

Tuesday  
1st March, 1949

# THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

## Official Report

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Volume I, 1949

(18th February to 17th March, 1949)

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Fourth Session  
OF THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE)  
1949

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)  
DEBATES.

(PART I.—QUESTIONS AND ANSWERS)

Tuesday, 1st March, 1949

The Assembly met in the Assembly Chamber of the Council House at Quarter to Eleven of the Clock, Mr. Deputy Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

TRANSFER OF CERTAIN OFFICES FROM DELHI AND SIMLA

\*758. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that some of the offices of the Government of India in Delhi and Simla are likely to be transferred to another place, and if so, whether Government propose to give details of such transfer?

(b) Is it a fact that almost all the Ministries of the Government of India have their branch offices at Simla?

**The Honourable Shri N. V. Gadgil:** (a) The question of dispersing some of the Central Government offices from Delhi has been engaging the attention of Government for some time past. A Sub-Committee of the Cabinet has been appointed to look into the whole question. It is proposed to locate three offices under the Ministry of Works, Mines and Power at Nasik for which acquisition of land and building construction have been decided upon. As regards move of other offices, the matter is still under consideration.

(b) Only a few Ministries have some of their branches working in Simla while some others have some of their Attached and Subordinate offices located in Simla.

**Shri R. K. Sidhva:** Arising out of part (b) of the question, what is the total number of offices which are located in Simla? Is it a fact that the offices of the Director General, Posts and Telegraphs, Director General of Archaeology, Director General of Education and Director General of Health are also located in Simla?

**The Honourable Shri N. V. Gadgil:** There are innumerable offices. If the honourable member wants to know the details I am quite prepared to give them now but it will be more appropriate if I lay a statement on the table later on.

**Shri R. K. Sidhva:** I wanted to know what was the object of these branch offices being located in Simla.

**The Honourable Shri N. V. Gadgil:** The reason is that there is no accommodation in Delhi.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that the proposal to shift some offices to Nasik is really a forerunner of building another capital near Nasik?

**The Honourable Shri N. V. Gadgil:** No.

**Shrimati G. Durgabal:** May I know whether it is a fact that there is a proposal under consideration to shift the Federal Court to Allahabad?

**The Honourable Shri N. V. Gadgil:** The final location of the Federal Court has not yet been decided.

**Shri Radhavallabh Vijaivergiya:** May I know whether Mhow is also one of the places under consideration for the location of some of the offices?

**The Honourable Shri N. V. Gadgil:** Among many other places which are under consideration Mhow is one.

**Shri Deshbandhu Gupta:** May I know why Delhi is considered unfit for the location of the Federal Court?

**The Honourable Shri N. V. Gadgil:** The question is still under consideration. There is no question of the fitness or unfitness of Delhi involved.

**Shri Deshbandhu Gupta:** Is it a fact that in the Draft Constitution itself it is mentioned that the Federal Court has to be in the capital of India?

**The Honourable Shri N. V. Gadgil:** The honourable member well knows that the Draft Constitution is still a Draft Constitution.

**Shrimati G. Durgabal:** May I know whether it is a fact that the Honourable Minister for Works, Mines and Power visited Allahabad sometime ago to see whether the site and other arrangements will be suitable for the location of the Federal Court?

**The Honourable Shri N. V. Gadgil:** Yes, Sir.

**Dr. P. S. Deshmukh:** By what time is the Cabinet sub-committee's decision likely to be known about the location of various offices in different parts of India?

**The Honourable Shri N. V. Gadgil:** It will take sometime but before the Constitution is finally passed you will know the whole picture.

**Shrimati Purnima Banerji:** May I know if the Honourable Minister found Allahabad a suitable place?

**The Honourable Shri N. V. Gadgil:** It is a matter of opinion whether Allahabad is suitable or not.

**Shri H. V. Kamath:** Have Government once for all abolished the annual exodus to Simla?

**The Honourable Shri N. V. Gadgil:** There is no exodus to Simla at present.

**Shri H. V. Kamath:** Have Government given it up once and for all?

**The Honourable Shri N. V. Gadgil:** For all practical purposes it is so.

**Shri B. K. Sidhva:** May I know whether government feel it necessary to keep permanently in Simla branches of these various important Ministries? What is the reason for Government to keep in Simla or in any other place branch offices of the Ministries of Education, Health, Archaeology and Law?

**The Honourable Shri N. V. Gadgil:** I have already given the reason: it is want of accommodation in Delhi.

#### BAKRA DAM AND DAMODAR VALLEY PROJECTS

\*759. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state what stage the Bakra Dam and Damodar Valley Projects have reached?

(b) Have any experts come from foreign countries to chalk out the initial programme?

(c) Have the original schemes been affected in any way by the Economy drive of Government?

(d) When is the actual work on these schemes likely to be started?

**The Honourable Shri N. V. Gadgil:** (a) The Bhakra Dam Project is under the administrative control of the Government of the East Punjab. Information received from that Government shows that the construction of a road and a railway line to the Dam site, has been nearly completed. Work on tunnels for diverting the river during construction is in progress. Detailed studies of the foundation of the Dam are nearing completion and other preliminary works are also in an advanced stage.

In connection with the Damodar Valley Project, which is under the administrative control of the Damodar Valley Corporation orders for the 150,000 K.W. thermal power station, the main 132 K.W. and other subsidiary lines, have been placed. Detailed design of Tilaya, one of the eight dams and project reports with plans and estimates of two more dams have been prepared;

Engineering investigations including collection of data for the other items and dams, are in hand.

The construction of camps with residences, offices, water and electric power supply, road connection at six of the dam sites are also in progress.

(b) Yes, as and when necessary.

(c) No.

(d) Work is already in progress.

**Shri B. K. Sidhva:** With reference to the report placed on the table of the House yesterday by the Honourable Minister regarding the Damodar Valley Corporation, may I know whether the amount of Rs. 2,21,81,000 for 1948-49 has been spent during this year or how much of it has been spent or is the whole sum likely to be spent?

**The Honourable Shri N. V. Gadgil:** I require notice for that.

**Shri Mihir Lal Chattopadhyay:** What is the target year by which these works will materialise fully?

**The Honourable Shri N. V. Gadgil:** Is it for all the three projects or do you want it for the Damodar Valley project?

**Shri Mihir Lal Chattopadhyay:** I want it for the Damodar Valley Project.

**The Honourable Shri N. V. Gadgil:** It is seven years.

**Shri Mihir Lal Chattopadhyay:** What is the total estimated expenditure on this project?

**The Honourable Shri N. V. Gadgil:** I think I have already given that figure but I will repeat it. It is about 55 crores.

**Shri Mihir Lal Chattopadhyay:** May I know whether it is a pre-war figure or it has been revised later on?

**The Honourable Shri N. V. Gadgil:** It is not a pre-war figure: it has been revised and scrutinised and the general view expressed by the Damodar Valley Corporation authorities is that it will be adhered to.

**Shri Mihir Lal Chattopadhyay:** What are the respective qualifications of the Directors appointed to the Damodar Valley Corporation?

**The Honourable Shri N. V. Gadgil:** This does not arise out of the question, unless the Chair rules otherwise.

**Sardar Bhopinder Singh Man:** What is the stipulated time for the completion of the Bhakra Dam?

**The Honourable Shri N. V. Gadgil:** I require notice but generally it is I think the same period, viz., about seven years.

**Shri H. V. Kamath:** Is it a fact that the policy outlined by the Honourable Minister with regard to the Damodar Valley project in the last session, viz., land for land and house for house in respect of the tenants' lands and houses, is being set at naught by the local officials?

**The Honourable Shri N. V. Gadgil:** It is true that when a promise is given it is given for the purpose of implementing it.

**Shri H. V. Kamath:** What is true? Is it a fact that this policy is set at naught by the local officials?

**The Honourable Shri N. V. Gadgil:** No.

**Shri H. V. Kamath:** Is it a fact that the construction of buildings and approach roads has been started on the tenants' lands without the consent of the tenants and in many cases the standing crops have been destroyed without acquiring the lands under the Land Acquisition Act and no notice has even been issued to the tenants in accordance with the Land Acquisition Act?

**The Honourable Shri N. V. Gadgil:** No, Sir.

**Dr. P. S. Deshmukh:** May I know if the prospective catchment area has been surveyed?

**The Honourable Shri N. V. Gadgil:** Yes, if the question is with respect to the Damodar Valley Project.

**Babu Ramnarayan Singh:** As regards the complaint which has just been mentioned by my honourable friend Mr. Kamath, will the Honourable Minister enquire about it?

**The Honourable Shri N. V. Gadgil:** Most certainly.

**Shri H. V. Kamath:** Have instances such as I have referred to of tenants being evicted without notice or without compensation been brought to the notice of the Honourable Minister?

**The Honourable Shri N. V. Gadgil:** If such cases are brought to my notice I shall certainly take appropriate action.

**Babu Ramnarayan Singh:** What are the two other dams for which schemes have been prepared?

**The Honourable Shri N. V. Gadgil:** There are eight dams altogether. The Tilaya Dam is ready for construction and in respect of two other dams the designs are being finalised.

**Babu Ramnarayan Singh:** What are those two dams?

**The Honourable Shri N. V. Gadgil:** I will give the information later on.

#### NEW MACHINERY FOR GENERATING ELECTRICITY IN DELHI

\*760. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that the present Electric Power House in Delhi is insufficient to provide power for all industrial and lighting purposes?

(b) If so, have Government placed orders for additional machinery?

(c) If so, when is the new machinery likely to be installed and what would be the total additional kilowatts available for public use?

**The Honourable Shri N. V. Gadgil:** (a) Yes.

(b) The Delhi Central Electric Power Authority Ltd. have placed orders abroad for the supply of the following plants:

(i) Two 9,200 KWs Turb—Alternator Generating sets—in 1946.

(ii) One 5,000 KWs Westinghouse Generating Set in December 1947.

In addition to the plant on order, the Authority have taken on loan from the Government, six Diesel Generating Sets of 500 KWs each and one 2,500 KWs Transportable Set which is likely to yield about 2,200 KWs.

(c) The six Diesel Sets loaned by Government are already under commission while the 2,500 KWs Transportable Power Set is likely to be in operation in April 1949. The Westinghouse Generating Set of 5,000 KWs is expected to be commissioned by January, 1950, while the two bigger Sets of 9,200 KWs each, are expected to be ready by April 1951. It is hoped that about 20,000 KWs power will become available for Delhi from the Nangal Project of the East Punjab Government by the middle of 1952. The additional supply of electricity that will thus be available from time to time is as follows: (i) 2,200 KWs by the end of April 1949; (ii) 5,000 KWs by January 1950; (iii) 18,400 KWs by the end of April 1951; and (iv) 20,000 KWs from Nangal by the middle of 1952.

**Shri R. K. Sidhva:** May I know how many applications for new connections for power and light have been received and what is the procedure for granting those applications?

**The Honourable Shri N. V. Gadgil:** I will require notice for that. So far as the procedure is concerned, it entirely rests with the Delhi Electricity Power Authority.

**Shri R. K. Sidhva:** May I know whether any favouritism is shown in giving connections and whether it is not given on a priority system?

**The Honourable Shri N. V. Gadgil:** No favouritism that I know of.

**Shri Deshbandhu Gupta:** May I know whether it is a fact that although Government had taken a decision to place an order for a 5,000 K.W. set as early as 1947, the order was not placed till two months back? The papers were lying in the office and the order was not placed?

**The Honourable Shri N. V. Gadgil:** I require notice for that because as far as I understand the order has been placed.

**Shri Deshbandhu Gupta:** May I know whether the Honourable Minister is aware of the fact that these days in the City of Delhi electric points are being arbitrarily removed and the people are suffering heavy losses on account of that?

**The Honourable Shri N. V. Gadgil:** This is due to some precautionary measure necessitated by the fact that because of the overload the whole system may collapse.

