begin to think that this is the right thing and that this is Hinduism. Perhaps this may be true of the rest of the world also. Where is a true Christian today who believes in the teachings of the Bible? I can quote from the Muhammadan law also. Where is the true Muhammadan to be found? We know that the Prophet of Muhammadans married a girl who was below the age of 14. When the Sarda Act was passed, if hon. Members of this House remember very well, Mr. Mohamad Ali performed a marriage in the Queen's Garden just to contravene the provisions of the Sarda Act because people wrote that the Sarda Act had made an inroad on the Muslim religion by taking away the liberty of marrying a minor. Those persons who have prejudices about religions may say whatever they like but today at the present moment, there is no orthodox Hinduism, no orthodox Muhammadanism and no orthodox Christianity. This is the bare truth and therefore, I am not surprised if Dr. Ambedkar has

brought in a Bill which is consistent with the present times. Many of these provisions look new to those who are absolutely orthodox but at the same time, we must recognize that we have progressed too much on the lines of modern civilization and we cannot go back. If they want to bring back all those ideals of the past which have been practically given up by society in general, they are mistaken. As a matter of fact, Dr. Ambedkar has made an unconscious attempt.....

Shri R. K. Chaudhuri: We are getting more and more confused by what the hon. Member is saying. I want to make it clear whether the hon. Member wants that the present Hindu Code should go to amend the Punjab Customary law and whether in the Punjab Customary law bigamy is banned or not. If bigamy is not banned and if as the hon. Member wants to have the Punjab to be excluded from the operation of the Hindu Code, may I know his views about bigamous marriage?

Mr. Chairman: The hon. Member should know that he has already made his point clear and the hon. Member who is now speaking may be allowed to have his say and he need not be interrupted from time to time.

Pandit Thakur Das Bhargava: I am very glad that my hon. friend has put a question to me. So far as bigamy is concerned, I have made my position absolutely clear when some time back I introduced a Bill in this House. That Bill is designed to enforce monogamy in the whole of India even as regards Muslims, Hindus, Christians and everybody and including the Punjab. I want that so far as this customary law is concerned if there are any such customs which agree with the accepted ideals of society and humanity as a whole or a major part of that society, then those ideals we should adopt. I want that there should be no bigamy in the Punjab or elsewhere. This is my humble reply. So far as the general question that he has put is concerned, whether this Hindu Code should modify a custom or not, I am of the opinion that so far as our custom is concerned, I want to stick to it in the Punjab, and we want to go on with that custom. So far as custom and other things are concerned, if my hon. friend has just studied the amendments which I have already given, he would see that I want good customs in all places should remain

as they are because I am not in favour of violently changing the law of the people of this land in this manner in which this Hindu Code seeks to do (*Hear, hear*). At the same time, I do not want some portions of this Hindu Code to be enacted for the whole of India. Since I got an applause with a view to pin me to something which I do not myself like, I want to make it absolutely clear that I am not against this Hindu Code. I want that certain portions of it should be enacted, but there are certain portions which I do not like. (*Interruption*). So far as certain principles in this Hindu Code are concerned, which are of a universal nature which will improve the society, I want that those provisions should apply to the Punjab and it is for this reason I am supporting this amendment. Hon. Members have not read the amendments which I have already given. The amendment runs thus:—

That for clause 2, the following be substituted, namely:

"2. Subject to the provisions of section 1 this Code applies—

(a) to all persons who are Hindus, Buddhists, Jains or Sikhs by religion;

(b) to any other person who is not a Muslim, Christian, Parsee, or a Jew by religion;

(c) to every woman who married any person was not a Muslim, Christian, Parsee or a Jew by religion;

(d) to any child legitimate or illegitimate one of whose parents was a person who was not a Muslim, Christian, Parsee or Jew by religion;

(e) to a convert to any religion except the Muslim, Christian, Parsee or Jew by religion."

I want that this Hindu Code Bill as it is amended by this House and according to my wishes should apply to the Punjab. I do not want that so far as the Punjab is concerned the customs that we have got there should be violently changed by this Hindu Code but consistently with this I want to adopt such of the provisions of the Hindu Code as are acceptable. As for bigamy it should no longer exist in the Punjab. We want to have a monogamous Punjab.

Shri R. K. Chaudhuri: Then I withdraw my applause.

Shri J. R. Kapoor: Do I understand the hon. Member to suggest that diffe-

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rent portions of the country and different sections of the community should be permitted to pick and choose particular portions of the Code which are acceptable to them?

Mr. Chairman: The hon Member must address the Chair and he should put the question through the Chair.

Pandit Thakur Das Bhargava: I am very glad that Mr. Kapoor should have put this question to me. Since I also put a question to Mr. Kapoor when he was speaking yesterday, this is tit for tat. I then asked Mr. Kapoor when he was speaking whether he wanted that every person should have the liberty of choosing a particular clause and whether he shall be bound or not. His proposition was that out of the Hindu Code consisting of so many sections every individual be he a Hindu, Muslim, Christian or Parsee or whoever he may be may be able to choose a particular section to bind him and not others.

Shri J. R. Kapoor: On a point of personal explanation, I never said that. What I said was that of all portions in the Code one should be at liberty to pick and choose any particular portion. There are different parts relating to marriage, adoption and inheritance etc. It should be open to one to pick and choose the part relating to marriage and say: "I want to be governed by this chapter." I never said that one particular section should be accepted by one and another section by another.

Pandit Thakur Das Bhargava: I am very sorry that my hon. friend controverted the statement that I made. I put this question in those very words and he replied to that question and his reply was that he would rather like that even a particular section could be chosen. Unfortunately, he does not remember that.

Shri J. R. Kapoor: I will refer him to the speech which I delivered yesterday.

Pandit Thakur Das Bhargava: After reading the speech I found the very thing that I am submitting.

Shri J. R. Kapoor: I suppose it is not so.

Pandit Thakur Das Bhargava: I take it that what my friend says is the true version.

May I humbly ask my friend whether he wants that a person can

choose out of the Hindu Code and say that so far as marriage is concerned he shall be bound by the Hindu Law and so far as succession is concerned, he shall be bound by some other law? That would be an impossible proposition for a person to say that he would be bound only by one Chapter of the Hindu Code and not by others. The whole law is so interwoven and interconnected that a person cannot say that he would be bound by one provision and not by the other provisions in another Chapter. That is entirely a wrong proposition. Succession, maintenance, guardianship, all these provisions are, as a matter of fact, so inter-connected that it would be impossible to have a proposition like that. Yesterday also, when I put my question, it was with a view to bring into relief the wrong proposition that my hon. friend was wanting to lay down for the whole of India. According to him, a Muslim may be able to say that he likes a certain Chapter and would be governed by that and in respect of the rest, he would be governed by the Muslim law. I ask, is it possible, is it practicable, is it a proposition which can be laid before the House? I submit, not. I submit that that would be a wrong approach to the question at issue. In fact, that is not the question at issue.

The question of even a Civil Code, as I have submitted is not germane to the subject. While I admire those who want to have one Civil Code for the whole of India, I cannot agree, and I do not think that it would be a practical proposition to have one Civil Code for Muslims, Christians, Jews, etc. What was the reaction of our friend Mr. Naziruddin Ahmad? He never agreed to that. He raised the question of fundamental rights under the Constitution, and said that you cannot have this Hindu Code. When it came to asking a question of him whether he would like to be governed by the Hindu Code, he said, "It is bad enough for the Hindus; you want to give it to the Muslims, Christians, etc.". That was his attitude. I very humbly submit that as a matter of fact, the provisions of the Constitution Act have not been fully understood by my hon. friends who propose that this Hindu Code should apply to Muslims, Christians, etc. I can understand that in a light-hearted spirit. If they want to throw away the Hindu Code Bill, they may say anything in order to show the absurdity of the provisions. But, I do not think that it is a feasible proposition to suggest that the Hindu Code should

apply to Muslims, Christians, Parsis, Jews, etc.

Shri B. K. Chaudhuri: The principles.

Pandit Thakur Das Bhargava: My hon. friend Mr. Chaudhuri says, and I think he will again applaud me when I say that the principles do apply. I quite agree that some of the principles even of the old Hindu Law are of such a universal nature that they apply to people of all religions, in all circumstances. So far as that is concerned, that would be the basis of the common Civil Code. Even now, we have got certain principles in our present law which are the basis of the common Civil Code, like the Sarda Act, Majority Act, etc.

Reference was made to articles 25 and 15 of the Constitution Act and some of the provisions in article 25 were even ridiculed. My hon. friend Mr. Naziruddin Ahmad said that he cannot make anything out of the words "Subject to public order, morality and health" and that they were meaningless. They are not meaningless. They have got full meaning; not only full meaning, but are of very great significance. He seems to have failed to realise the significance of articles 25 and 15. It was said that under article 15, there shall be no discrimination, and that therefore we cannot have a Hindu Code, a Muslim Code and other Codes. My humble submission is this. Although I would very much like to have one Civil Code for the whole country, I submit that it is not inconsistent with the provisions of the Constitution Act to have a Hindu Code, a Muslim Code and other Codes. I am very sorry to say that I have heard my hon. friends who are in favour of the Hindu Code Bill say that so far as the provisions of Articles 15 and 25 of the Constitution Act are concerned, the provisions of the Hindu Code Bill are not consistent. For instance, I am very sorry to submit that I have heard even from the author of the Hindu Code Bill to say that so far as the Constitution is concerned, there can be no discrimination between brothers and sisters, between a male and a female so far as the Hindu Code is concerned.

Dr. Ambedkar: Only on grounds of sex.

Pandit Thakur Das Bhargava: I am coming to that. That is one proposition that has been put forward that on grounds of sex there cannot be

any discrimination and article 15 of the Constitution will stand in our way. The other gentlemen, who are opposed to the Hindu Code, also rely on articles 15 and 25 and say that there can be no discrimination. May I humbly ask the hon. Dr. Ambedkar, if there could be no discrimination on the ground of sex, why he has got so many provisions in the Hindu Code itself which discriminate between the sexes.....

Dr. Ambedkar: There is no provision which discriminates only on the ground of sex.

Pandit Thakur Das Bhargava: This provision of one-fourth for a married daughter and one-half for the unmarried daughter; why is there a different succession if a man dies and a different one if a woman dies?

Dr. Ambedkar: That is not anything based on sex only.

Shri Tyagi: On death also.

Mr. Chairman: I think the Select Committee report has made no such discrimination.

Shri K. C. Sharma (Uttar Pradesh): That article is not under discussion now. He may come to his amendments.

Pandit Thakur Das Bhargava: As a matter of fact, even this discrimination that the married daughter may not have a share in the father's property is not based on ground of sex alone, as my hon. friend says. My submission is that it is consistent to provide in this Hindu Code that a married daughter shall not succeed to her father's property. I was just now on the argument propounded by the hon. Dr. Ambedkar. On the question of maintenance, a wife is entitled to be maintained by the husband. Is the husband also entitled to be maintained by the wife?