**Shri Deshbandhu Gupta:** But, what is the principle, who decides it and why is this done arbitrarily?

**The Honourable Shri N. V. Gadgil:** The Delhi Electricity Authority does it.

**Shri R. K. Sidhva:** May I know whether the Globe Engineering Works, Delhi made a representation to the Government that their application for connection has not been granted whereas one which was asked for subsequently was granted connection?

**The Honourable Shri N. V. Gadgil:** Notice.

**Dr. P. S. Deshmukh:** May I know if the machinery ordered in 1946 has arrived and if not when it is likely to arrive?

**The Honourable Shri N. V. Gadgil:** I have already stated in my reply that it is expected to arrive in the month of April 1949.

**Dr. P. S. Deshmukh:** What are the causes for this inordinate delay, Sir?

**The Honourable Shri N. V. Gadgil:** Well, for that at least the Government of India is not responsible, nor the Delhi Electricity Authority.

**Dr. P. S. Deshmukh:** Is it not the real causes that the order contemplated was not placed as has been suggested by my friend?

**The Honourable Shri N. V. Gadgil:** That is not so.

**Shri Deshbandhu Gupta:** Will the Honourable Minister enquire into the matter please?

**The Honourable Shri N. V. Gadgil:** Certainly.

**Shri B. P. Jhunjhunwala:** In view of the fact that the Government will have large scale production after these machineries are received, and the fact that the expenses will be less, is it under the consideration of the Government that they will be able to supply cheap electricity to industrial firms?

**The Honourable Shri N. V. Gadgil:** Most certainly; that is always noted and taken into consideration when the plans are finalised.

**Shri Deshbandhu Gupta:** Will the Honourable Minister please tell the House whether any appreciable saving has been effected by the measures now taken in the City of removing the extra-points, and if so, to what extent?

**The Honourable Shri N. V. Gadgil:** One result of this measure is that there has been no collapse of the entire system so far, which was feared at one stage.

#### CAPTAIN OF TRAINING SHIP "DUFFERIN"

\*761. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Commerce be pleased to state what is the name of the Captain of the training ship "Dufferin" and whether it is a fact that originally he opted out to Pakistan and then returned to India?

(b) What are his qualifications and what is his salary? Since when has he been in charge of the "Dufferin"?

(c) How many cadets are there under him for training?

(d) Has there been any complaint against him regarding his anti-Indian feelings towards students?

**The Honourable Shri K. C. Neogy:** (a) (i) Lt. Comdr. M. F. S. C. Harvey. (ii) Yes. His provisional option was for Pakistan but his final option was for India.

(b) (i) Certificate of Competency as Master Mariner (Foreign Going), permanent commission as Lt. Comdr. in the Royal Naval Reserve, apart from various other minor qualifications. (ii) Salary Rs. 1800 per month. (iii) He has been in charge of the Dufferin since the 1st September 1945.

(c) 165.

(d) Government have not received any such complaints.

**Shri R. K. Sidhva:** May I know whether this Captain holds the degree of Extra Master Mariner, and if not, may I know whether the ex-cadets of this Dufferin ship hold such qualifications and many other high qualifications and whether they cannot replace this officer?

**The Honourable Shri K. C. Neogy:** I have already stated the qualifications of this officer. As regards the second part of my honourable friend's enquiry, I may assure him that there is no single Indian who possesses all the necessary qualification and experience possessed by Commander Harvey.



**Shri R. K. Sidhva:** May I know whether ex-cadet Mr. Chakravarty is a Commodore in the R. I. N.? Is it a fact that Capt. Karmakar holds a high position in the R. I. N.? Is it a fact that ex-cadet Captain Phandari holds the Command of the Merchant Navy? May I know from the Honourable Minister whether these qualifications are not enough for holding these posts?

**The Honourable Shri K. C. Neogy:** May I say I added experience as a valuable consideration? Commander Harvey has been working on the Dufferin for the last 17 years and has been promoted from one position to another. None of the officers mentioned by my honourable friend can have any pretence to that kind of experience.

**Shri R. K. Sidhva:** May I know how many years in the R. I. N. service has this Commander put in and may I know whether it is the intention of the Government to Indianise this Dufferin when the officers are available?

**The Honourable Shri K. C. Neogy:** I might remind my honourable friend that there is a Governing Body which is in charge of the management of this training ship, and the Governing Body are perfectly satisfied with the qualifications and experience of this officer and the question of replacing him does not arise.

**Shri R. K. Sidhva:** Has not the Old Cadets' Association made a complaint to the Government about the conduct of this Commander towards the Indians?

**The Honourable Shri K. C. Neogy:** I am not aware of any such complaint.

**Shri R. K. Sidhva:** May I know, Sir, whether the Honourable Minister has been fully satisfied that such a complaint has not been made?

**The Honourable Shri K. C. Neogy:** I have said that the specific complaint to which my honourable friend made a reference, has not been received by us—at least I am not aware of any such complaint.

**Shri H. V. Kamath:** What were the dates on which Harvey opted for Pakistan and re-opted for India?

**The Honourable Shri K. C. Neogy:** The provisional option had to be taken place before the partition, that is to say before the 15th August, and he had, according to the rules, six months in which to revise his option. He revised his option earlier than that.

**Shri B. K. Sidhva:** May I know whether, in view of the ill-treatment to Indians, any cadets have withdrawn from this Dufferin in the years 1947 and 1948, and if so, how many cadets have withdrawn?

**The Honourable Shri K. C. Neogy:** My honourable friend bases his question on a supposition about ill-treatment of Indians. He has not put any question on that particular point to me and I am not in a position to give any answer.

**Shri M. Tirumala Rao:** Is there any competent Indian just now to take the place of Harvey in the event of his getting out of this job in the near future?

**The Honourable Shri K. C. Neogy:** No, Sir.

#### FRENCH ECONOMIC MISSION TO CONCLUDE A COMMERCIAL TREATY

\*762. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Commerce be pleased to state whether the Government of France have sent an economic mission to India with the object of concluding a bilateral treaty in respect of commerce with this country?

(b) Have any talks regarding this been initiated in Paris by India's Commissioner-General for Commercial and Economic Affairs in Europe?

(c) Is it a fact that France is prepared to supply some of India's industrial requirements forthwith and if so, what are those?

(d) What is the nature of discussion held in this respect and has any treaty been concluded?

**The Honourable Shri K. C. Neogy:** (a) No.

(b) Yes.

(c) A list of industrial articles which France has offered to supply to India, and which we require from that country, is laid on the table of this House.

(d) The discussions are exploratory at this stage, and no treaty of a commercial nature has so far been concluded.

#### STATEMENT

##### *List of India's industrial requirements from France*

##### *Equipment:*

Steel and castings: Bars, Joists and channels, Plates, Hoops, Skelp.

Machine tools.

Textile industry equipment.

Equipment for seaports and airports.

Public Works equipment.

Electric power house equipment.

Radio-electric equipment.

Miscellaneous electric equipment.

##### **Motors**

Railway equipment (steam and electric engines, tenders, passenger and merchandise cars, auto cars, 'autorails', etc.).

##### **Aeroplanes.**

Agricultural equipment and implements (Diesel tractors, petrol tractors, caterpillar or wheel tractors, ground-breaking machinery, harvesting equipment, threshing machinery, etc.).

Diesel trucks, petrol driven trucks, motor buses, small trucks, miscellaneous automotive vehicles.

**Shri R. K. Sidhy:** Has there been any correspondence in this respect?

**The Honourable Shri K. C. Neogy:** I suppose so.

#### TRADE AGREEMENT WITH RUSSIA

\*763. **Dr. Mono Mohan Das:** (a) Will the Honourable Minister of Commerce be pleased to state whether the Government of India have entered into any trade agreement with Russia?

(b) If so, what is the basis of that agreement?

(c) What are the food grains that have been imported into this country from Russia and what are their respective quantities?

**The Honourable Shri K. C. Neogy:** (a) Yes.

(b) The agreements with Russia are on a barter basis.

(c) Wheat; 51,195-92 metric tons.

**Dr. Mono Mohan Das:** Was any trade delegation sent to Russia?

**The Honourable Shri K. C. Neogy:** No, Sir.

**Shri R. L. Malviya:** What are the commodities bartered with Russia?

**The Honourable Shri K. C. Neogy:** There have been two barter agreements so far. The first one related to 5,000 metric tons of Indian tea supplied by us in exchange for 50,000 metric tons of Russian wheat. The second barter agreement which will start its operation from this month relates to the supply of 81,000 tons of Russian wheat in exchange for the supply to Russia of 5,000 tons of tea, 5,000 tons of raw jute and 1,000 tons of castor oil.

**Shri M. Tirumala Rao:** What is the basis on which calculation is made with regard to the quantity and the cost of these goods?

**The Honourable Shri K. C. Neogy:** The Departments concerned make certain calculations of the value and when they are satisfied that it is a perfectly reasonable deal, then the barter agreement is entered into.

**Dr. P. S. Deshmukh:** How many ordinary tons make one metric ton?

**The Honourable Shri K. C. Neogy:** I thought that such an enquiry might be made, and I may tell my honourable friend that a ton avoirdupois is equivalent to 2240 lbs. or 27½ maunds approximately. Now, a metric ton is the same as 1000 kilograms and is equivalent to 2204.6 lbs. or very nearly 27 maunds.

**Shri V. C. Kesava Rao:** May I know whether Russia has offered any newsprint?

**The Honourable Shri K. C. Neogy:** I do not think so, so far.

**Shri H. V. Kamath:** How does the price of Russian wheat compare with that purchased from other countries?

**The Honourable Shri K. C. Neogy:** As a matter of fact, as I said, no cash price is contemplated. It is entirely a barter arrangement, but we are satisfied that the value that the wheat represents is not unfavourable to India. That is all that I can say.

**Dr. Mono Mohan Das:** Is there any possibility of receiving capital goods from Russia?

**The Honourable Dr. B. R. Ambedkar:** Only Communism along with Russian wheat!

**The Honourable Shri K. C. Neogy:** So far no such enquiry has been made, but I may inform the House that very recently the talk of having a regular trade agreement with Russia has started informally.

**Shri Mahavir Tyagi:** Were the Standing Committee consulted before this barter agreement was arrived at?

**The Honourable Shri K. C. Neogy:** Which Standing Committee? Because there are more than one Standing Committee concerned.

**Shri Mahavir Tyagi:** The Standing Committee pertaining to this Department.

**The Honourable Shri K. C. Neogy:** I do not think so.

**Srijiit Kuladhar Chalhha:** What is the pre-war requirement of tea by Russia and whether we have come to that level now?

**The Honourable Shri K. C. Neogy:** I am afraid I will have to ask for notice of this question.

**Shri Mahavir Tyagi:** May I know what is the principle adopted in connection with such agreements by barter or otherwise, particularly in regard to commodities which are required in India. I am anxious to know as to who settles about the requirements of a certain commodity before deciding to barter. Do you take the industrialists or others into consultation or is it from the Secretariat only that you get reports and arrive at agreements?

**The Honourable Shri K. C. Neogy:** I suppose we have a full and dependable appreciation of the situation as regards our own requirements both for the supply of certain essential commodities for consumption in India as also for the export of certain commodities to other countries.

**Shri Mahavir Tyagi:** Is there any machinery devised by the Government to take the industrialists also into consultation when you take to such sort of barter agreements with foreign countries?

**The Honourable Shri K. C. Neogy:** I do not know how industrialists need to be taken into consultation in a special manner in this connection.

#### REORGANISATION OF FOREIGN PUBLICITY SERVICE

**764. Shri V. C. Kesava Rao:** (a) Will the Honourable the Prime Minister be pleased to state whether the re-organisation of the Foreign Publicity Service is complete?

(b) What are the languages in which pamphlets and magazines for external publicity are being published and through what channels are they distributed?

**Dr. B. V. Keskar** (Deputy Minister for External Affairs and Commonwealth Relations): (a) The reorganisation of external publicity is as yet in the process of being completed.

(b) Magazines are published at present in English and Arabic and distributed normally through commercial channels and publicity staff abroad. Pamphlets are published in English, Persian and Arabic and distributed through our publicity staff abroad.

**Shri H. V. Kamath:** Is there any real and effective co-ordination between external publicity and internal publicity?

**Dr. B. V. Keskar:** Yes, Sir.

**Shri H. V. Kamath:** How many professional journalists are there in the External Publicity Section, and how many amateurs?

**Dr. B. V. Keskar:** I require notice.

**Shri E. L. Malaviya:** What is the amount spent on foreign publicity?

**Dr. B. V. Keskar:** I would not be able to give off-hand, but if my honourable friend wants, I can furnish him with the figures.

**Shrimati G. Durgabai:** May I know whether there is any proposal under consideration to extend the scope of the foreign publicity service by adding a few more correspondents?

**Dr. B. V. Keskar:** There is a proposal to extend this service of foreign publicity, not specially by adding a few more correspondents but in other ways also.

**Shri H. V. Kamath:** Is it not Government's policy to see that so far as publicity is concerned,—whether internal or external—only professional journalists will be employed and not amateurs or non-professionals?

**Dr. B. V. Keskar:** Our experience is that journalists alone are not effective, but in certain cases, for publicity, people with wider and more, I should say, experience of learning and literature are also effective.

**Shri H. V. Kamath:** Have there been instances where persons who have been merely teachers or lecturers have been appointed in the Publicity Department without any regard for their flair for publicity work?

**Dr. B. V. Keskar:** No, Sir.

**Shri Ramnath Goenka:** Are illiterates also taken into service for foreign publicity?

**Dr. B. V. Keskar:** Not that I know of.

**Shri M. Tirumala Rao:** Is the All-India Radio utilised for the purpose of external publicity, and if so, does it function under the External Affairs Ministry or the Information Ministry?

**Dr. B. V. Keskar:** All-India Radio is one of the best instruments for external publicity. It is not under the External Affairs Ministry but it works in co-ordination with it in regard to foreign publicity.

**Shri V. C. Kesava Rao:** May I know whether Government is aware that due to the lack of proper publicity foreign countries like U.S.A. and Canada are not in a position to understand the Indian problems?

**Dr. B. V. Keskar:** We are quite aware of the problem posed by the question of my honourable friend, we are thinking of extending our publicity to these areas as far as possible, but we have also to take into consideration our financial situation and the funds that are at our disposal.

**Mr. Frank Anthony:** Who appoints these foreign publicity agents and under whose control do they work in these different countries?

**Dr. B. V. Keskar:** There are no such persons as "agents". We have got our Information Officers attached to our Consuls, Legations and Embassies and it is through them and our missions abroad that our publicity generally is done.

**Shri Ramnath Goenka:** May I know what the circulation of these magazines and pamphlets issued by the Foreign Department is?

**Dr. B. V. Keskar:** I require notice of the question.

**Shrimati G. Durgabai:** May I know whether there is a Public Relations Officer attached to each Embassy and whether it is not their duty to send news and reports regularly?

**Dr. B. V. Keskar:** There are public Relations Officers attached to certain Embassies, not all and we do get regular reports from them.

**Sardar Bhopindar Singh Man:** May I ask what is the space taken by the Ministers in these pictures of the periodicals?

**Shri Chhotomohan Tripathi:** Is it a fact that in the United States of America, the old machinery for publicity as established by the British Government on our behalf is still functioning and functioning to our detriment?

**Dr. B. V. Keskar:** I think my friend is misinformed. The old machinery for publicity that was established during the British rule is there; but it has been modified considerably and expanded, and I think expanded to our advantage.

**Shrimati Purnima Banerji:** May I know if the foreign publicity service is a separate service from that of our Embassies?

**Dr. B. V. Keskar:** The foreign publicity service is a section of the External Affairs Department. In every Embassy we have got Information Officers who do this work. They are part of the Embassy.

**Shri M. Trimala Rao:** Have Government received any complaint about the inefficiency of the publicity section attached to the London High Commissioner's Office?

**Dr. B. V. Keskar:** Not that I know of.

**Shri Mahavir Tyagi:** What is the object of this publicity? May I have an answer? I am serious about it. I want to know whether they publish the activities of the Government at home or their policies with regard to foreign Governments or our economic condition or whether they give publicity to our manufactured articles? What is the aim of the publicity?

**Dr. B. V. Keskar:** The object of foreign publicity will be explained in detail during the Budget discussion.

**Shri Ramnath Goenka:** When was the Foreign Publicity Department separated from the Information Department?

**Dr. B. V. Keskar:** I think it is so since last year.

**Shri Sita Ram S. Jajoo:** Are Government of India preparing any films for publicity in foreign countries?

**Dr. B. V. Keskar:** Yes, Sir.

**Dr. V. Subramaniam:** Do the Government give any authorised news from here or they gather the news from reports appearing in papers?

**Dr. B. V. Keskar:** There is a direct news service from here specially meant for our Information Officers abroad. They utilise this news for their publicity.

**Shrimati G. Durgabai:** May I know what the proposals under the re-organisation plan are?

**Dr. B. V. Keskar:** I am sorry I will not be able to give it now. I hope to give it in the near future.

#### EXPORT TRADE WITH FRANCE

\*765. **Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Commerce be pleased to state what steps are being taken to stimulate export trade with France?

(b) Has there been a marked decline in the export trade with France and if so, what are the reasons for it?

**The Honourable Shri K. C. Neogy:** (a) I would refer the honourable member to the answer just given by me to Starred Question No. 762 by Shri R. K. Sidhva.

(b) No, there is no perceptible decline in our export trade with France.

#### REFUGEES FROM EAST BENGAL

\*766. **Shri H. V. Kamath:** Will the Honourable Minister of Relief and Rehabilitation be pleased to state:

(a) whether the influx of refugees from East Bengal still continues; and

(b) the measures taken or proposed to be taken in order to stop or check the exodus from East Bengal?

**The Honourable Shri Satyanarayan Sinha** (Minister of State): (a) and (b). The honourable member is referred to the reply given by the Honourable Shri Mohanlal Saksena to part. (c) of Starred Question No. 92 by Sardar Bhopinder Singh Mun on the 3rd February, 1949.

**Sardar Bhopinder Singh Man:** May I take it that the non-provision of housing accommodation for these refugees or non-provision of business premises is also a part of the plan under consideration by which you are going to check the influx from Pakistan?

**Mr. Deputy Speaker:** It is an ironical question.

**Shri H. V. Kamath:** In view of the fact that the reply by Mr. Saksena was given many days ago, and as we are living in the present and not in the past, may I know whether the influx continues or has stopped?

**The Honourable Shri Satyanarayan Sinha:** It has practically stopped. The reply was given only on 3rd February. During these three or four weeks no new situation has arisen. So far as our information goes, the exodus has practically stopped.

**Shri H. V. Kamath:** Practically means completely or what?

**The Honourable Shri Satyanarayan Sinha:** It means what it means.

#### PERSONNEL AND PURPOSE OF MISSION TO ETHIOPIA

\*767. **Shri H. V. Kamath:** Will the Honourable the Prime Minister be pleased to state:

(a) the personnel and purpose of the mission that was deputed to Ethiopia in September 1948;

(b) the expenditure incurred in connection therewith; and

(c) the results achieved?

**Dr. B. V. Keekar** (Deputy Minister for External Affairs and Commonwealth Relations): (a) The personnel of the mission was composed of:

- (1) Sardar Sant Singh, Leader.
- (2) Shrimati Ammu Swaminathan, Member.
- (3) Shri Devji Rattansi, Member.
- (4) Shri H. L. Khanna, Member.
- (5) Shri C. J. Stracey, Secretary.
- (6) Shri Jai Dial, Ministerial Assistant.

Purpose of the goodwill mission was promotion of mutual goodwill and closer contacts with the Government and people of Ethiopia; to study the economic and political conditions in that country and to ascertain the position of Indian nationals there.

(b) Rs. 29,000 in round figures.

(c) The visit of the Mission has resulted in closer contact between India and Ethiopia and has given Government an insight into the conditions of Indians living there. Nearly 500 Indians are doing business in Ethiopia and about 70 Indian teachers are employed by the Ethiopian Government.

**Shri H. V. Kamath**: Was there any ill-will in Ethiopia towards India to necessitate the sending of a Goodwill Mission there?

**Dr. B. V. Keekar**: There was no illwill. The Mission was sent to augment the friendly relations between our two countries.

**Shri H. V. Kamath**: What was the genesis of this Mission? Was it sent at the invitation of the Ethiopian Government or was it our own-roving mission?

**Dr. B. V. Keekar**: I want notice.

**Shri B. Das**: Have the Government of Ethiopia asked for the establishment of an Indian Embassy there?

**Dr. B. V. Keekar**: Yes, Sir.

**Shrimati G. Durgabai**: May I know the steps taken to give effect to the suggestions made by one of the members of the Mission, namely, Mrs. Ammu Swaminathan?

**Dr. B. V. Keekar**: All the suggestions made by the Mission are under the active consideration of the Government.

**Shri V. C. Kesava Rao**: May I know whether this Mission has submitted any report?

**Dr. B. V. Keekar**: Yes, Sir.

**Shri Sita Ram S. Jajoo**: As the result of the mission have the Government of India entered into any trade agreement with the Government of Ethiopia?

**Dr. B. V. Keekar**: The Mission has succeeded very considerably in bringing forward proposals by which we hope to have greater trade relations with Ethiopia.

**Shri M. Tirumala Rao**: Is there any proposal to invite a reciprocal mission to understand our country?

**Dr. B. V. Keekar**: Not for the moment; but it is possible.

**Shri H. V. Kamath**: Did the Mission explore the possibility of Indians settling there?

**Dr. B. V. Keskar:** That is a possibility that can be taken into account.

**Shri Mihir Lal Chattopadhyay:** What is the cost involved in this Mission?

**Dr. B. V. Keskar:** As given in the answer, it is Rs. 29,000.

**Shri H. V. Kamath:** In view of the fact that this Mission has achieved splendid results, do the Government propose in future to associate at least one woman member of this House with every Delegation that goes abroad?

**Shri B. Das:** Will Government make available to the members of this House a copy of the report of the Ethiopian Mission?

**Dr. B. V. Keskar:** Excerpts from the report might be made available for the use of honourable members, but I cannot say whether the whole report can be made available. Some parts of this report are somewhat confidential.

**Shri H. V. Kamath:** Which parts of Ethiopia did the Mission visit, only Addis Ababa or other places too?

**Dr. B. V. Keskar:** I do not know, Sir.

#### SENTENCES OF DEATH PASSED ON GENERAL TOJO AND HIS COLLEAGUES

\*768. **Shri H. V. Kamath:** Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that the Indian judge on the International Military Tribunal at Tokyo acquitted General Tojo, Japan's Wartime Premier, and his other colleagues of all the charges that had been preferred against them; and

(b) if so, what steps, if any, were taken by Government to prevent the execution of the death sentences passed on General Tojo and some of his colleagues?

**Dr. B. V. Keskar** (Deputy Minister for External Affairs and Commonwealth Relations): (a) Yes. He considered that they were not guilty on any of the counts and should be acquitted.

(b) The Government of India however suggested at the appropriate time to the Supreme Commander of the Allied Powers in Japan that the question of commuting the death sentences might be considered.

**Shri H. V. Kamath:** Which Government, Sir, nominated the Indian Judge on the International Allied Military Tribunal? Was it this Dominion Government or the Interim Government or its predecessor Government?

**Dr. B. V. Keskar:** I do not understand the question, Sir. I do not think it is a question of domination by anybody.

**Shri H. V. Kamath:** My question was: which Government nominated, not dominated?

**Dr. B. V. Keskar:** You mean the Indian Judge. It is our Government.

**Shri H. V. Kamath:** Is it the Dominion Government or the Interim Government or the one before September, 1946?

**Dr. B. V. Keskar:** I would try and find out this information if the honourable member is very curious to know it.

**Shri H. V. Kamath:** Did the Government agree with the findings of our Judge to the effect that General Tojo and his associates were not guilty of the crimes alleged against them?