Shrimati Renuka Ray (West Bengal): Why not?

An Hon. Member: There are many such instances.

Pandit Thakur Das Bhargava: My hon. friend asks; 'why not'. I am very glad that she has adopted this gallant attitude. Has she consulted her sisters? Our Chairman does not say so. I submit that it is a very wrong principle to suggest that on the basis of sex, equality should be enforced in such a manner which is not consistent with certain conditions of life. I maintain

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that the Hindu Code would not violate any provision if we maintain that a married daughter does not succeed to the father's estate. She succeeds her husband or father-in-law. I am dead certain that unless and until we recognise the rights of women, unless we give them full rights, we shall be losing very much in certain strength of character which arises only if women are economically independent. I submitted when I was speaking at the consideration stage, and I maintain it now that we are all committed to that, and we cannot but give rights to our sisters; we must see that we give them full rights. The only thing that I am opposing is the manner in which those rights are given.

So far as the Punjab is concerned, as I submitted, we are wedded to this theory that a married daughter when she goes to her husband's family, she becomes a part of that family, and is the pivot of that family. Therefore, the trouble with the Punjab is that they cannot possibly accept that a married daughter should succeed to her father's estate. So far as the other principles are concerned, we are still being governed by them and as I submitted, they are principles which would be a better basis for a Civil Code rather than for a Hindu Code. This is not discrimination on grounds of sex at all, but due to certain conditions of life. Suppose you pass a law to-day that all males should cook food, and that females should not: will that be right? That will be entirely wrong.

Pandit Krishna Chandra Sharma (Uttar Pradesh): What is the clause on which the hon. Member is speaking? Is all this relevant to the clause under discussion?

Pandit Thakur Das Bhargava: You have maternity legislations referred to in the Factories Act. Should all that legislation apply to males also?

Shrimati Renuka Ray: How is all this relevant to clause 2?

Mr. Chairman: Too many Members speaking at the same time leads to nothing but confusion. I think the hon. Member now speaking may be allowed to go on.

Pandit Thakur Das Bhargava: Those who raise the question of relevancy I submit, do not seem to know what is relevant and what is not. They have all heard my friend Mr. Naziruddin Ahmad and he covered a very wide ground and in the reply also one has to deal with all those points touched upon. You cannot say

that that was relevant and this is not. If what he said then was relevant, what I say now is also relevant. Moreover, so far as clause 2 is concerned, it is a very wide one and so the question of relevancy cannot arise in connection with this clause. The question whether the Hindu Code applies to Muslims or not was dealt with by Mr. Naziruddin Ahmad, and in view of that, I find it impossible to understand how my friend Shri Krishna Chandra Sharma—the able lawyer that he is,—can say that what I now say is not relevant.

Shri Raj Bahadur (Rajasthan): Sir, on a point of order, can an hon. Member of the House take the seat of the Leader of the House?

Mr. Chairman: The hon. Member may proceed to his own seat.

Shri Tyagi: What is the matter? I would like to know why I am made the target of this laughter. These seats are, after all for being occupied by someone. I found that one was vacant and I occupied it.

Mr. Chairman: The hon. Member might have exercised his right of freedom of movement in this; but there is no more to be said on this matter.

Pandit Thakur Das Bhargava: The question of equality before the law has been raised. And various other matters have also been raised. Articles 25 and 15 were referred to and it was stated that the provisions of those articles are being violated, that in view of those articles, we cannot enact a measure of the nature of the Hindu Code. But as a matter of fact, that is not the case. I would submit that even with the amendments now suggested by Dr. Ambedkar, this section will not read quite well. That is why I have suggested my amendments.

Some complaint was made by my friend Mr. Naziruddin Ahmad that there is an attempt to apply the Hindu Code to persons who are not Hindus. But my humble submission is that my friend is not correct in saying that, because if my friend takes the trouble to see to whom it applies now, he will find that it applies even now to many persons who are not Hindus in the sense in which the word is popularly understood even to-day. If you look into Gour's Commentary—I think it is page 165—you will find that a good many persons who do not call themselves Hindus are still governed by the Hindu Law. It governs many who are geographically

Hindus, if I may say so. The Hindu system is not a creed. The term "Hindu" has a geographical significance also. Therefore, all those who are not bound by any other special law like those of Muslims, Christians, Parsis or Jews, they are all bound by the Hindu Law. This is no innovation brought in by Dr. Ambedkar. He does not want that those who are not Hindus should come under the Hindu Law. This argument raised by my friend Mr. Naziruddin Ahmad is a wrong one. It is not a question of conversion at all. If the Hindu law applies to a person, he does not thereby become a Hindu. If he adopts some of the rules of succession or divorce or marriage of the Hindu Law, he does not become a Hindu. And I may also say that this kind of thing does not help us either. What is the use of increasing the number of Hindus or Muslims? The days of proportionate representation or special representation are all gone. I don't care if a man is a Hindu or a Muslim or Parsi or Jew, as long as he is a good citizen. I do not want anyone to give up his religion. The argument of my friend Mr. Naziruddin Ahmad is based on the old psychology that the proportion of Hindus must be more or that of Muslims must be less or that Parsis should be more and so on and so forth. As a matter of fact, the subject matter of clause 2 is taken from the old Hindu Law. The first part of it says that this Code shall apply to all Hindus, that is to say, to all persons professing the Hindu religion in any of its forms or developments, including Virashaivas etc. But my humble submission is that this part of the clause is redundant. If it applies to Hindus, that is quite sufficient, and there is no point in saying that it applies to all forms of the Hindu religion or developments of the Hindu religion. Therefore, in my amendment, I have suggested that this Code applies "(a) to all persons who are Hindus, Buddhists, Jains or Sikhs by religion."

And the next amendment is in the nature of a negative proposition. It defines those persons who are not bound by this Code. There is the customary law and the special law. For instance the Muslim of the Punjab can say, that he is governed by the customary law and not by the *Shariat*. Those laws which apply to Muslims are not at all touched by this Code. Those customs are all quite safe. My amendment says that it applies:

(b) "to any other person who is not a Muslim, Christian, Parsi, or a Jew by religion;"

(c) to every woman who married any person who was not a Muslim, Christian, Parsi or a Jew by religion;

(d) "to any child, legitimate or illegitimate, both of whose parents are Hindus within the meaning of this section;"

Part (d) I submit is redundant. When there is a child, legitimate or illegitimate to parents who are Hindus, then there is no question. The child is a Hindu. Not that it is wrong to say that the child is a Hindu, but that is quite superfluous. The child of Hindus is *ipso facto* a Hindu. I have, on the contrary, omitted this part and proposed that it should apply even to any child legitimate or illegitimate, one of whose parents was a person who was not a Muslim, Christian, Parsee or a Jew by religion.

There is a proviso to the clause. May I humbly submit in regard to this proviso that it was probably introduced for some other purpose. If taken literally it would exclude those persons whom you do not want to exclude. It would exclude all the Punjabees. The wording of the proviso is very wide. If it is allowed to remain as it is section 5 of the Punjab Succession?...Act will come into conflict. The proviso reads:

"Provided that if it is proved that such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Code had not been passed, then, this Code shall not apply to that person in respect of those matters."

It means that the Hindus of the Punjab will not be governed by this Code.

An Hon. Member: What is the harm?

Pandit Thakur Das Bhargava: The harm is this. I want the whole of the Punjab and India to come under the Code. There should be some uniformity in regard to our laws. I have given an amendment that so far as our customs are concerned they should be preserved. I have even suggested that the sections of the Code should be relaxed in such a manner that if our Provincial Assembly wants certain portions of the Code to be applied they should be applied. I have gone further and said that in regard to our customs, such as relating to succession, we should be allowed to own our law. At the same time I do not want to be cut off from the rest of India. In fact that is the basis of the Hindu Code. If I had heard the speech of Dr. Ambedkar, which he

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made moving for the consideration of the Bill, he said clearly that he wanted the whole of India to be governed by this Code and that such things as had crept into Hindu practices in their pristine glory should be repaired. If I remember his words he said that those damages should be repaired. I am one with him and I do not want that the whole of the Punjab should be taken away from the operation of the Hindu Code. I would rather like to be governed by the Code which applies to the whole of India rather than plough my own lonely furrow. Therefore I am anxious that this provision should either be taken away or amended in such a manner so that these persons may not be excluded.

If my amendment is accepted sub-clauses (3) and (4) need not be there at all. According to me all those persons to whom the present law applies do come under these five categories which I have mentioned in my amendment. My amendment really seeks to attain the very same object which the Mover of the Bill has in his view. Only the wording is different. But I agree with him that so far as the scope of the Bill is concerned it should be extended to all those persons to whom the Hindu Law at present applies and only Muslims, Christians and Jews should be excluded. It is not that I want their exclusion for any purpose but for the purpose that those people themselves would not like to be governed by the Code. If they think that they would like to be bound by the Code let them pass a resolution or make a proposal to that effect. I want that the Hindu Code should be the real basis of the Civil Code. I do not want that such principles should be introduced in the Code which will not accord with the principles of the future Civil Code.

In regard to adoption I submitted then and I submit now too that the customary adoption in the Punjab is based on the Civil Code. It does not have any real significance.

Mr. Chairman: Would the hon. Member like to continue his speech after lunch or finish now in another five minutes?

Pandit Thakur Das Bhargava: I would like to continue after lunch.

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.]

Pandit Thakur Das Bhargava: Sir, when we adjourned I was speaking on the provisions of adoption contained in this Code. I was submitting that in view of the fact that many Members of the House desired it there should be a Civil Code instead of a Hindu Code. I was submitting that certain provisions relating to adoption under the Hindu Law have been modified by custom. The present position is that this old system of adoption has to a very great extent been modified and now many notions of a character not strictly religious have crept into the very idea of adoption. The old idea that by adoption an adopted person becomes the son of a person adopting, has to an extent faded away. In the Punjab, so far as adoption is concerned, according to custom any person can be adopted without any ceremonies. It is in the nature of the old Roman nominee system that an heir is appointed in the Punjab for carrying on the name of the family so that a person older than oneself can be appointed an heir and no such ceremonies are required as are required under the Hindu system of adoption. Moreover, even the incidents of that relationship are a bit different from the incidents which we find in regard to the system of adoption under the Hindu Law.

Shri Tyagi: In the Punjab your son can be elder to you in age?