**Dr. B. V. Keskar:** This is an international Tribunal. While nominating a judge, it does not mean that we have got any authority to confer or to reject the findings, because it is beyond our scope and power.

**Shri Mihir Lal Chattopadhyay:** In view of the fact that India openly declared not to participate in this war in anyway either with men or money, why did the Government decide to send a judge to sit in the International Tribunal?



**Dr. B. V. Keskar:** The decision was taken long before and I do not think that by participating in this Tribunal, India was participating in the war.

**Shri B. K. Sidhva:** May I know if any reply has been received to the representation made by our Government in this connection to which a reference has been made by the Honourable Minister's predecessor?

**Dr. B. V. Keskar:** Out of those sentenced, I think an appeal in favour of General Tojo and others was taken into consideration, but not only the representation of our Government, but of other Governments were rejected.

**Shri H. V. Kamath:** Did Government suggest that the appeal might be heard by the Supreme Court of the United States?

**Dr. B. V. Keskar:** No, Sir. I do not know.

**Shri H. V. Kamath:** Did Government receive representations about this matter from individuals or representative organizations in India?

**Dr. B. V. Keskar:** I do not know, Sir.

**Shri H. V. Kamath:** Is the Deputy Minister aware, Sir, that some War criminals who atom-bombed Hiroshima and Nagasaki and some others who brought about the Bengal famine in India, have gone scot-free?

**Shri Deshbandhu Gupta:** Is it a fact that the findings of the Indian Judge were not given due publicity?

**Mr. Deputy Speaker:** Order, order.

#### WAIGANGA MULTI-PURPOSE PROJECT IN C. P.

\*769. **Shri H. V. Kamath:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) at what stage the Waiganga Multi-Purpose Project in the Central Provinces has arrived;

(b) how far it will promote rural as well as urban electrification;

(c) how much land it is expected to irrigate; and

(d) whether any representations or complaints have been received from any section of the people of the area affected against the execution of the Scheme?

**The Honourable Shri N. V. Gadgil:** The project is under the administrative control of the Government of Central Provinces, but the Government of India are giving all assistance through the Central Waterpower Irrigation and Navigation Commission.

(a) Preliminary investigations are in progress. Recently the Chairman of the Central Waterpower Irrigation and Navigation Commission has suggested an alternative site for the proposed Dam.

(b) If the Scheme materialises, it will provide cheap power both in rural and urban areas.

(c) Unless the preliminary investigations are completed, it is not possible to indicate the extent of the area which will be irrigated, but it may be upto one million acres.

(d) Yes, but as the site of the dam has not yet been finalised, the complaints are premature.

**Shri H. V. Kamath:** When the Honourable Minister visited Nagpur in December last, did he not receive any complaints from the local *malguzars* in this regard?

**The Honourable Shri N. V. Gadgil:** That is true, Sir.

**Shri H. V. Kamath:** What was the content of the complaints Sir?

**The Honourable Shri N. V. Gadgil:** Obviously, they did not want the dam site to be located there.

**Shri H. V. Kamath:** May I know how these complaints were disposed of?

**The Honourable Shri N. V. Gadgil:** I promised a full and sympathetic consideration.

**Dr. P. S. Deshmukh:** By what time is the preliminary investigation likely to be completed?

**The Honourable Shri N. V. Gadgil:** I think it will take at least one year more.

**Dr. P. S. Deshmukh:** Is it not possible to expedite the preliminary investigation by any means?

**The Honourable Shri N. V. Gadgil:** It is not possible. There are innumerable considerations that have cropped up as a result of the Police Action in Hyderabad. We are considering whether it would not be better to consider this scheme along with other schemes in connection with the Godavari Valley.

**Shri H. V. Kamath:** Did not the Honourable Minister assure the *malguzars*, who lodged their complaints, that if on investigation the Honourable Minister found the complaints were genuine, he would not hesitate to change the site of the project?

**The Honourable Shri N. V. Gadgil:** Well, as I said, I promised full consideration, which means and includes all relevant considerations as regards the technical aspect, the nature of the terrain and as regards the economics of the whole project.

**Shri E. K. Sidhva:** What is the result of that sympathetic consideration?

**The Honourable Shri N. V. Gadgil:** If the honourable member shows a little patience, he will know it.

#### ESTABLISHMENT OF FOOD TECHNOLOGICAL RESEARCH INSTITUTE

\*770. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable the Prime Minister be pleased to state whether the Government of India have any scheme for opening a Food Technological Research Institute in India?

(b) If so, where is it likely to be located and what subjects are likely to be studied and subjected to research?

(c) What will be the recurring and non-recurring cost of the Institute?

**The Honourable Shri Satyanarayan Sinha (Minister of State):** (a) The establishment of a Central Food Technological Research Institute has been approved by the Council of Scientific and Industrial Research.

(b) The Institute will be located in 'Cheluvomba Palace' in Mysore, which has been gifted by the Government of Mysore for the purpose.

Research on all aspects of food technology and in particular on the problems peculiar to Indian conditions connected with the storage of different food materials, processing of foodstuffs for improvement of keeping qualities, palatability and digestibility, treatment of different coarse food materials, search for new sources of food materials for human consumption, will be conducted. The whole range of food processing, which includes survey of potential foodstuffs in different regions, production of concentrated foods, vitamins and other food accessories etc., dietetics, studies on cooking utensils and improvement of indigenous cooking methods, study of problems faced by Indian food industries, provision of technological information, survey of existing industries and development of new industries, pilot plant trials with different types of industrial equipment development of new methods of detecting food

adulteration, questions affecting food sanitation and all problems connected with food and dietetics with particular reference to Indian conditions, will be covered.

(c) The recurring cost of maintenance and non-recurring cost of equipment for the Institute are being worked out by a Planning Officer.

**Shri H. V. Kamath:** Will the activities of this Institute be closely co-ordinated with the Institute that is functioning at Coonoor also? Is the Honourable Minister aware of the Institute at Coonoor at all?

**The Honourable Shri Satyanarayan Sinha:** I would like to have notice.

**FINANCIAL ALLOTMENTS FOR COMMUNICATIONS, HOSPITALS AND EDUCATION IN NORTH EAST FRONTIER TRIBAL AREAS**

**\*771. Srijat Kuladhar Chaliha:** Will the Honourable the Prime Minister be pleased to state:

(a) what sums have been allotted for communications, for Hospitals and for primary education in Sadugu Frontier Tracts; and

(b) whether Government are going to establish any high schools in Abor tracts?

**Dr. B. V. Keskar** (Deputy Minister for External Affairs and Commonwealth Relations): (a) The honourable member is presumably thinking of the Sadiya Frontier Tract. A statement is laid on the table of the House giving the particulars asked for.

(b) At present there is no proposal to establish any high schools in areas occupied by the Abora.

## STATEMENT

Summs allotted during 1948-49 and proposed to be allotted during 1949-50, for (i) communications, (ii) hospitals, (iii) primary education, in Sadiya Frontier Tract

	Communications		Hospitals		Education	
	1948-49	1949-50	1948-49	1949-50	1948-49	1949-50
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sadiya Frontier Tract	43,07,170	3,00,000	3,35,300	3,90,000	83,300	83,300

In addition to these there is a bulk provision of Rs. 6,59,640 for 1948-49, and a proposed provision of Rs. 12,55,000 for 1949-50 for the whole of the tribal areas for repairs to roads, for Engineering staff etc., a part of which is likely to be spent in the Sadiya Frontier Tract.

In addition to these there is a bulk provision of Rs. 2,46,800 for 1948-49 and a proposed provision of Rs. 2,40,600 for 1949-50 for medical staff etc. for the whole of the tribal areas, a part of which will be spent on Sadiya Frontier Tract.

Bulk provision made for 1948-49 and bulk provision proposed for 1949-50, for the whole of the tribal areas and a part of these provisions will be spent on Sadiya Frontier Tract.

**Srijut Kuladhar Chaliha:** May I know whether the Government is intending to establish high schools in the Lushai Hills and other places in Assam? Is the Government aware that the people there are going Communistic?

**Dr. B. V. Keskar:** I am not aware that these areas are going Communistic.

**Srijut Kuladhar Chaliha:** Are the Government aware that no schools have been established nor roads built in Naga Hills and the people there are very restless?

**Dr. B. V. Keskar:** This question does not arise out of this question, but I may inform the honourable member that the Government has a five year plan for the development of all these areas and this plan is going to be implemented immediately.

**Srijut Kuladhar Chaliha:** May I know whether the Government have received a scheme from the Government of Assam for the development of these tribal areas.

**Dr. B. V. Keskar:** There have been suggestions from the Government of Assam and they are being considered very carefully.

**Srijut Kuladhar Chaliha:** May I know whether any sums have been sanctioned by the Central Government for the development of these areas?

**Dr. B. V. Keskar:** Yes, Sir.

#### GRANT OF IMPORT LICENCES IN DELHI AND AJMER-MERWARA

\*772. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Commerce be pleased to state on what basis and principle import licences were granted by the local Governments of the Centrally Administered Chief Commissioner's Provinces of Delhi and Ajmer-Merwara?

(b) Was this done by the Provincial Governments on their own initiative or with the approval of the Government of India?

(c) Are Government aware that the policy of the Governments in these areas in giving import licences to selected individuals has caused resentment among the general public and the trading classes and if so, what steps do Government contemplate to take to avoid the recurrence of this?

**The Honourable Shri K. C. Neogy:** (a) to (c). I understand the honourable member desires information regarding movement of cloth to Centrally Administered Provinces. My honourable Colleague the Minister of Industry and Supply will answer this question in due course.

**Mr. Deputy Speaker:** If any honourable member wishes, he may put supplementary questions to Question 773.

#### REFUGEES FROM EAST BENGAL

\*773. **Shri M. Ananthasayanam Ayyangar:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state what is the amount of money that is being spent by the Government of India to feed and shelter refugees from East Bengal?

(b) What steps have been taken to implement the decisions reached at the Inter-Dominion Conference where the Government of Pakistan agreed to make conditions safe for the minorities in East Bengal?

(c) How many such refugees from East Bengal have gone back to their homes?

**The Honourable Shri Satyanarayan Sinha (Minister of State):** (a) Amount of money spent on feeding and accommodation separately is not available. A sum of Rs. 1 crore 22 lakhs and 65 thousands has, however, been spent on

refugees from East Bengal upto end of December, 1948 by the Government of India and Provincial Government. This includes a sum of Rs. 19 lakhs and 26 thousands for loans.

(b) Government of India have not yet received exact information about the action taken by the East Bengal Government but several leaders in East Bengal have since the conference held at Delhi in December, 1948, made public declarations stressing the right of members of the minority community to have their grievances redressed by Government, and promising them equal rights, opportunities, privileges and obligations with the members of the majority community. The Governor General of Pakistan has also recently assured a deputation of the minority community that henceforth they will have a fair representation in recruitment to Government services. The Government of East Bengal are reported to have set up Provincial and District Minority Board in their Province. That Government are also reported to have drafted an Ordinance for the setting up of Evacuee Property Management Boards and it is expected to be promulgated soon.

(c) The number is not available.

**Sardar Bhopinder Singh Man:** Are the Government quite satisfied that the conditions prevailing now in Pakistan are safe for the minorities to live there?

**The Honourable Shri Satyanarayan Sinha:** Not quite satisfactory; but I think it is for the refugees to decide. So far as the Government is concerned, from the reports which are available and from the assurances given by the Government of Pakistan, I think the situation is tolerably better.

**Shri H. V. Kamath:** During the last eighteen months or more since the 15th August 1947, how many assurances have been given by the Government of Pakistan and how many have been broken?

**The Honourable Shri Satyanarayan Sinha:** It cannot be enumerated.

**Shri H. V. Kamath:** Are they innumerable? Are the assurances innumerable or are the breaches innumerable?

**The Honourable Shri Satyanarayan Sinha:** Both.

#### PRODUCTION OF ELECTRIC ENERGY AND SUPPLY TO RURAL AREAS

\*774. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state what is the total electric energy produced in India and what percentage of it is being consumed by the urban population and what percentage by the rural population?