Pandit Thakur Das Bhargava: In fact, the question which my friend is asking is really not germane. As a matter of fact, when I gave the conditions under which a person could be appointed an heir, an heir is appointed—a son is not created by the act of appointment of an heir. That is the difference. Under adoption the adopted son carries on the name of the family, perpetuates the name of the father and that is the way in which the family continues. In Punjab the family continues in another way. An heir is appointed and he carries on the name of the family, so that it is not true to say that in the Punjab the customary appointment or adoption of an heir is tantamount to creation of a son. Whereas that is so there, under the Hindu Law the underlying idea was that a son was created by adoption so much so there was a rule in the Hindu Law that the son of a lady who could not be married to the father could not be adopted and therefore there was some sort of ban against a daughter's son so far as adoption was concerned.

Now, under the provisions of the Hindu Code it is necessary that for

adoption a man should not be married, that he must be less than fifteen years of age. These incidents will not find favour in the Punjab. This provision will be too much to tamper with the custom of the Punjab which does not contemplate any restriction as regards age or ceremonies or other restrictions which are irksome.

Sbri Tyagi: Because the son is a man to the father in the Punjab.

Pandit Thakur Das Bhargava: The child is the father of man in the whole world. So, even now in the Punjab there is the custom of appointment of an heir which is akin to adoption. My submission is that Dr. Ambedkar has been kind enough to those systems of law which have been prevalent in the South, for instance, the *marumakkathayam*. Arrange the Code in such a way that there is no violent conflict for those who follow different customary laws in the matter of marriage, adoption etc. and see that their systems are allowed to continue. This Code goes to the root of the Hindu Law in certain matters. So far as they are wholesome we are prepared to accept them but in so far as there are violent changes which conflict with the notions of the people, I would very humbly submit to Dr. Ambedkar that when he considers the provisions of the Code at a later date he will be indulgent enough to see that there will be no violent conflict. I know when he introduced this Bill he was pleased to say that he would try to see his way to accommodate and would be prepared to accept certain amendments which partake of the character I have narrated above.

In regard to two matters the question of adoption and the question of inheritance of married women—I must submit there will be such a violent conflict with the notions of the Punjabis in these two matters that they will not be prepared to accept the provisions of the Hindu Code. Even if it is forced down their throats, I submit there will be such a revolution in the society—I said on the last occasion that there will be revolt; there will not be revolt because we are too strong. There will be revolt in our minds and we will certainly not accept a custom to be forced down our throats that we cannot digest. One effect of such a step will be that when the father dies, since you are giving the father the power to make his will in any manner he pleases, the result will be that there will be forced wills by virtue of which the daughter will be disinherited. I am not against the inheritance of the daughter as such. Where you can have it, where it is in consonance with

the ideas of the people have it by all means. There is nothing objectionable in it. But the only point is that it is not expedient to have it in some places where it is not wanted. In the Punjab the daughters do not enjoy such a position that you can say that they do not get anything. I know that in Madras and other places the daughters are not treated so favourably, perhaps, as in the Punjab. In the Punjab at the time of marriage so much is given to the daughter in dowry. If you go to any wedding function in the Punjab—to the rich man's place—you will find the dowry consists of thousands of rupees. So far as self-acquired property of the father is concerned, since the last 50 years our High Courts have made a change. Before 1909 the daughter did not even get a share in the self-acquired property of her parents. Now if there is no son the daughter succeeds to the self-acquired property among all the people. But I do regard that this is not sufficient justice with the women of our country. I want that so far as the unmarried girls are concerned they may get as good a share as the son does—I do not want to give her just a half. So far as the married daughter is concerned I want that she should be entitled to inheritance, along with her husband, to her father-in-law's property. That is to say, as soon as a marriage is performed, the husband and wife must unite their properties also and you can frame rules by virtue of which a married lady gets full rights of property.

I do not want that the ladies of this country should not get full rights, but I do not understand why a lady should get a right in her father-in-law's property as well as in her father's property. To that, I object. I want that our notions of society and family should not be rudely shaken. At present, the son is the pivot of the family. He continues the family. The woman goes to another family and becomes the nucleus of that family. Let this continue. Unless and until our whole notion of society changes, my humble submission is that we should not change it abruptly, because this change will be so great that ultimately the ladies will lose on both sides. At the time of marriage, the sons will say, "Why give her so much dowry? She is going to get inheritance". At the time of the inheritance, the father will fall on the lap of the sons and they will get some deed or will by which the daughter will be deprived. Both ways, the woman will get nothing. This will not be a fair way of treating women.

When you ask us, the people to whom this Bill will apply, I would certainly submit that if you want to

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have this Code in such a manner that you do not respect our wishes and our customs which have been in existence for the last several centuries, if you want to create such a conflict, then ultimately we shall have to say, "You kindly leave us to our own fate". This is my humble submission. Though I am in favour of the good provisions of this Bill, I would very humbly request Dr. Ambedkar and those others who are very much in favour of it to kindly see that our wishes in this matter are respected and we are allowed to have such customs or such provisions of the law as the majority of the people in our particular province want. This is, in essence, what we have given an amendment about in regard to Part I of the Bill.

Shri Tyagi: How will the majority view be obtained?

Pandit Thakur Das Bhargava: In the Punjab, the majority view is clear. You go to any village or town and ask any person who will be affected by the Bill: he will tell you exactly what I am submitting today. There is absolutely no difference of opinion, so far as Punjab is concerned. Therefore, my humble submission is that while you apply this law to Punjab—and I wish this law to be applied to Punjab—you apply it with these reservations. This law is not bad. It is entirely wrong to suggest that there is anything inherently wrong about it. There is nothing wrong about it. We have lived for so many centuries and we must repair the damage done to our notions. Therefore, I am entirely in support of this Bill, but if the notions and customs which are widely prevalent among the people and which are very delicate are upset, there will be such a great amount of litigation in the Hindu society. Every family in Punjab will be affected. There will be nothing but litigation. You are, in deference to public opinion, bringing in a provision of the Partition Act. What will be the result? On every death, the question will be: "Let us see how we evaluate the property of the father". The property will be evaluated and the sons will not have sufficient funds to buy off the daughter's share and trouble will ensue. I am speaking from my experience as a lawyer for more than forty years.

Pandit Krishna Chandra Sharma: You have been working in the criminal courts.

Mr. Deputy-Speaker: Hon. Members will address the Chair.

Pandit Thakur Das Bhargava: I for one have very great regard for my friend, who is also a criminal lawyer. All the same, my notions of a criminal lawyer are quite different from his. I have been practising on the criminal side as well as the civil side, but I take pride in the fact that I am a criminal lawyer. At the same time, I do not go about with my eyes shut. If a criminal lawyer is true to the description which my friend has in mind, he should know what is passing on in society. As a criminal lawyer, my friend should know what is passing on in and around Meerut, and when I am speaking about Meerut—I do not know what my friend's personal notions are—I know the conditions in Meerut and I know also that they are not very different from the conditions in Hissar and Rohtak. Therefore, when I speak for Punjab, I also speak for my friend and Meerut side, because in olden times Meerut was a part of this side of the Punjab.

Pandit Krishna Chandra Sharma: For my friend's information, I may say that Hissar is famous for bulls while Meerut is famous for cows.

Shri Tyagi: May I know what have bulls and cows to do with the Hindu Code?

Mr. Deputy-Speaker: Hindu Code relates to marriage, you see.

Shri Raj Bahadur: May I know whether cock and bull story is permitted in the House?

Mr. Deputy-Speaker: Order please.

Pandit Thakur Das Bhargava: When you refer to the question of marriage, I must submit that the introduction of the principles of civil marriage in this Hindu Code is another point which must be considered specially by this House. If this is a Hindu Code, why bring in the civil marriage? I want that the provisions in regard to marriage may remain as they are. There is no use repeating them here. If you want to make a Hindu Code which will not apply to other people like Musalmans etc., then do not bring in civil marriage here. If any Hindu wants to marry in that manner, he will marry according to the civil contract to which the Muslims, Christians and everybody has recourse. That is our joint civil code. Therefore, my humble opinion is that this affair of the civil marriage should not be included here.

I do not want to refer to all the provisions of this Bill. I have spoken because I thought that we should at this stage define our attitude and tell

Dr. Ambedkar what we feel about this Bill and what is perhaps the general feeling in the country. This Bill is not bad, and since we have decided that we should proceed with it, we may pass such provisions of the Bill as are good. In regard to those provisions, I do not want to stand in the way or adopt an attitude which smacks of dilatory tactics or which shows that we do not want the Bill to be passed. I want to make this point clear because it may be in the minds of many people that those persons who make long speeches do not, as a matter of fact, want this Bill to be passed. That is entirely wrong. So far as I am concerned, I want the Bill to be passed but I want those who are very much in favour of it to kindly see that such provisions are not passed as are in very great conflict with the notions and customs of the people.

Sardar 'Hukam Singh (Punjab): Sir, I sympathise with the attitude of my hon. friend Pandit Thakur Das Bhargava. What I understood him to say was that he wishes the Code to be passed but he does not wish that it should apply to him and the other people in his part of the country. Really, I have the same thing to say. I also wish that the Bill be passed, but that it should not be applied to me. I wish I could have made a similar motion and it should not have smacked of a particular community, but what I found was that the application of the Code was not to certain territories but to certain communities. Therefore, I thought it fit to move this amendment that it should not apply to the Sikhs.

Sir, I am not one of those who wish the society to stagnate. I believe in progress and I want to move with the times. I can claim that the Sikhs are a progressive section of the society. But why I do submit to the House that the Sikhs should be excluded from the application of this Code is because it contains certain provisions which are offensive to the customs and usages that we have been following for so many centuries.

Panditji made a reference to the proviso to sub-clause (2) of Clause 2 which reads:

"Provided that if it is proved that such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Code had not been passed, then, this Code shall not apply to that person in respect of those matters."

What I understood him to say was that perhaps this might save the custom and usage prevalent in the Punjab. But I differ from him, because sub-clause (2) reads:

"This Code also applies to any other person, who is not a Muslim, Christian, Parsi or Jew by religion;"

and read with this sub-clause, the proviso does not refer to the custom or usage of the Hindus or Sikhs. Therefore, in my humble opinion this would not save the custom or usage and I therefore do not entertain his hope.

Pandit Thakur Das Bhargava: I never said that this proviso would save our customs or usage. What I meant was that if it is proved that we are not governed by the Hindu law—the words are, "provided that if it is proved that such person would not have been governed by the Hindu law"—Punjabis would not be covered by this proviso. But our customs and usage will not be saved. It applies to all the Hindus. What I meant was that, as a matter of fact, our customs and usage should be saved by another provision which should say that we are allowed to be governed by our own customs, etc. But this proviso will introduce a certain amount of uncertainty.

Sardar Hukam Singh: Sub-clause (1) of Clause 2 definitely lays down that the Code will apply to Hindus, Buddhists, Jains, Sikhs and also converts to Hinduism.