(b) What has been done or is being done by the Central Government to patronize production and distribution of electric energy for the benefit of the rural population of India?

(c) Have the Government of India prepared any scheme or do they intend to do so in future for making electric energy available for rural areas in the Centrally Administered Provinces of Delhi and Ajmer-Merwara?

**The Honourable Shri N. V. Gadgil:** (a) The total electric energy produced in the year 1947 (upto which detailed statistics are now available) was 4073.3 million kilowatt hours. Of this the percentage consumed by the urban population was about 95 per cent. and that consumed by rural population about five per cent.

(b) Electricity being a Provincial subject for purposes of development it is the function of the Provincial Governments to promote and foster schemes for rural electrification. The Central Government have, however, passed the necessary legislation to enable the Provinces to set up Provincial Electricity Boards to whom the task of electrical development, particularly in the backward

areas, is to be entrusted. We have reasons to believe that several Provincial Governments have already initiated investigations on rural electrification in their respective Provinces. The Government of India will naturally do everything in its power to aid the Provincial Governments for the completion of such schemes by giving them assistance in the matter of investigation, procurement of plant, etc. In fact, the Central Government have already prepared Rural Electrification Schemes for Assam and the Central Provinces.

(c) There is no scheme yet for the rural electrification of the areas around Delhi or Ajmer-Merwara.

**Pandit Mukut Bahari Lal Bhargava:** May I know, is there a proposal for the establishment of a provincial electricity Board in Delhi and Ajmer-Merwara?

**The Honourable Shri N. V. Gadgil:** Yes, obviously under the provisions of the Electricity Act which has been recently passed.

**Shri Deshbandhu Gupta:** Do the Government propose to make any arrangement to supply electric energy to the rural areas?

**The Honourable Shri N. V. Gadgil:** It is for the new Board that will come into existence to decide.

#### DEVELOPMENT PLAN FOR DELHI.

\*775. **Pandit Mukut Bahari Lal Bhargava:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether the Government of India have prepared any plan for the development of New Delhi?

(b) If so, what are its details and what capital investment is likely to be made thereon?

(c) Is there any scheme for building a Diplomats' Colony in New Delhi and if so, at which site and what is the estimated investment on such a scheme?

(d) Has any scheme been prepared by the Government of India to construct underground railway lines round Old and New Delhi and if so, has any scheme been prepared therefor? What is the estimated cost for the same and is it proposed to electrify it.

**The Honourable Shri N. V. Gadgil:** (a) Yes. A tentative plan for development of Greater Delhi has been prepared showing diagrammatically the nature of development around the present built up areas.

(b) No details of the cost have been worked out for the items of work involved as the plan is to serve the purpose of a guide map for all future developments as and when necessary.

(c) Yes. It is proposed to develop an area of 1,600 acres between the Kitchener Road and Willingdon Aerodrome towards the South-West of New Delhi. A portion of this area would be set apart as a Diplomatic Colony. This area will consist of 100 plots of 2 acres each. Its development is estimated to cost Rs. 62,72,000 which also includes the cost of roads connecting the entire area with New Delhi.

(d) A scheme for improving the communications of Delhi by the installation of Electric Circular Railway has been considered by Central Co-ordination Committee for the development of New Delhi and is under Consideration. The scheme is roughly estimated at Rs. 10.3 crores and comprises 36 miles of surface track and 2½ miles of underground track. The Railway is proposed to be run by electricity.

**Shri H. V. Kamath:** Is it a fact that the proposal to build additional residential quarters for members of the future Indian Parliament, has been shelved?

**The Honourable Shri N. V. Gadgil:** The proposal is still under consideration; not shelved.

**Shri Deshbandhu Gupta:** With regard to the answer to part (d), may I know how long will it take the Government to take it in hand?

**The Honourable Shri N. V. Gadgil:** It all depends upon the financial position of the Government of India. It will cost 10·3 crores.

**Shri H. V. Kamath:** Has it been finally settled that Delhi shall be the capital of free India?

**The Honourable Shri N. V. Gadgil:** There is no question of settlement; it continues to be the capital.

**Shri M. Tirumala Rao:** Is the Honourable Minister aware of a statement made by responsible members of Government not excluding himself that there is a possibility of having a second capital somewhere in the centre of India? If so, will he review the position as to whether such a large amount of capital should be invested on Delhi for its expansion?

**The Honourable Shri N. V. Gadgil:** As regards the suggestion that I had something to say about this, I say it is not true. The view of the Government of India is that Delhi should continue to be the capital.

**Mr. Nasiruddin Ahmad:** Will the Government consider the desirability of having a second summer capital for India in view of the extreme heat of Delhi?

**The Honourable Shri N. V. Gadgil:** There cannot be any summer capital, because, that plan has already been rejected by this House long ago.

#### SUFFERINGS AND NEEDS OF EX-I.N.A. MEN IN SIAM, BURMA AND MALAYA

†\*776. **Prof. N. G. Ranga:** Will the Honourable the Prime Minister be pleased to state:

(a) whether Government are aware of the existence of large numbers of the I.N.A. ranks who had been moved from plantations into Siam, Burma and Malaya along the Death Railway Track for the work of the I.N.A.;

(b) whether Government have received any reports from their representatives in Malaya and Burma regarding their sufferings and needs;

(c) whether Sri Sivaraman of the Reuters, Bangkok, has made any oral or written report to Government about the need for relieving their distress;

(d) whether Government have received a memorandum from the Indian community in Bangkok about the sufferings of these ex-I.N.A. men; and

(e) whether Government propose to call for detailed reports about their conditions from India's Diplomatic Representatives in those places and take steps for giving them relief.

**Dr. B. V. Keekar.** (Deputy Minister for External Affairs and Commonwealth Relations): (a) No. According to the information available, no I.N.A. personnel were drafted for work on the Moulmein-Bangkok Railway or moved along this Railway, as suggested by the honourable member, for work connected with the I.N.A.

(b) No.

(c) No.

(d) No.

(e) In view of the above answers, this does not appear necessary. As a matter of fact our representatives are instructed to keep in touch with the condition of the Indians abroad and to give all possible help.

† Answer to this question laid on the table, the questioner being absent.



A certain confusion seems to have arisen in the honourable member's mind between the members of the I.N.A. and the members of the Indian Independence League. The latter was a civilian body. The Japanese Occupation Authorities used forced labour on the construction of a railway between Moumein and Bangkok. A large number of labourers worked under appalling conditions and died of disease and malnutrition. A considerable number of these labourers were Indians, with South Indians predominating. No I.N.A. personnel appears to have been included among these labourers. But many of the labourers may have been members of the Indian Independence League.

The question of affording relief to the dependents of Indian labourers drafted from Malaya, who died in the construction of the railway, had been engaging the attention of the Government of India since 1946. A sum of ₹1,500,000 was set apart for their relief by the Malayan Government. Help from other funds also was given.

The Government of India had set up a scheme of repatriation and many Indians were repatriated to India by 1st March 1948 when the scheme was finally wound up. The Government of India also sanctioned schemes for distribution of cloth and cash for destitute Indians in Malaya. Two Medical Missions, one sponsored by the Government of India and the other by the Indian National Congress visited Malaya and did good work. Organisations like the Ramakrishna Mission have also done good work. Government gave a grant of \$10,000 to Ramakrishna Mission for this purpose in 1947 and have recently given another grant of Rs. 15,000 to the Mission for the construction of a dormitory at Singapore for orphans.

#### DEPOSITS BY NON-MUSLIM LESSEES IN SCHEDULED BANKS AGAINST WASTE LANDS IN WEST PUNJAB

\*777. **Sardar Hukam Singh:** (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether Government are aware that the non-Muslim lessees of waste lands in Western Punjab deposited large amounts of money as security in certain Scheduled Banks?

(b) Are Government aware that these lessees, now refugees in India, cannot withdraw these amounts, even though the lease periods expired before partition, as the Fixed Deposit Receipts stood in the name of the Collectors of the Districts?

(c) Has this question been taken up in any of the Inter-Dominion Conferences, and if so, with what result?

(d) If no agreement has so far been reached; do Government propose to take up this matter at the next conference?

**The Honourable Shri Satyanarayan Sinha (Minister of State):** (a) Government have no information.

(b) and (c). At the Inter-Dominion Conference held on the 14 December, 1948 it was decided that all moneys due to evacuees by Government or quasi-Government bodies should be paid by them direct to the evacuees concerned without the intervention of the Custodian of Evacuee Property. Pending amendment of the Evacuee Property Law, both Dominions have issued instructions to their Custodians for free movement of such moneys.

(d) Does not arise.

#### IMPORT OF BEER FROM NORWAY

\*778. **Shri V. O. Kesava Rao:** (a) Will the Honourable Minister of Commerce be pleased to state whether the Government of India propose to import beer from Norway?

(b) What is the quantity of beer proposed to be imported into India?

(c) What is the value of the beer to be imported?

(d) Is India importing beer on barter system or on cash payment?

**The Honourable Shri K. C. Neogy:** (a) Commercial imports of beer from Norway are permitted under the Open General Licence. No imports are contemplated on Government account.

(b) and (c). As beer is allowed importation under the Open General Licence from Norway, no estimate can be given as to the quantity and value of such imports that will be made from that country.

(d) Beer is not imported on a barter basis.

**Shri H. V. Kamath:** How many breweries are there in India and is their production not adequate to meet the needs of the country?

**The Honourable Shri K. C. Neogy:** I am afraid I am not aware of the number that my honourable friend requires; therefore, I am unable to answer that question.

**Shri H. V. Kamath:** What about the brewery at Solan?

**The Honourable Shri K. C. Neogy:** I do not know. My honourable friend may address that question to his colleagues who may have direct personal experience in these matters.

**Shri H. V. Kamath:** I have no such colleagues, Sir, that is why I have approached the Honourable Minister.

#### IMPORT OF NORWEGIAN APPLE JUICE

\*779. **Shri V. C. Kesava Rao:** Will the Honourable Minister of Commerce be pleased to state whether the Government of India have proposed to import Norwegian Apple Juice and if so, what quantity of it will be imported?

**The Honourable Shri K. C. Neogy:** The Government of India have no specific proposals to import apple juice from Norway. As, however, apple juice is allowed importation from all soft currency countries, they would have no objection to such imports being made on commercial account from that country.

**Shri H. V. Kamath:** Which countries export Apple juice at present?

**The Honourable Shri K. C. Neogy:** I am afraid I am not in a position to say that. The information is summarised under the head, Fruit juice. How much of that represents Apple juice. I am not in a position to state.

**Mr. Deputy Speaker:** The question hour is over.

#### (b) WRITTEN ANSWERS

##### MIGRATION OF ANGLO-INDIANS TO AUSTRALIA

\*780. **Shri Biswanath Das:** Will the Honourable the Prime Minister be pleased to state:

(a) the number of Anglo-Indians who migrated from India to Australia in the years 1947 and 1948 and the number that has been repatriated to India out of the said number; and

(b) the reasons for the migration as also for the repatriation?

**Dr. B. V. Keskar** (Deputy Minister for External Affairs and Commonwealth Relations): (a) and (b). Government have no information on the subject they have asked their High Commissioner in Australia for particulars and as soon as these are received, they will be laid on the table of the House.

##### DIFFERENCE BETWEEN OLD AND NEW TYPES OF BUNGALOWS AND QUARTERS IN NEW DELHI

\*781. **Shri P. Kunhiraman:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether it is a fact that the bungalows

and quarters that are being constructed for officers, non-gazetted officers and clerks in New Delhi are of a quality inferior to the existing bungalows and quarters?

(b) What is the difference between the old and new types in respect of accommodation and convenience?

(c) Is it proposed to charge the same rents for both these types?

**The Honourable Shri N. V. Gadgil:** (a) and (b). No bungalows are being constructed by Government. The additional accommodation required for officers and clerks in New Delhi is being constructed in flats according to the austerity standards which differ from existing buildings in the following respects:

(i) The new buildings are double-storeyed while the old ones are single-storeyed.