Therefore, so far as I am concerned, there is no ambiguity at all. Be that as it may Panditji no doubt agrees with me to this extent that our custom and usage would not be saved at any rate.

Sir, if a uniform code had been attempted for all the citizens of India, then perhaps I would not have stood up and raised this objection, even if I had been called upon as a Punjabee to make some sacrifices. I would have made sacrifices in the hope that if we can grow up as a united nation, as one people, certainly some sections will have to make some sacrifices. But that is not the object here. No attempt is being made to weld all people into one nation by this Code. There is discrimination between one community and another. Therefore, I think I am perfectly justified in opposing it.

I should however make it clear here that so far as some Chapters of this Bill are concerned, I am in com-

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plete agreement with them. I am only opposed to three portions of it. If different parts had been put before the House separately, certainly I believe that most of it would have been passed without any controversy. But as it stands we have to take them as a whole and, therefore, I stand up to oppose them, because I cannot permit them to be passed without my voice being heard.

The provisions to which I am opposed are (1) those relating to marriage and its dissolution by divorce, (2) adoption and (3) inheritance. (An Hon. Member: What is left then?) Much remains even then. It has been said by Panditji that it applies to those persons who were already governed by Hindu law. This is correct. But if we have consented to be governed by Hindu law, that does not necessarily mean that we should be compelled to revolve round the wheel even though it goes into foreign spheres and borrows certain things from other religions and other laws. Simply because I have once been dragged into it, I should not be compelled to revolve round it, though it does not remain within its own sphere.

Then again, Sir, there is a misconception. The Hindu Code Bill says that the Sikhs are governed by Hindu law. Now Section 5 of the Punjab Customary Law—which has already been quoted by my hon. friend Pandit Thakur Das Bhargava says:

“Custom in this province is the first rule of decision in all questions regarding succession, special property of females, betrothal, marriage, divorce, dowry, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, any religious usage or institution, or allusion and diluvion.”

Now I ask: when I am governed on all these subjects by Customary Law, where is the Hindu law that governs me? I find that there is one subject that is not put down as such, namely, maintenance with which this Hindu Code deals. It is not put down in the Customary Law that I am governed by the usage on that subject also.

3 P.M.

I was submitting that I have three subjects on which I have certain objec-

tions and the Sikhs do not wish that they should be forced to be governed by the Hindu Code that is being proposed here in respect of them. First I referred to marriage and the dissolution and divorce connected with it.

[MR. SPEAKER in the Chair]

Sir, so far as the Sikhs are concerned they have a very simple form of marriage. We might call it sacramental or dharmic marriage. It is known as *Anand marriage*. It is a simple and secular form of marriage. The couple sit down in the presence of the *Guru Granth Sahib*, they take a vow that they will remain united for ever—so long as they are alive, of course—and prayers are offered. Of course I might be confronted with this that this would be covered, and that it is not touched by the Hindu Code. But there are some implications which I am afraid would really affect me. There are certain degrees of relationship which are prohibited from marrying each other and these are strictly observed in all civilised societies. But so far as our society is concerned the list is not very large. Marriage between cousins has often been allowed. There have been many instances of marrying father's sister's daughter or mother's sister's daughter and they have not been considered as within the prohibited degree. And I tell you that you are driving your society towards that direction. We are far ahead of you. You are coming to that way. Do not be surprised at that. Now that you are proposing to give a share to the girl you are sure to come that way. You will have to march towards that direction.

An Hon. Member: What about Sikh Jats?

Sardar Hukam Singh: What I am submitting relates mostly to Sikh Jats. The custom that I am talking of prevails mostly in Jats and Jats observe that. Ninety per cent. of the Sikhs are agriculturists and live in villages.

I was asking now that you propose to pass this legislation, by which the daughter shall have a share. Here I might make my position clear and nobody need feel perturbed. I am for a share for the girl. I am not opposed to it. But when you propose that, you will have to take the risk that this long list of prohibited degrees shall continue diminishing and shall contract as time passes. I suppose the present list is not as long as it used

to be under the strict Hindu Law. And it is sure to contract as time passes.

Shri Tyagi: It will come nearer home.

Sardar Hukam Singh: Surely. You cannot keep the two things apart. When you take this from the Muslim law you will have to permit cousins and other near relations to be outside the prohibited degrees. There is no doubt about it. Be prepared for it. You will have to march near it. You cannot keep away from it.

Now that you are asking me to come in, that I should have this *dharmic* marriage, the implication would be that these prohibited degrees would be there. While there is freedom for me to marry such relations as I have described, this would create a ban on me. And it would not be only for the future. There have been so many such marriages and all of them would be invalid. Though you have provided in clause 21 that I can get my marriage, my *dharmic* marriage, registered as civil marriage, but think of the instances and their number. We shall have to run to the courts or to the Registrar to get them validated. Do you want me, an old man, to get my marriage registered now?

Dr. Ambedkar: Do you want to marry again?

Mr. Speaker: Order, order.

Sardar Hukam Singh: This Code would create a doubt because the girl that I might have married might, according to you, be within the prohibited degrees. What would happen then? I enquire from the hon. Minister what would happen to that marriage.

Shri Tyagi: And to your children also.

Sardar Hukam Singh: Yes, certainly. They will be "illegitimate" unless I get my marriage registered as a civil marriage now, at this age! And the hon. Minister wants all those persons now, at this advanced age, to run to the Registrar and get their marriages registered as civil marriages.

Shri Tyagi: As he has done himself!

Sardar Hukam Singh: Then again there is a marriage that is usually known amongst the agriculturists of my part as *Karewa* marriage or widow's marriage. No distinction is made in the present Code as regards

that. What will happen to that marriage, because we will have either the sacramental or *dharmic* marriage or the civil marriage—nothing beside it. The simple manner in which the *Karewa* marriage is performed might look peculiar to some hon. Members here. There is no ceremony: it is a secular institution altogether.

The man and the would-be wife sit together, a *chaddar* is spread over them and sweets are distributed and they become husband and wife. I do not think, Sir, the hon. Minister can point out to me any provision by which such marriages would be recognized. He is making this Code more cumbersome...

Pandit Thakurdas Bhargava: If it is a bigamous marriage then difficulty will arise.

Sardar Hukam Singh: May I enquire with your permission from my hon. friend what form of marriage would that be. Would that be a *Dharmic* marriage without any ceremony. (Interruption) I do not agree with him and that would not be a *Dharmic* marriage. Anyhow, I do not want to enter into a controversy here.

I come to my next point, that is, adoption. What I am going to say might look somewhat surprising to some of my hon. friends and in this respect also I claim that we are much in advance of the rest of the country, so far as this adoption is concerned.

Dr. Ambedkar: You are always in advance of everybody.

Sardar Hukam Singh: I will tell you just now and then you would agree with me that we are much in advance on that subject too. As has been just pointed by my hon. friend, Pandit Thakurdas Bhargava, it is the customary appointment of a heir. It has nothing to do with religion. There is no horror of incest. We are not eager to create sops to offer us *pindas*.

Shri Hussain Iman (Bihar): Are there *Pindas*?

Mr. Speaker: Let him proceed further.

Sardar Hukam Singh: We do want that we might have a heir to succeed to the property.

Dr. Ambedkar: Why do not you allow the property to go to the State?

Sardar Hukam Singh: Then it might go to the hon. Minister and that

[Sardar Hukam Singh]

We do not want to do. Therefore, this is a most secular institution. There are no restrictions as to the age, caste or any ceremonies. A simple declaration is there and perhaps it was observed, last time too I made a remark that a man can adopt another older than himself. The adopter might adopt a man of his father's age. There is no harm in that; he might be married and he might have several children. This institution you would not find anywhere. I fail to understand, Sir, if all these usages and customs are effaced, what is going to happen to these institutions, to these customs that we love very much, these traditions to which we have been accustomed for so many centuries.

Then, Sir, I would cite another peculiar instance, which might interest some of my hon. friends and I invite the attention of the hon. Minister particularly to this point.

Mr. Speaker: The hon. Member may proceed with his speech.

Sardar Hukam Singh: I wanted the hon. Minister to pay attention to a subject which is very interesting.

Mr. Speaker: Order, order.

Dr. Ambedkar: I have been asked to introduce the Gandharva marriage. It was that which I was discussing.

Sardar Hukam Singh: I have no objection if our Chief Whip wants it. Then, Sir, I was submitting another interesting thing about adoption which the other parts of the country perhaps do not know altogether. I know of instances where girls have been adopted. They have been made heir to the property and they have succeeded. Custom has allowed them and recognized them. I humbly request you Sir, to say whether with the introduction of this Code, all these traditions, all these customs and usages are going to be thrown away to the winds. Is the society that has been built going to chaos now? I believe that the laws should reflect the stage of advancement of society, the progress that it has made, not that a target be fixed and then the society be pulled up to reach that target. It was tried in Turkey but it failed there also. I request this Government to go slow. There must be cases on the extremes on both sides and I believe there are hardships now in certain cases, but you cannot avoid this. There would

be such cases again even if this Code is passed. I again stress that 'adoption' is a very old institution which is so dear to us and we cannot afford to lose it even though this Code may be passed.

Then the third thing to which we have serious objection is about inheritance. As I observed a few minutes ago I am not opposed to give a share to the girls. I rather believe that this discrimination is only on account of the sex, that she should not get an equal share. It was remarked that it is not only on sex, but I think it is only on sex that she is not being given an equal share with her brother. Otherwise, there is no reason if they are off-springs of the same parents, I ask, why she should not have an equal share. I say on that ground alone, she must have an equal share. My objection is not on that account. What I submitted last time as well—perhaps it was on the 14th December 1949—that I would prefer that she should have an equal share in her parent's property so long as she is unmarried and she should have an equal share with her husband, as soon as she is married, in her father-in-law's property. She must have a share. This should not disturb the present society and structure. We have peculiar circumstances. I believe this Code would not apply to lands but certain...

Pandit M. B. Bhargava (Ajmer): It will now. The official amendment is there.

Sardar Hukam Singh: Sir, Punjab is a State of small holdings. Already they are uneconomic. Another thing is that we have smaller number of females than males in the Punjab.

Dr. Ambedkar: Therefore their value is great.

Sardar Hukam Singh: Yes, Sir; you are going to increase their value but not to look to other things. That value can be, I should say, adjusted. As I said the number is already fewer. It is well-known that some time back people did not like that they should have sons-in-law and there were female infanticides. I tell you honestly and not as an argument that you would encourage that again, if you give a share, because that land-holder feels that he has already got an un-economic holding, a pair of bullocks and a cow. It is not possible for him to part with those animals which are so essential for his cultivation. It is no answer to say that if a father had another son, how could he have dealt with him, he must have got a share. We are insisting

that there should be a definite list of prohibited degrees, and we want to give the daughter in marriage outside that list. That is to say, a stranger would be brought in. He would not live there; he cannot associate himself with the environments. What he would do is to part with his share as soon as he marries the daughter. There are dissensions in every village; there are parties in every village. The friends would not buy the property; but the share would be sold to the enemy. This would create quarrels, murders and affrays.