(ii) The new ones provide less accommodation than the corresponding category of old ones.

(iii) There are only two types of accommodation, one for officers and one for clerks, in the new buildings while in the old ones there are several types.

(c) Rent will be charged according to the existing rules, namely ten per cent. of pay of officers and clerks or the standard rent based on capital cost of construction, etc. whichever is less. The question of pooling rents of quarters is under consideration of the Government of India.

#### IMPORT OF MEDICINES

\*782. **Shri B. N. Munavalli:** (a) Will the Honourable Minister of Commerce be pleased to state whether medicines were imported from soft currency areas in the year 1948?

(b) If so, what is the total value of such imported medicines in 1948?

(c) Are the imported medicines such as are not available in India?

**The Honourable Shri K. C. Neogy:** (a) and (b). A statement giving the required information is placed on the table of the House.

(c) Imports from hard currency and dollar countries are restricted to such pharmaceuticals and preparations as are not available from soft currency areas or such as cannot be manufactured in this country. Imports from soft currency areas are allowed under Open General Licence.

#### STATEMENT

*Value of Drugs and Medicines imported from Soft and Sterling countries during the year 1948.*

Month	Value Rs.
January, 1948	23,71,188
February, 1948	44,56,039
March, 1948	20,97,740
April, 1948	5,68,752
May, 1948	10,62,870
June, 1948	25,71,916
July, 1948	23,75,000
August, 1948	41,27,000
September, 1948	28,23,000
October, 1948	56,99,000
November, 1948	43,40,345
December, 1948	36,50,406
Grand Total	3,64,43,846

\* *Note*—The imports for the months of November and December 1948 do not include the imports into the Province of Bengal as the relevant figures have not yet been received from the Collector of Customs, Calcutta.

*List of drugs and medicines usually imported*

- (1) Alosa.
- (2) Asafotida.
- (3) Camphor.
- (4) Cocaine.
- (5) Cod Liver Oil.
- (6) Morphia.
- (7) Preparation of Opium and Morphia.
- (8) Proprietary and Patent Medicines.
- (9) Quinina.
- (10) Quinine Hydrochloride.
- (11) Quinine Salts other sorts.
- (12) Sarasparilla and preparations thereof.
- (13) Storaax (including liquid Storaax Rose Malloes).
- (14) Other sorts of Drugs and Medicines.

## ENQUIRY INTO MANPOWER SURPLUSES AND SHORTAGES CONDUCTED BY I.L.O.

\*783. **Shri B. N. Munswali:** (a) Will the Honourable Minister of Labour be pleased to state whether it is a fact that the enquiry into manpower surpluses and shortages that are being conducted in Europe by the International Labour Office are extended to Asian Countries as well?

(b) Has India been asked to furnish statistical information about its surplus manpower available for emigration?

(c) If so, what is the number of such surplus manpower?

(d) What are the facilities and conditions offered by the International Labour Organisation for such emigrants?

**The Honourable Shri Jagjivan Ram:** (a) Yes.

(b) Yes.

(c) The information is being collected.

(d) The information is not available so far.

## NON-IMPLEMENTATION OF CONCILIATION BOARD'S AWARD IN COLLIERIES

\*784. **Shri R. L. Malviya:** (a) Will the Honourable Minister of Labour be pleased to state whether it is a fact that the award of the Board of Conciliation has not been implemented in many of the collieries even now?

(b) If not, what are those colliery areas and what steps do Government propose to take in the matter and what are the steps which have already been taken?

**The Honourable Shri Jagjivan Ram:** (a) and (b). The Board of Conciliation (Colliery Dispute), Bihar and Bengal, on which employees and workers were represented made certain unanimous recommendations. The industry accepted these recommendations and the leading Coal Mining Associations, namely the Indian Mining Association, Indian Mining Federation and the Indian Colliery Owners' Association, have issued detailed instructions to their member collieries for giving effect to them. Government have reason to believe that almost all the collieries have implemented the recommendations as complaints about non-implementation have been very few. The Regional Labour Commissioner, Dhanbad and his staff devote special attention to this matter and all complaints of non-implementation are investigated by them and steps are taken to rectify them.

## CONSTRUCTION OF HOUSES FOR MINERS

\*785. **Shri R. L. Malviya:** (a) Will the Honourable Minister of Labour be pleased to state what progress has so far been made in the construction of houses for miners?

(b) In which coal-fields has the construction of houses been started and how many houses have been completed?

(c) What was the target fixed by Government for the year 1948-49 and has the same been reached?

(d) How many houses do Government propose to construct for miners during the year 1949-50 and in what coalfields?

**The Honourable Shri Jagjivan Ram:** (a) and (b). 48 quarters at Bijoynagar in Bengal coalfields and 50 at Bhuli in Bihar coalfields have been constructed. Besides 750 quarters at Bhuli are nearing completion.

(c) No target was fixed for the year 1948-49.

(d) For the present it is proposed to construct 1,000 quarters at Bhuli in the Jharia coalfield during 1949-50. Land required for a township at Datla in the Central Provinces coalfields is being acquired.

## BONUS SCHEME FOR MINERS

\*786. **Shri R. L. Malviya:** Will the Honourable Minister of Labour be pleased to state what percentage of the miners has received the benefit of the bonus scheme in the quarters the bonus has been paid to them?

**The Honourable Shri Jagjivan Ram:** The percentage of workers in the Central Provinces and Berar and Orissa Coalfields, who received bonus during the year 1948, varied from 40.8 per cent. to 54.47 per cent. on an average.

In respect of the Bihar, Bengal and Assam Coalfields, it has not yet been possible to consolidate the information for the year 1948. But during the bonus period of the 12th May 1947 to 31st December 1947 in the year 1947 about 24 per cent. of the workers on an average received bonus in the coalfields of Bengal and Bihar.

## CONSTRUCTION OF CENTRAL HOSPITALS AT RANIGUNJ AND C.P. COAL FIELDS

\*787. **Shri R. L. Malviya.** (a) Will the Honourable Minister of Labour be pleased to state what progress has been made with regard to the construction of central hospitals at Ranigunj and the Central Provinces Coal fields?

(b) Do Government propose to construct a central hospital in the coal fields of Korea State (Central Provinces)?

**The Honourable Shri Jagjivan Ram:** (a) Government had proposed to construct a Central Hospital at Asansol for the Raniganj coalfields and a regional hospital at Datla for the Central Provinces coalfields. The question of selecting a site for the Asansol hospital is going on. The site for the Central Provinces hospital has been fixed and land is being acquired. The schemes have however, been kept in abeyance as an anti-inflationary measure for the present.

(b) Government have no proposal to construct a central hospital in the coalfields of Korea State at present.

## COLLIERY AREAS NOT UNDER MINES BOARD OF HEALTH

\*788. **Shri R. L. Malviya:** (a) Will the Honourable Minister of Labour be pleased to state whether there is any colliery area in India which is not under the Mines Board of Health?

(b) If so, what steps do government propose to take to bring these areas also under the Mines Board of Health?

**The Honourable Shri Jagjivan Ram:** (a) Information is being collected and will be laid down on the table of the House.

(b) Certain Provincial Governments have constituted Mines Boards of Health under local enactment and it will be for them to take steps, legislative or otherwise, to bring any colliery area under the control of such Boards. After full information is received, Provincial Governments concerned will be requested to bring such colliery areas as are not under some Mines Board of Health to bring them under some existing Board or constitute new Boards as the case may be.

#### COLLISION OF S.S. "JAL JAWAHAR" WITH A DUTCH STEAMER

\*789. **Shri H. V. Kamath:** Will the Honourable Minister of Commerce be pleased to state:

(a) whether it is a fact that the S.S. "Jal Jawabar" collided with a Dutch steamer recently at Port Said;

(b) if so, the date and cause of the accident; and

(c) the extent of damage, if any?

**The Honourable Shri K. C. Neogy:** (a) and (b). Government understand that on the 8th February 1949, a Swedish vessel became temporarily unmanageable during equally weather whilst entering the Suez Canal and collided with the "Jal Jawabar."

(c) It is reported that minor damage was occasioned to soft nose, stem plate and structure port side well above water line.

#### GAZETTED AND NON-GAZETTED STAFF IN MINISTRY OF COMMERCE

\*790. **Prof. Yashwant Rai:** Will the Honourable Minister of Commerce be pleased to state:

(i) the number of Gazetted officers;

(ii) the number of superintendents;

(iii) the number of Assistants; and

(iv) the number of clerks and stenographers in the Ministry of Commerce?

**The Honourable Shri K. C. Neogy:** (i) 37.

(ii) 16 (including one non-gazetted)

(iii) 149.

(iv) 188.

#### INDIAN SCHOOL OF MINES, DHANBAD

\*791. **Dr. P. S. Deshmukh:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state the number of students who received education in the Indian School of Mines, Dhanbad, during the years 1947-48 and 1948-49?

(b) How many students have, since the establishment of the School, completed their studies?

(c) What is the recurring and non-recurring expenditure on this School from its inception up-to-date for each year?

(d) What is the annual income of this school for the same period?

**The Honourable Shri N. V. Gadgil:** (a.) The information is as follows:

(i) During 1947-48            121 students

(ii) During 1948-49        143 students

(b) 372 students

(c) and (d). A statement giving the information is laid on the table.

## STATEMENT

*Expenditure on Indian School of Mines and Applied Geology and Annual Income*

Year	Expenditure		
	Income	Recurring	Non-recurring
	Rs.	Rs.	Rs.
1926-27	8,205	70,652	..
1927-28	19,629	1,27,444	1,19,000
1928-29	25,734	1,49,437	72,940
1929-30	29,507	1,44,364	48,338
1930-31	25,752	1,46,467	36,435
1931-32	18,229	1,36,625	11,040
1932-33	15,662	1,20,604	14,135
1933-34	14,336	1,50,217	..
1934-35	15,189	1,54,380	..
1935-36	15,719	1,57,267	..
1936-37	17,331	1,67,542	7,500
1937-38	20,553	1,79,320	..
1938-39	21,685	1,92,355	18,800
1939-40	24,071	1,87,431	2,500
1940-41	26,544	1,93,884	2,000
1941-42	23,978	2,02,090	..
1942-43	15,915	1,80,059	2,000
1943-44	23,000	1,95,287	6,625
1944-45	46,864	2,42,914	6,792
1945-46	50,954	2,62,044	..
1946-47	54,563	3,01,180	10,500
1947-48	12,479	1,22,260	..
(from 1st April 1947 to 14th August 1947)			
1947-48	22,000	1,94,188	..
(from 15th August 1947 to 31st March, 1948)			
1948-49	64,000	4,20,000	1,00,000
	(estimated)	(anticipated)	(anticipated)

*Expenditure on construction and maintenance of School buildings\**

Year	Maintenance (recurring)	Construction (Non-recurring)
	Rs.	Rs.
1926-39	..	11,54,224
1938-39	6,050	..
1939-40	4,633	..
1945-46	13,223	1,29,826
1946-47	23,160	51,260
1947-48	34,291	1,53,954
1948-49	34,540	1,41,557

As regards information which is wanting in the above statement steps are being taken to collect it and, if available, will be added later.

## EXPORT OF GROUNDNUTS

\*792. Babu Ramnarayan Singh: Will the Honourable Minister of Commerce be pleased to state.

(a) the number of groundnut exporters or shippers;

(b) the rules regulating the enlistment of ground-nut exporters or shippers; and

(c) whether it is the policy of Government to encourage producers' organisations to work as exporters of their own produce of groundnut?

**The Honourable Shri K. C. Neogy:** (a) 71 established shippers and 100 newcomers have been granted licences against 1948 allocations.

(b) Those who exported groundnuts during the period, January 1, 1947 to September 30, 1948 are classified as established shippers and 90 per cent. of the available quota is distributed among them broadly in proportion to their shipments to different destinations in the said period. Applications from those who are not established shippers are considered on merits for the remaining 10 per cent. which is earmarked for newcomers.

(c) Yes.

#### EXPORT AND IMPORT OF COTTON TEXTILES

\*798. **Shri Basanta Kumar Das:** Will the Honourable Minister of Commerce be pleased to state:

(a) the quantity of cotton textiles licensed for import during the year 1948 and the quantities exported to different countries during the same year;

(b) the total quantity exported to the hard-currency areas;

(c) the effect of reduction of export duty from 25 per cent. *ad valorem* to 10 per cent.;

(d) whether any difficulty has been felt to compete in the hard-currency markets by not abolishing the export duty;

(e) by what per cent. the export control prices are higher than the internal control prices; and

(f) what are the reasons of the rise of the internal control prices and what is the extent of the rise?

**The Honourable Shri K. C. Neogy:** (a) The information regarding the quantity licensed for import during 1948 is not available as cotton textiles are cleared through Customs on the basis of value. The total value of the cotton piecegoods and yarn so licensed is Rs. 21,86,15,966. A statement (No. I) showing the quantities of cotton piecegoods and yarn exported to different countries during the year 1948 is laid on the table of the House. The information regarding the value of exports is being collected and will be laid on the table as soon as possible.

(b) 67 Tons.

(c) The reduction of export duty has resulted in some improvement in the utilization of quotas and at the end of 1948 the quotas utilized were 43 per cent. of the total quotas issued for export, as against 20 per cent. before the reduction.

(d) Yea.

(e) Control on prices of cloth for export exists only in respect of Australia, British, East Africa and Sudan. In these cases the controlled export price is nine per cent. higher than the ex-mill price if the exporter is himself a manufacturer and seventeen per cent. in other cases.

(f) The main reason for increase in the prices is the rise in the prices of cotton; other reasons being increase in the wages and prices of mill stores etc. A comparative statement (No. II) showing the retail prices during the previous control period, the decontrol period and the prices now in force is laid on the table of the House.



## STATEMENT I

*Actual exports of cotton piecegoods and yarn during 1948*

(Figures in tons)

Country	Cotton piecegoods	Cotton Twist and Yarn
(1) Aden . . . . .	546	..
(2) British Somaliland . . . . .	50	..
(3) Eritrea . . . . .	76	..
(4) Saudi Arabia . . . . .	207	..
(5) Siem. . . . .	32	..
(6) Persian Gulf Sheikhdom . . . . .	596	..
(7) Australia . . . . .	1936	..
(8) Belgian Congo . . . . .	46*	..
(9) B. E. Africa . . . . .	2925	..
(10) B. W. Africa . . . . .	1132	..
(11) Burma . . . . .	1935	19
(12) Ceylon . . . . .	2788	..
(13) Malaya and Str. Settlements . . . . .	1032	..
(14) Turkey . . . . .	28	..
(15) Syria . . . . .	5	..
(16) Iraq . . . . .	83	..
(17) Mauritius . . . . .	239	..
(18) New Zealand . . . . .	906	..
(19) Rhodesia . . . . .	73	..
(20) Iran . . . . .	209	..
(21) P. E. Africa . . . . .	21*	..
(22) Seychelles . . . . .	14	..
(23) Transjordan . . . . .	21	..
(24) Sudan . . . . .	1015	..
(25) Cyprus . . . . .	2	..
(26) Ethiopia . . . . .	89	..
(27) Dutch East Indies . . . . .	5	..
(28) Br. Pacific Island . . . . .	48	..
(29) French Colonies . . . . .	671	..
(30) Palestine . . . . .	2	..
(31) B. W. Indies . . . . .	4	..
(32) United Kingdom . . . . .	28	..
(33) Afghanistan . . . . .	605	..
(34) Pakistan . . . . .	16444	4272
(35) Nepal . . . . .	826†	161
(36) Tibet . . . . .	450	..
TOTAL . . . . .	34288†	4452

\* Hard Currency Area. † This includes a quantity of 10,200 tons of handloom cloth exported to the various countries during the free concession from 23rd April 1948 to 31st July 1948 ‡ For the period January-October 1948.

## STATEMENT II

Showing retail prices of cloth during previous control, after decontrol and since re-imposition of control.

Description of Cloth	Standard width	Unit	Controlled retail price before 20.1.48		Peak Price during decontrol		Controlled retail price after 1.8.48		Controlled retail price since 1.1.49					
			Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.				
Leopard Grey	43"	Yard	0	8	1	0	13	6	0	11	7	0	10	5
Coarse Drill Bleached	28"	Yard	0	11	2	0	15	6	0	15	7	0	15	3
Medium long Cloth Bleached	33"	Yard	0	11	8	1	3	0	1	0	7	1	9	4
Medium Sheeting Grey	35"	Yard	0	6	7	0	11	0	0	9	5	0	8	9
Fine Dhoria Bleached	48"	Piece of 6 yards	4	13	6	6	15	0	6	7	0	6	13	0
Fine Long Cloth Bleached	35"	Yard	0	14	2	1	9	0	1	13	6	1	1	7
Superfine saree Bleached	47"	Piece of 5 yards	4	9	3	9	0	0	6	11	0	7	7	6*
Superfine Vails Bleached and Mordanted	52"	Yard	0	12	6	2	10	0	1	1	8	1	4	8*

\* Including 25% Excise Duty.

Note.—The present prices of cloth are lower than the Ad Hoc prices fixed on the 1st August, 1948 as follows :—  
 1% in the case of coarse cloth.  
 2½% in the case of Medium cloth.  
 10% in the case of Fine and Superfine cloth.

## BLACK MARKETING IN KEROSENE OIL

**794. Shri Damodar Swarup Seth:** Will the Honourable Minister of Works, Mines and Power be pleased to state:

(a) whether Government are aware that whereas kerosene oil is not available on ration cards for weeks together, it can at all times be procured from 10 annas to 14 annas per bottle; and

(b) whether Government propose to freeze forthwith all stocks of kerosene oil and take up its entire distribution from the existing agents to put a stop to its black marketing and if not, why not?

**The Honourable Shri N. V. Gadgil:** (a) Provincial Governments control the distribution and prices of kerosene under powers delegated to them under the Essential Supplies (Temporary Powers) Act, (1946). It is possible that cases of shortage of kerosene and black marketing occur at various places from time to time, as the distribution of kerosene from main ports is restricted by the availability of transport and of tin plate.

(b) The answer is in the negative. It is not practicable for Government to set up their own distributing agency owing to various difficulties involved.

## UNSTARRED QUESTIONS AND ANSWERS

## WORK OF CHIEF LABOUR COMMISSIONER AND CERTAIN OTHER OFFICERS

**46. Shrimati Dakshayani Velayudhan:** Will the Honourable Minister of Labour be pleased to state the nature of the work of:

- (i) the Chief Labour Commissioner;
- (ii) the Chief Adviser of factories;
- (iii) the Chief Inspector of Mines;
- (iv) the Mica Welfare Commissioner; and
- (v) the Mines Welfare Commissioner respectively?

**The Honourable Shri Jagjivan Ram:** (i) to (v). I lay on the table a statement outlining the nature of the work performed by the officers named in the question.

## STATEMENT

*Nature of the work performed by the Chief Labour Commissioner, Chief Adviser Factories, Chief Inspector of Mines in India, Mica Mines Welfare Commissioner and Coal Mines Welfare Commissioner.*

(i) *Chief Labour Commissioner (Central).*—The Chief Labour Commissioner is the head of the Organisation dealing with industrial relations in industries and undertakings falling within the central sphere, namely, Federal Railways, mines, oil-fields, major ports and other establishments owned or controlled by the Central Government. This organisation is in charge of conciliation, welfare (excluding welfare in coal mines) and operation of labour laws to the extent to which their administration is a central responsibility. The Chief Labour Commissioner exercises certain statutory functions under the various labour laws insofar as they apply to central sphere undertakings and personally undertakes conciliation in major disputes. Besides, he advises Government on labour matters including labour legislation.

(ii) *Chief Adviser Factories.*—The work of the Chief Adviser Factories is mainly advisory. He advises the Central, Provincial and State Governments as well as industrialists and other interested persons on the design and layout of factories, housing of labour, working conditions in factories and all matters connected with the Factory law. He also arranges training courses for junior Factory Inspectors and refresher courses for senior Inspectors of Provincial and State Governments and issues various leaflets, pamphlets, posters, etc., for promoting the safety, health and welfare of workers. The Chief Adviser Factories is also responsible for the administration of the Indian Dock Labourers Act, 1934, and Regulations framed thereunder regarding protection against accidents to workers employed in loading and unloading ships.

(iii) *Chief Inspector of Mines in India.*—The Chief Inspector of Mines is the principal officer responsible for the enforcement of the Indian Mines Act, 1923, and the Regulations and Rules framed thereunder. He, assisted by Inspectors under him, inspects mines and conducts enquiries into accidents. He is a member of several Boards and Committees connected with the mining industry, such as the Coal Mines Stowing Board, Advisory Council of School of Mines, Executive Committee of School of Mines (Chairman), Coal Mines Labour Welfare Fund, etc., and of the Mining Boards under the Bihar and West Bengal Governments. Besides, being head of the Mines Department, he is responsible for work connected with Competency Certificate examinations, award of certificates, etc.

(iv) *Mica Mines Welfare Commissioner.*—The Welfare Commissioner for Mica Mines is the principal officer appointed by the Central Government to administer, supervise and carry out activities in the Bihar mica fields financed from the Mica Mines Labour Welfare Fund which has been created under the Mica Mines Labour Welfare Fund Act, 1946.

(v) *Coal Mines Welfare Commissioner.*—The Coal Mines Labour Welfare Commissioner is the principal officer appointed by the Central Government to supervise and carry out various welfare measures including the building of miners' houses financed from the Coal Mines Labour Welfare Fund created under the Coal Mines Labour Welfare Fund Act, 1947.

#### IMPLEMENTATION OF PROVISIONS OF EMPLOYEES STATE INSURANCE ACT

41. *Shrimati Dakshayani Velayudhan:* (a) Will the Honourable Minister of Labour be pleased to state what are the various Social Security Measures that have been effected by Government after legislation for the same was passed?

(b) Who is the head of the employees State Insurance Corporation?

(c) What are his special qualifications for the post?

*The Honourable Shri Jagbvan Ram:* (a) (a) The administrative provisions of the Employees' State Insurance Act, 1948, namely, chapters I, II, III and VIII were brought into force with effect from the 1st September 1948.

(ii) The Employees' State Insurance Corporation, the Standing Committee and the Medical Benefit Council provided for in sections 4, 8 and 10 respectively of the Act have been set up.

(iii) The Director General has been appointed. Steps to recruit other principal officers and the staff are being taken.

(iv) The rules which had to be framed by the Central Government under section 95 of the Act were published for criticism and are expected to be issued shortly.

(v) Regulations under section 97 of the Act are being drafted by the Corporation.

(vi) The concentration of workers to whom the Act will apply in the first instance, the medical facilities available near those concentrations at present and the extent to which these facilities will have to be expanded or extended under the Act are being surveyed by the Provincial Governments with a view to selecting suitable sites for the dispensaries and hospitals to be set up by the Provincial Governments and for the offices which the Corporation will have to establish.

(vii) As the introduction of the Scheme in the whole of the country may take some time it is intended to start the scheme in the centrally administered areas of Delhi and Ajmer-Merwara at an early date so that it may serve as a Pilot Scheme.

(b) Dr. C. L. Katial has been appointed as Director-General of the Employees' State Insurance Corporation under Section 16 of the Act.

(c) (i) Dr. C. L. Katial got his Honours M.B.B.S. degree from the Punjab University standing first in Medicine in the University in 1923. He is also D.T.M. (Liverpool) and L.M. (Dublin). He was practising in England for the past 20 years. He was a member of the War Medical Committee, a fellow of the Royal Society of Tropical Medicine and the Examining Surgeon of the City of London in respect of provisions of the Factories Act and the Workmen's Compensation Act.