Shri Tyagi: He is right.

Sardar Hukam Singh: I pray, kindly, do not bring this into the Punjab. Otherwise, you would create confusion and disorder there.

Shri Syamandan Sabraya (Bihar): What fault have the other provinces done? Why not plead for them also?

Mr. Speaker: Order, order; let us proceed.

Sardar Hukam Singh: I thought that if I advocated their cause, somebody might question my authority and representative character. Therefore, I confined myself to my own province, and particularly my own community. Otherwise, just as I said at the beginning, I wanted that I should represent the whole of my province; I feared that I might be questioned.

I was submitting that that would create confusion and disorder and the whole society would be upset. That is not what is intended by this Code. That would not be progress; that would not be advancement, but would be rather a retrograde step. Therefore, so far as we are concerned, do not pull us back. Let us go on. You should consider us to be in the vanguard and follow us as we go further. That would be better perhaps for us for the whole country and for all concerned.

There is another thing that I wanted to submit.

Shrimati Durgabai (Madras): Sir, may I ask a question?

Mr. Speaker: It would be better that the hon. Member is allowed to go on, without these arguments and counter arguments, if we really want to progress with the matter. All that I would earnestly appeal to all the Members is to be very attentive to the arguments advanced instead of putting questions at each stage. It is better that hon. Members hear all what a gentleman has to say and then advance their arguments. I am going to give full chance to all people who want to speak.

Shrimati Durgabai: I am just asking a question, Sir,.....

Mr. Speaker: Whatever that may be, let us allow the Members to have their say. Otherwise, there are these interferences, these attempts to draw replies—I am noticing it, there are constant interferences notwithstanding my appeals not to interrupt—with the result that not only is the link of the speaker's argument broken, but more time is taken, and I do feel that even the seriousness of the debate is being lost. We are here legislating on very vital matters. Let us, therefore, seriously and anxiously hear whatever every Member has to say, instead of passing remarks or putting questions, just by way of explanation or drawing explanation on particular words. Let us be patient with the speaker.

Sardar Hukam Singh: Then, Sir, I come to my last point, and that is rather painful. I want to bring it to the notice of the House that the Sikhs have already certain apprehensions; some might say that they are unfounded. Whatever it may be, we have this apprehension that there is an attempt to absorb the Sikhs and efface their traditions and culture.....

Several Hon. Members: No, no.

Sardar Hukam Singh:usage and custom. They have certain grounds. They have always complained that they have not been fairly treated. One instance that they have cited is that while it was being announced that they are an integral part of the Hindus, when the President had to make an order about Scheduled Castes they were kept at a respectable distance. Under a recent Order of the President 34 castes have been declared as Scheduled castes provided they profess the Hindu religion. Only four castes, and that at the expense of all the safeguards that we wanted, were allowed to be classed as Scheduled Castes if they profess the Hindu or the Sikh religion. We have that complaint that whenever there is a chance to confer some benefit, then, we are not included or brought near and we are kept at a distance. But, when there is nothing to be given, but only these usages and customs and traditions are to be effaced, we are offered an embrace, an empty embrace that might, rather, I should say, not be pleasant to us, because we love these customs and these traditions. We have adhered to them for a very long time. Therefore, I pray in all earnestness that we might be excluded from the sphere of this Bill.

Pandit Thakur Das Bhargava: With your permission, Sir, I want to put a

[Pandit Thakur Das Bhargava]

question, in respect of the last point of my hon. friend. Is it not a fact that the Sikhs themselves came to Sardar Patel and agreed that only these four castes should be included among the Scheduled Castes and no others? If that is true, if that is according to agreement, my hon. friend is not entitled to raise this grievance here.

Sardar Hukam Singh: It is a long subject. The Revered Sardar himself put in these words that these four castes could only be acknowledged if the Sikhs gave up all the safeguards that they wanted. It was at the sacrifice of those things that these four castes were acknowledged, and they too only in two provinces, the Punjab and the PEPSU. They are not Scheduled castes in other provinces.

Pandit Thakur Das Bhargava: That is according to the agreement.

Sardar Hukam Singh: No.

Mr. Speaker: Dr. Ambedkar.

Shri T. N. Singh (Uttar Pradesh): Is hon. Minister's speech going to be in reply?

Several Hon. Members: No, no.

Dr. Ambedkar: Sir, I propose first to deal with my own amendment before I deal with the other amendments that have been tabled to this clause.

It will be seen that in the amendment which I have moved there are three specific points. The first point is that I propose to omit the word 'professing' which occurs in sub-clause (1). The reason for omitting this word is that it has been felt that probably today as the Hindu society is composed, there are people who are Hindus, but who do not profess the Hindu religion in the theological sense in which the word 'profess' is used. In former times one could give the illustration of the Brahma Samajists in Calcutta or the Prarthana Samajists in Bombay, two sects which were formed from out of the Hindu community, which openly declared that they did not profess the Hindu religion. As my friend Pandit Thakur Das Bhargava observed in the course of his speech, there are many Hindus to-day who, so far as religion is concerned, prefer to adopt an eclectic attitude. They like to have something from some religion which appeals to them, and to that extent, they are prepared to abandon the religion of their ancestors. If, therefore, the word "profess" remained in this context, it would be open for anybody to argue that unless it was proved that a particular individual was a

professing Hindu this Code would not apply to him. That certainly is not the intention of the Code. The intention of the Code is that it should apply to every person who belongs to the Hindu faith. I prefer the use of that terminology and it is therefore, to do away with any such ground for an objection founded upon the word "profession" that I propose to delete it.

My second amendment relates to clause (d). Clause (d) as it stands, says that this Code shall apply to a convert to the Hindu religion. Now, as the House knows, we are using the words "Hindu religion" in a very broad sense; not in the limited sense in which it would apply to a person who believed in the Vedas, who believed in the infallibility of the Vedas, who believed probably in the *Chaturvarnas*, and who also believed in the performance and the sanctity of the *yagnas* as a means of salvation. We are using the word in a large sense, to include also Buddhists, Jains, Sikhs etc. who do not believe in these dogmas. Consequently, if clause (d) remained as it is, it might be open to contend that the convert who is referred to in sub-clause (d) is the convert only to the Hindu religion in the limited sense of the word. In order to do away with that contention, I propose to use the new phraseology—"convert to the Hindu religion, Buddhist..." and so on and so forth.

My third amendment deals with the deletion of sub-clause (4). As the House will realise, this sub-clause (4) did not exist in the original Bill as it was placed before the House at the time of the first reading. This clause was introduced in the course of the proceedings of the Select Committee. The idea of those who sponsored sub-clause (4) was this. It was their view that since the intention of the Code was to bring all Hindus under all denominations under the purview of this Code, there was no purpose in setting apart those Hindus who had already performed their marriages under the Special Marriage Act of 1872. It was for that reason, to make the Bill all inclusive, that this sub-clause (4) was brought in. I have, however, found that there is one point which was, I am sure, not present to the mind of the Select Committee when they introduced this clause. It is quite obvious that if sub-clause (4) remained and it applied to persons who were married under the Special Marriage Act of 1872, they would, in the matter of succession and inheritance be governed by the present provisions contained in this particular Code. Now, anyone who is aware of the provisions contained in the Succession Act with regard

to inheritance and the provisions contained in this Bill will have no doubt that so far as women are concerned, the provisions of the Succession Act are far more liberal than the provisions contained in the present Code. It does not, therefore, seem right that people who have already married under a particular law and have on that account, become entitled to the more liberal provisions contained in the Succession Act should be dragged down and brought under the present Code which as I said, contains provisions relating to inheritance which are somewhat illiberal as compared with the other provisions. It is for that reason that I propose that sub-clause (4) should be omitted.

Now, Sir, I will turn to the points made by the critics of clause (2). Examining the amendments that have been tabled. I do not find any difference between myself and my friend Pandit Thakur Das Bhargava. His amendment is, more or less, the same as those contained in clause 2. I will presently explain why I have in my draft, named certain communities which he thinks is unnecessary. With regard to the other amendments, one can see that there are really three points which the amendments seek to make. One is this, that there is no necessity for a Hindu Code at all. What is necessary is a Civil Code applicable to all citizens. That is one point of view which is adumbrated in the amendments. The second is that this very Code which is placed before the House and which, according to its terms, is intended to be confined to the Hindu community, should be made applicable to non-Hindus, such as Muslims, Parsis, Jews, Christians and so on. That is to say, it should itself be regarded as a Civil Code. And the third suggestion is that the application of the Code should be voluntary. It should be a matter of choice either for any particular citizen or any particular member of the Hindu society to go before a magistrate and to register his will that he would like to be governed by this particular Code. In no other circumstances should this Code be made applicable in this country. And I believe there is one suggestion—I forget now the author of that suggestion—that this Bill should not come into operation except on a referendum to be taken after the elections or something like that.

Pandit M. B. Bhargava: That comes up later.

Dr. Ambedkar: Somebody said that, I cannot recall who.

Shri J. R. Kapoor: He intends to say so later on.

Dr. Ambedkar: Yes.

Now I must say that I am very very much surprised to see some of those who until yesterday were the greatest opponents of this Code and the greatest champions of the archaic Hindu Law as it exists today should come forward and say that they are now prepared for an all-India Civil Code. There is a proverb that a leopard does not change its spots and I cannot believe that those leopards which have been pouncing upon this Bill every time I came before this House have now suddenly so reformed their mentality as to become revolutionary enough to accept a new Code altogether. If they want a Civil Code, do they think that it will take very long to have a Civil Code? Probably the underlying motive why they have made this suggestion is this. As it has taken four or five years to draft the Hindu Code they will probably take ten years to draft a Civil Code. I would like to tell them that the Civil Code is there. If they want it it can be placed before the House within two days. If they are ready and willing to swallow it, we can pass it in this House in half an hour.

What is the Civil Code?—let me ask. The Indian Succession Act is a Civil Code. Unfortunately it does not apply to Hindus. I do not know if there is any person with the greatest amount of legal ingenuity who can devise a better Civil Code than the Indian Succession Act. All that would be necessary to make the Indian Succession Act universal and civil, that is to say, applicable to all citizens, would be to add a clause that the words contained in clause 2 of the Act, namely that it shall not apply to Hindus, be deleted and then you can have a Civil Code tomorrow. If you want the marriage law as part of your Civil Code, there again the text is ready. The Special Marriage Act is there. All that you have to do is to remove the words that it shall not apply to this or that it shall only apply to that. All that you have to say in clause 2 is that it shall apply to all citizens and there is an end of the matter. I want to know whether those who have made this suggestion have done it with a serious intention and pious purpose of really having a good law on these matters...

Shri Sondhi (Punjab): Take them at their word.

Dr. Ambedkar: I am not prepared to do it, because I know them very well. That is the reason why yesterday I did not accept the suggestion of my friend Mr. Rohini Kumar Chaudhury. He said "Adopt whatever measures and

either take the Code through or if you cannot take it through, keep it to the end." I could have accepted the word and the suggestion of my friend Mr. Rohini Kumar Chaudhury if I could believe and trust him or that he will not have any opposition if I adopted the course that he suggested. I now find that he has been completely isolated. Some of his friends who were walking with him and forming a solid front, I find have now fallen away. They have seen light and they are prepared to support the measure in some parts, if not on the whole. Therefore this idea of having a Civil Code just does not appeal to me, because I do not think there is either much firmness behind it or, I was almost going to say, seriousness behind it.

With regard to the plea that this Code should be applied to all citizens, I think my friend Pandit Thakur Das Bhargava has replied to the critics who have made this suggestion and I do not think I can improve upon what he has said. I do not know that those who made this suggestion could be regarded as so ignorant—I was almost going to say, so foolish—as not to realise the sentiments of different communities in this country? It is all very good to say that we have proposed in our Constitution a secular State. I have no idea whether any Members, when they use these words "Secular State" really mean what the Constitution is intended to mean. It does not mean that we can abolish religion: it does not mean that we shall not take into consideration the religious sentiments of the people. All that a secular State means is that this Parliament shall not be competent to impose any particular religion upon the rest of the people. That is the only limitation that the Constitution recognises. We are not here to flout the sentiments of the people.

Babu Ramnarayan Singh: You are doing it.

Dr. Ambedkar: I am not doing it at all, as I will show you. Therefore it seems to me that it is a suggestion which really lacks even commonsense and I do not therefore propose to deal with it.

Now in regard to the other question that the Code should be made voluntarily applicable, I think this is a very dangerous suggestion. What does this suggestion mean? It means that this Parliament is only a body to recommend a certain thing. All that the Parliament can do, if we accept the suggestion, is to say to the people outside, "This is a law we have passed. We think it is good. Gentlemen, it

is for you to say whether you will accept it or not." If that is the position that we are going to adopt and if we accept this principle now, we shall be setting a precedent and there will be no end to such recommendations that may be made by Parliament, namely that much of its legislation should be left to be passed by people outside on a referendum. I do want to say that this Parliament is a Sovereign Parliament. Beyond seeking the mandate of the people it has no obligation to the people to obtain their consent. It can decide what it likes. It is supreme: it has authority to make a law, to unmake a law. If every time this Parliament is to be subjected to the vote of the ignorant people outside who do not know the A.B.C. of the technicalities of the law, this Parliament will have to be suspended: it would be much better not to have a Parliament at all.

Secondly, I have not seen any single example in the history of the Legislative Assembly of this country of such a course being recommended to Parliament. This is not the first time that Parliament is passing a law dealing with Hindu Law. I have made a modest computation of the laws passed by the Indian Legislature ever since legislative power began to be exercised, practically from 1833. Altogether 29 laws have been passed, some of them of a very drastic character making fundamental changes, but there never was any plea in this House that any of those laws should be left to be passed and sanctioned by public opinion or public referendum. (*An Hon. Member:* They were not elected legislatures). It is worse still. Even when the legislatures were not elected legislatures, they exercised the law-making power and imposed it upon the people. Now when the legislature is far more representative than it ever was a plea is made that this Parliament cannot make a law for the people.

An Hon. Member: Nobody has said that.

Dr. Ambedkar: That is what some hon. Members suggested when they said there should be a referendum.

Now, I will go back to some of the comments which were made on the draft of clause 2. These comments were made particularly by my friend, Mr. Naziruddin Ahmad, and my friend Pandit Thakur Das Bhargava. Yesterday you were not in the Chair, Sir, but.....

Prof. Ranga (Madras): But the Chair was there.

Dr. Ambedkar: The Chair was there. What I wanted to say was that Mr. Naziruddin Ahmad started in a very accusing mood. He tried to prejudice the House against me by saying that the language of my amendments was mandatory: "substitute this". He thought that the more polite way of putting down amendments was to say, "such-and-such words shall be substituted for such-and-such words". Really speaking, I need not have taken this point seriously because drafting is not my business—drafting is the business of another body of people who have their set rules of drafting and I could have very easily said that I am not responsible for it. But I did make enquiry into the matter whether the draftsman in using the language which he has used had really fallen from grace, or from the usual standard. The facts are these. For instance, the formula suggested by Mr. Naziruddin Ahmad, that is, "such-and-such a word shall be substituted", I found is generally used when you draft an Act. There seems to be a distinction between the language adopted in drafting an Act and the language to be adopted in drafting an amendment. Therefore, as the draftsman was drafting the amendments he did not use the usual formula which I said is used in drafting an Act. The second thing is this. As the House will remember, the President has issued certain orders under the Constitution which he is entitled to issue. In that series of orders—I think it is a very fat book which some of my hon. friends must have seen—the language that is used is the language which the draftsman has used in these amendments. He says, "I have followed the precedent which has been adopted by the President, in making these amendments". I went further and enquired, "Why did the President depart from the usual practice"? And the answer given was that the orders were so bulky that it was necessary to economise in printing paper and ink. Therefore, the draftsman who helped the President in framing his orders followed this particular way of putting these amendments. My draftsman, therefore, has really committed no error, no fault, in following the precedent adopted in the Constitutional orders. I therefore submit that my learned friend's attempt to depict me in rather unsavoury colours has fallen to the ground. I will not deal with that further.

Now, my friend's objection was to sub-clause (d). He said that I am hoping in the convert to Hinduism. His point, if I understood it correctly, was that I have made no provision either here in clause 2 or in any other part of this Bill to save the rights of

the convert in the family in which he was born. I must say that my friend, Mr. Naziruddin Ahmad who legitimately claims a very extensive knowledge of law should have forgotten that there is a very old Act called the Caste Disabilities Removal Act of 1850 which was passed just for this very purpose namely, to remove any disability from a person who wants to change his religion in order to safeguard what is called liberty of conscience. It was an Act which was passed on the agitation of the missionaries in this country who found that the Hindus were not prepared to change their religion because under the ancient Hindu Law a man who went out of the Hindu fold was a *patit*—a *patit* could not inherit property. In order to do away with that rule of Hindu Law this particular Act was passed and I have done nothing to abrogate the provisions of that Act. If my friend had referred to the Schedule which deals with the Acts which are repealed by this Code he would have found that the Caste Disabilities Removal Act is not included in that Schedule. Therefore, the convert will retain all the rights of inheritance in his father's family if he wants to change his religion. And therefore Mr. Naziruddin Ahmad's complaint is absolutely groundless.

My friend said he had an objection to sub-clause (2). Sub-clause (2) says:

"This Code also applies to any other person, who is not a Muslim, Christian, Parsi or Jew by religion".

Obviously, this sub-clause (2) is what I call a residuary clause, a clause which refers to the balance of people who are not included either among Hindus who are specifically mentioned, or the Parsis, the Jews, the Christians, or the Muslims. There can be no doubt about it that there are in this country a vast number of people who do not follow any of these recognised religions, so to say. What are we going to do about it? Certainly this Bill either should say that it does not apply to them or it should say that it does apply to them. And if it said that it does apply to them, it should say to what extent it applies to them. Everybody knows that there are in this country a vast number of people such as, for instance, the Adi Dravidas, the tribal people, the jungle tribes, the backward classes, the animists, and so on and so on—one can go on enumerating *ad infinitum*. What about them? Surely some provision must be made for them. Sub-clause (2) therefore applies to this class of people whom I called a residuary class. Now,

it might be said that in making this Bill the Government has a political motive, namely, to absorb these non-descript people into the Hindu community, so to say, by a side door. That is not our purpose at all, because you will see from the proviso what we are doing. The Hindu Code will apply to them only if it is proved that Hindu customs and Hindu usages are prevalent in that class; otherwise, they are free to do whatever they like. There, again, the criticism of my friend was quite misplaced.

Prof. Ranga: Can they opt themselves out?

Dr. Ambedkar: Once they have adopted the customs and so on, they are in; otherwise they are out.

Now, Sir, I will deal with certain points that were raised by my friend Pandit Thakur Das Bhargava and by Sardar Hukam Singh. Sardar Hukam Singh's amendment is that it should not apply to the Sikhs. Later on, I suppose, he moderated his attitude and said that he had only objection to some parts. With regard to the question whether this Bill should apply to persons or communities other than Hindus in the strict sense of the word, I think it is desirable to have some general idea about the matter. The first thing that I would like to emphasize and which I would like Members of Parliament to bear in mind is this, that from a sociological point of view the variety of religions that we have in India or elsewhere seems to me to fall into two categories. There are religions which have as their part a legal system, which you cannot sever from those religions. There are religions which have no legal system at all, which are just pure matters of creed. The peculiarity about the Hindu religion, as I understand it, is this, that it is the one religion which has got a legal framework integrally associated with it. Now, it is very necessary to bear this thing in mind, because if one has a proper understanding of this, it would not be difficult to understand why Sikhs are brought under the Hindu religion, why Buddhists are brought under the Hindu religion and why Jains are brought under the Hindu religion. When the Buddha differed from the Vedic Brahmins, his difference was limited to matters of creed. The Buddha did not propound a separate legal system for his own followers; he left the legal system as it was. It may be that the legal system that then prevailed was a good system; that it had no blemishes and no faults. So, he did not direct his attention to

making any changes in the legal system in consequence of the changes that he introduced in certain religious notions.

[MR. DEPUTY-SPEAKER in the Chair.]

In the same way, when Mahavir founded his own religion he did not create a new legal system for the Jains. He allowed the legal system to continue and I think Sardar Hukam Singh will correct me if I am wrong when I say that none of the ten Gurus ever created a law book as such for the Sikhs. The trouble is—you may call it trouble; you may call it good fortune; you may call it misfortune; I am not particular about words—the fact is this. In this country, although religions have changed, the law has remained one. That is why the Sikh follows the Hindu law.

Sardar Hukam Singh: But now you are making a new law.

Dr. Ambedkar: It is a new thing now. The Jains come and ask, "What are you going to do to us? Are you going to make us Hindus?" The Sikhs say the same thing. The Buddhists say the same thing. My answer to that is this: I cannot help it. You have been following a single law system and it is too late now for anyone to say that he shall reject this legal system wholesale and will have nothing to do with it. That cannot be done. Therefore, the application of the Hindu law and the Hindu Code to Buddhists, Jains and Sikhs is a historical development to which you and I cannot now give any answer. All that we can do is to say that the thing has gone wrong and change it, reform it or make it more equitable and this is what we are doing. So far as the Sikhs are concerned, I find from the judgments of the Privy Council that this question was debated much earlier than even 1830, when the decision was taken that the Sikhs were Hindus so far as law is concerned. Just count from 1830 to 1950—for how many years you have been regarded as Hindus for legal purposes!

Sardar Hukam Singh: It has not been doubted.

Dr. Ambedkar: In law, we have a principle which is called *stare decisis*—a decision taken a long time ago and on which people have gone had better be stayed, although it is wrong.

Sardar Hukam Singh: You are going to change it now. What should I do?

Dr. Ambedkar: Now, Sir, with regard to the points made by my friend Pandit Thakur Das Bhargava, I was really very happy to hear his speech.

Shri J. R. Kapoor: No praise will bring him into your parlour.

Dr. Ambedkar: I have used no temptations. I now find that really he has been digging various trenches one after the other. He knows very well and I see from the last trench that he knows very well that he would not be able to defend the first trench or the second trench or the third trench. He has got a very small last trench which, of course, is concerned with ousting the married daughter and I think that if that point could be conceded his opposition would be extinguished completely.

He has raised other questions also with regard to customary law. I agree and I have examined this position with great care. The Punjab law does show that certain matters relating to personal law shall be decided by customary law, but I also know and I think my friend Thakur Das Bhargava also knows that the customary law is Hindu law really. I do not think that that proposition can be denied, namely, that what is called customary law in Punjab is Hindu law. The reason why it was not called Hindu law was because the same customary law prevailed among the Muslims, and the East India Company was frightened about using the words "Hindu law" when the law was also applicable to the Musalmans. But these are merely differences of words. It cannot be said that Punjab is not governed by Hindu law: Punjab is governed by Hindu law.

Now his great point was that I was laying an axe on their customary laws in the province. Well, as I listened to some of the instances which both my friends Pandit Thakur Das Bhargava and Sardar Hukam Singh gave, I found that these customary laws were really not appealable in any sense. I would merely call their marriage laws marriage made easy, their divorce laws divorce made easy and their inheritance law, inheritance made easy. There is nothing fundamentally different about it. Therefore, I am not going to discuss this question on this occasion,—to what extent the customary law should be saved; to what extent the Punjab should be excluded. But I want to make this statement that I should never agree to exempt any province from the operation of

this law. Let there be no doubt about it at all that the Hindu Code shall be a uniform code throughout India. Either I will have that Bill in that form, or not have it at all.

With regard to the second point as to saving customary law, I think that is a point that he could raise on the various clauses of the Bill where he wants to introduce the customary law, and if he proves that the deletion of the customary law is going to introduce any kind of hardship I shall certainly consider the matter with great sympathy. I want to make this Hindu Code as easy as I can possibly make it.

Shri Tyagi: As marriage in Punjab!

Dr. Ambedkar: Easy in the sense that I do not want any kind of hostility, or hostile camp against the Hindu Code standing out.

If my hon. friend sees clause 4 he will find that it does not altogether oust custom. Therefore, when any particular clause comes up for consideration, if my hon. friend considers that the existing custom in the Punjab should be saved from the operation of that particular clause and if he can make out a case for exemption, I have no doubt that the matter will be sympathetically considered. I do not intend to give a more detailed reply to that because I think it is quite outside the scope of this particular clause.

Shri R. K. Chaudhuri rose—

Shri Raj Bahadur: May I know how many more members are there to speak on amendments.

Dr. Ambedkar: I suggest that this clause be disposed of today. We have spent two days on it and there has been more than enough debate on it.

Shri R. K. Chaudhuri: Sir, I claim the credit of being isolated in the matter of this legislation.

Shri Syamnandan Sahaya: The hon. Member can come to the front bench and speak.

Shri R. K. Chaudhuri: Will you let me sit there tomorrow during the question hour?

I confess that in this House I am isolated. But I hope the hon. the Law Minister will have the courtesy to admit—which is a fact—that he is completely isolated outside this House. I do not regret the position in which I am placed, because I find that hon.

Members of this House are afraid of speaking out the truth: of telling the hon. lady Members of this House what they ought to be told that they are proving themselves far too aggressive. This, I respectfully submit, is not a matter to be laughed over. Hon. Members of this House would have noticed the way in which my revered friend Babu Ramnarayan Singh was squeezed out of his seat yesterday. It is only on account of the relenting heart of a certain lady Member that my hon. friend has found his way to his seat.

Sir, I warn this House against this aggressive character of our women. I think it is time that we speak out. I want to ask the hon. Minister for whom he is legislating this Hindu Code and who wanted him to push on and proceed with it against the wishes of a large section of Hindu society. Is it not because the hon. lady Members of this House have egged him on to do it?

I should, however, like to tell the hon. Minister that he is not alone in that predicament. This House will recollect what our respected friend Acharya Kripalani said at the time we were considering the Report of the Select Committee, about the attitude adopted by one of his colleagues in this House and his companion in this world. He said that he was making bold to speak because his 'colleague' had gone abroad and when she returned she might ask for an account of the finances of the household, but also his conduct during her absence.

That shows, Sir, where we stand today. It is on account of this that you are prepared to brush aside the sentiments of the less forward Hindu women, women who do not know how to dress themselves properly. It is the women who do not have recourse to gaudy and gorgeous sarees, women who do not know how to paint themselves—it is that section of the Hindu women whom you are trying to suppress in the way you are doing today.

An Hon. Member: Is all this in clause 2?

Shri R. K. Chaudhuri: I want to make it perfectly clear that I oppose all the amendments, including that of my hon. friend Dr. Ambedkar, except the one which has been put forward by my hon. friend Mr. Jaspal Roy Kapoor. I support that amendment because it practically tantamounts to an opposition to the Hindu Code. I will explain how it is an opposition to the Hindu Code. It gives us the fullest

discretion to make this Hindu Code a dead letter, because according to this amendment the Hindu Code will only govern those people who would come forward in the open and make a declaration and say that they want this Hindu Code to be applied to them.

Shri J. R. Kapoor: I am tempted to exclaim 'Save me from my supporters'!

Shri R. K. Chaudhuri: I may tell my hon. friend Mr. Kapoor that he may leave aside the *kambli* but the *kambli* would not leave him. To the end of this debate on the Hindu Code I shall follow him wherever he goes. If my hon. friend Mr. Kapoor's amendment is carried, it practically means that we shall be in the position that we are today. This Hindu Code will be more or less a Special Hindu Marriage Code. It will be something like that. Even now a Hindu can marry within a prohibited degree if he makes a declaration as is required under the Civil Marriages Act. Similarly, if this Hindu Code would only govern those who would make a declaration that they want to be governed by it, I believe that two-thirds—not two-thirds but nearly cent per cent—of the Hindus would refuse to come forward and make a declaration in the manner which has been suggested by my friend Mr. Kapoor. That will mean practically that this Code will be shelved and the Hindu Law which governs us today will continue to govern us.

I was very much interested to hear about this Punjab Customary Laws Act. This Punjab Customary Laws Act, as was admitted by my hon. friend Pandit Thakur Das Bhargava who referred to it in this House, did not prohibit bigamy at all. What my hon. friend Pandit Thakur Das Bhargava wants is that the Punjab should be absolutely left out of this Hindu Code, that this Hindu Code may be in force in the rest of India but not in the Punjab—which means that although bigamy may be an offence in India, it will not be an offence in the Punjab and my hon. friend may go on merrily as he likes. I do not understand this, and I hope my hon. friend Dr. Ambedkar will be able to explain the position to us. It is this. When custom has got the force of law and that custom becomes invariable, no legislation can really over-ride it. Ordinarily if you are going to prove a custom, the burden is on you to prove that the custom is invariable, that the custom is not immoral, and that the custom has been followed. But when that custom is embodied in a piece of legislation which has been in force for some time and when that custom has not been abrogated, has been recog-

nized, I do not understand how the application of the provisions of this Code can in any way interfere with that customary law unless it is stated clearly that all that law has been repealed by this Code. I may not have thoroughly studied the Hindu Code, but my impression is that no such provision has been made in this Code to repeal the Customary Law Act of the Punjab. And if that stands unrepealed you shall have inconsistent legislation in this country. Hindus in the whole of India will be governed by the Hindu Code, but those in the Province of Punjab, where customary laws have been codified and are in force, will remain unaffected by this Code. I will ask the hon. lady Members of this House whether they are prepared to allow the Hindus of the Punjab to 'commit' bigamous marriages, whether they are agreed at any rate that there shall be no divorce in the Punjab and that they would allow their sisters in the Punjab to be "persecuted"—it is their language, not mine. I say no woman can be persecuted. The days of persecution of the woman have gone. Nowadays it is the men who are being persecuted by the tyranny of women. If any hon. Member of this House had the temerity to express himself clearly, he would say something about the tyranny of modern women.

Therefore I would ask this House to consider and pause carefully before it gives its assent to this piece of legislation. Hon. Members of this House will remember that the Members of this House had no mandate to support such a sweeping legislation, a legislation having such far-reaching effects. Our election had taken place in an indirect way. I repeat what my hon. friend Mr. Naziruddin Ahmad said. It is not that we are not competent to pass this legislation. We are competent to pass any legislation today. We are competent to pass a legislation that the rule which is now obtaining—the salutary rule which has been accepted by the Government of India—that no married women should be taken in the Indian Foreign Service should be abrogated, and we can pass a legislation to say that none but women shall be taken therein. We are perfectly competent to do that. There is no question of incompetency here. Women can become constables and carry sticks; they can put on pyjamas and turbans; they can even wear beards! also as Members of the Constabulary. Why can we not pass a legislation like this? Nothing stands in the way of our doing this.

Mr. Deputy-Speaker: How do all these arise under this?

Shri R. K. Chaudhuri: I was only giving an analogy. Then I come to

the most important thing. As we had no opportunity of getting a mandate from our electorate and as we have been ignoring the majority opinion given or received as a result of circulation of this Bill, we must take very great care to consider how far this legislation will be accepted by us. I therefore agree with my hon. friend, Mr. Naziruddin Ahmad that the consent of the people is necessary for passing this legislation. Now, speaking about discrimination, a great deal was said yesterday about the discriminatory character of this piece of legislation and about the way in which the Constitution has been ridden rough-shod. Dr. Ambedkar, if I remember aright, himself referred to the question of breach of certain fundamental rights of the Constitution. He said if the present Hindu law is not amended, in the manner in which he seeks to amend this Code, then a question may arise in the Supreme Court or in the High Court where it will be asked by the other parties that the Hindu law makes a discrimination between Sudras and non-Sudras. A Sudra of any age can be adopted. A Sudra can be adopted even though he may be related very closely and then a Brahmin of a similar position cannot be adopted. Therefore there is discrimination in the present Hindu law and therefore he said that unless the present Hindu Code is adopted the present Hindu law will always be subjected to criticism by a court of law on the ground that it is discriminatory.

Now, Sir I come to a more serious point. I suggest that the arguments which have been put forth by my hon. friends, Messrs. Jhunjhunwala and Naziruddin Ahmad should also be taken into serious consideration. I also want to draw the attention of the House to one particular point, namely the discriminatory character of this legislation which hurts the Constitution itself. My hon. friend Mr. Naziruddin Ahmad and I are behaving as if we are sailing in the same boat. He is isolated in one bench here and I am isolated in another. My hon. friend, Mr. Naziruddin Ahmad—God forbid—if he were to take another wife, if he wants to marry again during the life-time of his present spouse, then he will not be liable to conviction either under the Indian Penal Code or under the Hindu Code, whereas I being a Member of the same House, being a close neighbour of his, if I dared to follow his example and if I have to undergo another ceremony of marriage, what will be my fate? I shall be simply prosecuted, convicted, sentenced to imprisonment and probably man-handled when

I am taken to prison by my women friends. There will be a great public feeling against you that I was spared in any way. Is this not discrimination? If that is not discrimination, I fail to understand the meaning of the word 'discrimination'. We are subjects of the same sovereign power, we are bound by the same Constitution; we are living in the same realm and while the one enjoys the privilege of marrying as many as four times, I cannot dare to marry more than once. What is then the meaning of discrimination?

Shri Tyagi: Bad luck.

Shri Raj Bahadur: On a point of information, may I know how many times has the hon. Member married already.

Shri R. K. Chaudhuri: That is a personal question. Examples are very contagious. My hon. friend Mr. Tyagi says that it was my bad luck that I have been put in such a discriminating position. Let us take it arithmetically; if after having married once, I am called 'unlucky' then what are you to call a gentleman who has not been able to marry so long. Yesterday my hon. friend Mr. Naziruddin Ahmad mentioned about a certain kind of help which some of my esteemed friends would give in the way of vote by quoting Hindu Shastras. He, being a non-Hindu probably was feeling delicate and refrained from saying what he wanted to say. Let me make myself clear. I submit that the first premise on which those who want to support this Hindu Code is this: Hindu religion is intimately connected with Hindu law, that is to say the Hindu law is intimately connected with Hindu religion. Divorce of Hindu law from Hindu religion means nothing. Here this is a religious question. If the hon. Minister in charge of the Home Ministry were to take out a census of those people who believe that not to have a son is to go to Hell, you will find that two thirds of the Hindus believe in that. They believe that if you do not have a son, you will go to hell.

Shri Tyagi: I want to know how can one help if he has not got a son. What is he to do? It is not in his hands.

Shri R. K. Chaudhuri: You need not go into irrelevant questions. I would just like to tell my hon. friend that there is no limit of age so far as marriage is concerned. Dr. Ambedkar has been merciful in this respect. He has said do not marry more than once. You may divorce a dozen of

your wives and there is no bar to your marrying again.

Shri Tyagi: One by one

Shri R. K. Chaudhuri: Only one at a time; not more than one. That is what is stated here. He does not lay down any restrictions of age. A woman of 85 years under this new picture of the Hindu Code can marry a young man of 25. There is no civic sense in this Hindu Code.

Shri Deshbandhu Gupta (Delhi): What about *vice versa*?

Shri R. K. Chaudhuri: *Vice versa* also. I submit that it is most inhuman for the author of this Hindu Code to suggest that you can, whatever your age, marry again if you are inclined to marry.

Shri Bharati (Madras): What is the relevance of this to clause 2?

Mr. Deputy-Speaker: He says that the Hindu Code Bill ought not to be applied to all persons except to those who voluntarily submit themselves to the Code. Therefore, he is developing that argument.

Shri R. K. Chaudhuri: Coming to the clause under discussion, personally, I would prefer that the provision should remain unchanged, so far as professing the religion is concerned. My hon. friend Dr. Ambedkar and a few others have sought to amend the provision by saying that this Code shall apply to Hindus by religion. It is very difficult for anybody to prove that he is by religion a Hindu. What does the word 'religion' indicate. The word 'religion' is derived from *religio*, to bind. Can I say that I am a Hindu by religion? I may say that I am born of Hindu parents, that I am a son of a Hindu and therefore I am a Hindu. It would be very difficult to say that I am a Hindu by religion. The Hindu religion lays down a very high standard. Judged by those standards, it will be found that most of the people who call themselves Hindus are not really Hindus. I may profess myself to be a Hindu; I may like to be governed by the Hindu law or Hindu Code; but I cannot call myself to be a Hindu by religion. I do not follow the principles of that religion at all. How can I say that I am a Hindu by religion? A Hindu is not expected to take meat. According to the Hindu religion, it is a forbidden thing. There may be many in this House, who may be calling themselves Hindus, but who would not be a Hindu according to those standards. Many who may call

themselves Hindus may be doing un-Hindu acts. But, still, they would like to be governed by the Hindu Code. To say that this Code shall only apply to those who follow the principles of the Hindu religion would be a misnomer and is certainly opposed to all principles of honesty. I say that although I may not be a Hindu, although I may not be a follower of the Hindu religion, I profess Hinduism; I say that I am a Hindu. So long as I say that I am a Hindu, the Hindu law or the Hindu Code may be applicable to me. So long as I do not renounce my religion, so long as I say that I am a Hindu, because I call myself a Hindu, I shall be governed by the Hindu Law. Or as my hon. friend Mr. Jaspal Roy Kapoor contemplates, so long as a man says that he will be governed by the Hindu Code, he shall be governed by the Hindu Code; not otherwise. Therefore, I say, how can you lay down this condition that one must be a Hindu by religion?

In our part of the country, that is in Assam, the tribal people have been held to be governed by the Hindu Law. They are not Hindus. They are not Hindus by religion. They do not follow the principles laid down in Hinduism for marriage. They do not observe the same kind of the prohibitive degree of Hindu marriage. They do not follow the same rules of adoption. All the same they are governed by Hindu Law, because in some cases they have no other law, and in other cases they profess to be Hindus. Therefore, if it comes to a question between the phrases "professing the Hindu religion" and "Hindu by religion", I would prefer the former.

And now, let me come to another aspect of the matter. There is this question of converts, and Dr. Ambedkar has himself brought forward an amendment in this respect. But I maintain that so far as Hinduism is concerned, this word "convert" is not applicable. I can understand reconversion to Hinduism, though I do not know much about it, but there is no conversion to Hinduism because Hinduism is not a proselytising religion. To speak of a convert to Hinduism is absolutely meaningless. There cannot be any conversion to Hinduism. Anyone living in Hindustan is a Hindu, unless he clearly says that he is not a Hindu, that he is a Muslim, or a Parsi or a Christian or Jew. That has been the position from time immemorial. There cannot be a convert to Hinduism. Will Dr. Ambedkar kindly tell me what are the ceremonies to be performed for a conversion to Hinduism?

Dr. Ambedkar: *Prayas chitham.*

Shri R. K. Chaudhuri: Can anyone be converted into a Hindu? Did Dr. Annie Besant convert herself to Hinduism? Can Dr. Ambedkar give any example of a conversion to Hinduism?

Dr. Ambedkar: There are so many decided cases on the subject and if my friend will only refer to the first few pages of Mulla's Hindu Law he would get all the information that he wants.

Shri R. K. Chaudhuri: If Dr. Ambedkar is referring to "Sudhi" that is a different thing. It relates to a Hindu who has left Hinduism and is again brought into the Hindu fold. But what is the procedure or the ceremony for converting any one into a Hindu? If it is a case of reconversion, I know the process. The person concerned must fast for a certain period.

Mr. Deputy-Speaker: Is the hon. Member trying to fix the procedure for reconversions of Hindus in this Code?

Shri R. K. Chaudhuri: I am only saying that there can be reconversions into Hinduism, but there cannot be a conversion. Do not use the word "convert" here. Use some other word.

Mr. Deputy-Speaker: Courts have decided that there can be a convert to Hinduism even though he did not belong to the Hindu fold originally.

Shri R. K. Chaudhuri: There can be reconversion, but what about conversions? The difference is only with respect to that.

Shri Venkataraman (Madras): The Madras High Court in the case of *Ratansi Morarji-vs-the Administrator General*, has decided that any person can be converted to Hinduism.

Dr. Ambedkar: It related to an English woman and the question was whether a Christian could be converted into a Hindu and the answer was, yes.

Shri R. K. Chaudhuri: Will the hon. Minister tell me the procedure or the ceremony for such a conversion? It is never too late to learn, after all.

Mr. Deputy-Speaker: The hon. Member himself is very particular that Hindu traditions etc should be preserved. Where is the harm in getting as many Hindus as possible and as many people as possible under the Hindu law?

Shri R. K. Chaudhuri: I only want that the author of this Bill, Dr. Ambedkar and the founder of our Constitution should not indulge in words which have no meaning. The word "convert" has no meaning when applied to a Hindu.

Dr. Ambedkar: That is an old antiquated view of Mr. Chaudhuri.

Shri R. K. Chaudhuri: Can Dr. Ambedkar please refer me to one single original text of Hindu law where it is said that conversion to Hinduism is possible?

Dr. Ambedkar: I can refer the hon. Member to the case of Morarji vs. the Administrator General.

The Minister of State for Transport and Railways (Shri Santhanam): And there is a monument in Bhilsa which speaks of a Greek having been converted into a Hindu.

Dr. Tek Chand (Punjab): And many born Christians and Moslems have become Hindus. If my hon. friend wants he can bring any such persons now and they will be converted by Aryas to Hinduism and absorbed in Hindu Society. I have several books giving cases of conversions even during Moslem rule and he can have them and read them at his leisure.

Dr. Ambedkar: Oh do not do that, Mr. Chaudhuri never reads.

Shri R. K. Chaudhuri: I am afraid the hon. Member is confusing between conversion and re-conversion and also between conversion and initiation. Anyone can be initiated into Hinduism. I am not speaking about that.

Mr. Deputy-Speaker: But he says there can be conversion also.

Shri R. K. Chaudhuri: Let us abandon that point now Sir.

Mr. Deputy-Speaker: I thought the hon. Member has concided?

Shri R. K. Chaudhuri: Practically it is a conclusion for me, for I am going away to-morrow.

Mr. Deputy-Speaker: Will a few more minutes do?

Shri R. K. Chaudhuri: No Sir, a few more minutes will not suffice.

Mr. Deputy-Speaker: Then we may adjourn.

The House then adjourned till a Quarter to Eleven of the Clock on Wednesday the 7th February, 1951.