(ii) Dr. Katial was closely associated with the various social security measures in the United Kingdom for a long time having held the following offices:

1. Chairman of the Medical Board, Ministry of Pensions, London.
2. Member of the London Panel Committee for National Health Insurance.
3. Honorary Member of the London Insurance Institute.
4. Chairman of the Public Health and Maternity and Child Welfare, Housing and Assessment Committees of the Finsbury Borough Council. As Chairman of the Housing Committee he was responsible for carrying through an extensive housing scheme costing a million pounds.

(iii) In addition, Dr. Katial took an active part in the public life in England. He was the Mayor of Finsbury in 1938-39 and was a Justice of the Peace, the Land and Tax Commissioner for the County of Middlesex, appointed by the British Parliament, a Member of the London County Council and of the Metropolitan Water Board of London and Chairman of the Food Control Committee of Finsbury.

#### CAPACITY IN KILOWATTS OF HYDRO-ELECTRIC WORKS

48. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state what is the present installed capacity in kilowatts of hydro-electric works in India, and how does this compare with other advanced countries?

(b) What is the *per capita* consumption of electricity in India and how does this *per capita* consumption compare with the consumption in other advanced countries like the U.S.A., U.S.S.R. and Switzerland?

(c) What are the resources of India as compared to water resources of other advanced countries like the U.S.A. and U.S.S.R.?

(d) What is the estimated capacity of the major hydro-electric projects now actually under execution or in advanced stage of planning and what are the major projects of this character in the hands of the Government of India?

(e) What time in aggregate such main projects are likely to take and what are the estimated cost of expenditure thereon? By which time are they likely to be completed?

**The Honourable Shri N. V. Gadgil:** (a) to (c) A statement (No. I) in the required information is laid on the table. The information is only approximate, based on rough estimates readily available in the Secretariat.

(d) and (e). A statement (No. II) showing approximate readily available information is placed on the table. Only the Hirakud Dam Project is being executed under the direct supervision of the Government of India.

#### STATEMENT I

Name of country	Hydro-electric potential (in million KW)	Installed capacity (in million KW)	Per capita consumption (Kwh)
U. S. S. R.	100	22.4	2,150
U. S. A.	45	14.9	1,775
Canada	38	7.7	3,580
France	9	3.7	612
Germany	6	3.2	390
Switzerland	4.5	2.6	1,717
Sweden	7.5	2.6	1,743
Norway	4.5	2.4	3,579
India	30-40	0.5	12
U. K.	1.5	0.5	835

## STATEMENT II

Name of the Project	Approximate cost in lakhs of Rs.	Probable date of completion	Installed capacity (K.W.)
(1) Bhakra Dam Project (East Punjab)	9,400	1956	4,00,000
(2) Hirakud Dam Project (Orissa)	4,781	1956	3,21,000
(3) Damodar Project (Bihar and West Bengal)	5,500	1954	3,50,000
(4) Tungabhadra Project (Madras)	1,700	1953	7,000 firm (14,000 seasonal)
(5) Maekund (Madras)	1,563	1952	51,000
(6) Rihand Project (U.P.)	2,026	1957	2,30,000
(7) Yamuna Project (U.P.)	Stage I: 798	1954	22,560 firm (23,360 seasonal)
(8) Sarda Project (U.P.)	697	1954	41,400
(9) Jog Extension (Mysore)	500	1950	72,000
TOTAL			1,494,960

*Note.*—Apart from the projects listed above, there are under execution a number of smaller projects, new and extensions. Also a number of other major projects are under investigations which have not yet reached an advanced stage.

## MINERAL DEPOSITS IN SINGBHM DISTRICT, BIHAR

49. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state what are the mineral deposits in Singbhm District now in Bihar?

(b) How many of them are now worked and how long will they last?

(c) What are the new mines to be worked out yet?

**The Honourable Shri N. V. Gadgil:** (a) A list of the minerals known to occur in the Singbhm district is laid on the table.

(b) The minerals at present being worked in the district are Slate stone, Limestone, Chromite, China clay, Copper, Gravel and other stones, Ironore, Magnetite, and Stentite. The deposits of these minerals, are likely to last for several years more, at the present rate of consumption.

(c) Roughly speaking, the answer to this part of the question can be obtained by deducting the minerals listed in (b) above from those listed in (a) above. But whether it would be worth while mining them would depend on the demand, the cost of production and other variable factors. For further information the following publications may be consulted:

(i) Memoirs, G.S.I., Vol. LXIX, Pt. I (Mineral Deposits of Eastern Singbhm and surrounding areas).

(ii) Memoirs, G.S.I., Vol. LXXVIII (The Economic Geology and Mineral Resources of Bihar Province).

## STATEMENT

*List of minerals which are known to occur in the Singbhm District*

- (1) Abrasives—
  - (i) Garnet.
  - (ii) Chert.
- (2) Apatite.
- (3) Asbestos.
- (4) Barite.

- (5) Building materials—
- (i) Stone.
  - (ii) Slate.
  - (iii) Ballast.
- (6) Chromite.
- (7) China clay.
- (8) Copper.
- (9) Gold.
- (10) Iron ore, vanadium bearing iron ore.
- (11) Kyanite.
- (12) Lead-Silver.
- (13) Manganese.
- (14) Mica.
- (14A) Limestone.
- (15) Mineral Fertilisers—
- (i) Potash Feldspar.
  - (ii) Apatite (*vide* item No. 2).
- (16) Mineral Pigments.
- (17) Refractory materials—
- (i) Chromite (*vide* item No. 6).
  - (ii) Dolomite.
  - (iii) Kyanite (*vide* item No. 11).
  - (iv) Magnesite.
  - (v) Quartz Schist.
  - (vi) Steatite.
  - (vii) Potstone.
- (18) Vanadium.
- (19) Occurrences of little or no importance—
- (i) Monazite.
  - (ii) Topaz.
  - (iii) Torbernite.
  - (iv) Corundum.
  - (v) Titanium.
  - (vi) Wolfram.

#### MINERAL DEPOSITS OF GANGPUR STATE (ORISSA)

50. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister or Works, Mines and Power be pleased to state what are the mineral deposits of Gangpur State (Orissa)?

(b) How many of them are being worked now?

(c) When will the others be worked and what are they?

**The Honourable Shri N. V. Gadgil:** (a) A list of the mineral occurrences of the State is placed on the table.

(b) Deposits of limestone and dolomite only have been worked during recent years.

(c) Deposits other than limestone and dolomite are not being worked at present. It is not possible to say definitely when they will be worked. It is open to any private party who is able to obtain a mining lease to work any of the deposits at any time.

## STATEMENT

*List of mineral occurrences of Orissa State (Orissa)*

- (1) Limestone and Dolomite.
- (2) Manganese Ore.
- (3) Coal.
- (4) Gold.
- (5) Lead ore.
- (6) Pyrites.
- (7) Diamonds.
- (8) Kyanite.
- (9) Sillimanite.
- (10) Fireclay.
- (11) Kaolin and white clay.
- (12) Black Carbonaceous Phyllite.
- (13) Barytes.
- (14) Red Ochre (Red iron oxide).
- (15) Soapstone.
- (16) Iron stone (Limonite).
- (17) Quartz and Quartz sand.
- (18) Felspar.
- (19) Muscovite.
- (20) Building stones.

## COPPER MINES IN DHALBHUM

51. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state how much copper has so far been extracted out of the mines in Dhalbhum?

(b) Who works the Galudi copper mines?

(c) How much of the copper so obtained has been used in India and how much was exported?

(d) How much copper still remains to be taken out?

**The Honourable Shri N. V. Gadgil:** (a) About 110,000 tons of copper metal.

(b) Presumably the honourable member is referring to the Mosaboni Mines, near Ghatsila. The Indian Copper Corporation has been working this mine since 1924.

(c) Practically the whole amount has been consumed by India.

(d) It is not possible to say. The Indian Copper Corporation is said to have proved reserves of about two million tons of copper ore.

## MINERAL RESOURCES OF MAYURBHANJ STATE (ORISSA)

52. **Shri Lakshminarayan Sahu:** (a) Will the Honourable Minister of Works, Mines and Power be pleased to state what are the mineral resources of Mayurbhanj State (Orissa)?

(b) How far have they been exploited?

(c) What are the conditions for working the Gorumohisine Iron Ores?

**The Honourable Shri N. V. Gadgil:** (a) and (b): A list showing the mineral occurrences of the State, and the deposits which are being worked, is placed on the table.

(c) The iron ore deposits at Gorumohisine are being worked under lease by the Tata Iron and Steel Co. Ltd. Jamshedpur. The terms on which the lease was granted are not known to the Government of India.



STATEMENT

*List showing the mineral occurrences of the Mayurbhanj State*

- (1) Lead Ore
- (2) Iron Ore.
- (3) Vanadium bearing Magnetite.
- (4) Kyanite and Dolomite.
- (5) Asbestos.
- (6) Glass Sand.
- (7) White clay.
- (8) Building materials.
- (9) Gold
- (10) Red Oxide.
- (11) Silica Sand.
- (12) Ochre
- (13) Soapstone.

*List showing the deposits which are being worked in the Mayurbhanj State*

- (1) Iron Ore.
- (2) China clay.
- (3) Red Oxide.
- (4) Kyanite.
- (5) Silica Sand.
- (6) Asbestos.
- (7) Ochre.
- (8) Soapstone.

53. [WITHDRAWN.]

GAZETTED AND NON-GAZETTED STAFF IN MINISTRY OF LABOUR

54. **Prof. Yashwant Rai:** Will the Honourable Minister of Labour be pleased to state:

- (i) the number of Gazetted officers in his Ministry;
- (ii) the number of Superintendents;
- (iii) the number of Assistants; and
- (iv) the number of senior grade and junior grade clerks and stenographers?

**The Honourable Shri Jagjivan Ram:** So far as the main Secretariat of the Ministry of Labour is concerned, the figures are:

- (i) 18.
- (ii) 6.
- (iii) 41.

(iv) There are no senior grade clerks in the main Secretariat. The number of junior grade Clerks and Stenographers is 45 and 12 respectively.

Information in respect of the attached and subordinate offices is being collected ...and will be laid on the table of the House in due course.

GAZETTED AND NON-GAZETTED STAFF IN MINISTRY OF LAW

55. **Prof. Yashwant Rai:** Will the Honourable Minister of law be pleased to state:

- (i) the number of Gazetted officers in his Ministry;
- (ii) the number of Superintendents;
- (iii) the number of Assistants; and
- (iv) the number of senior grade and junior grade clerks and stenographers?

**The Honourable Dr. B. R. Ambedkar:** (i) 19, (ii) 6, (iii) 30, (iv) 50.

SHORT NOTICE QUESTION AND ANSWER.

GRIEVANCES OF G. I. P. GUARDS.

**Shri B. N. Munavalli:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the Guards in the Great Indian Peninsular Railway had represented their grievances to the Railway authorities and to the Government of India?

(b) Are their grievances genuine?

(c) If so, why are their genuine grievances not redressed?

(d) Is it a fact that the guards have started fast since the morning of the 23rd February, 1949.

(e) What steps do Government intend to take to stop the fasting of these guards?

**The Honourable Shri N. Gopalaswami Ayyangar:** (a) Some Guards of the G.I.P. Railway sent a representation direct to the Government of India a month ago.

(b) and (c). The representation is under consideration by the G.I.P. Railway Administration.

(d) Yes.

(e) Some of the Guards terminated their fast on the 25th February, 1949 that is two days after they commenced it and the others followed suit on the 27th February.

**Shri Harihar Nath Shastri:** Are the Government aware that the running allowances of guards have, according to the new calculations made by the Railway Board been considerably curtailed on all the railways?

**The Honourable Shri N. Gopalaswami Ayyangar:** I do not think they have been curtailed but hardships in certain individual cases have been reported, and it is a fact that the scales sanctioned for guards have not been as liberal as in the case of other running staff.

**Mr. Frank Anthony:** What were the main grievances set out in this representation?

**The Honourable Shri N. Gopalaswami Ayyangar:** There was a printed memorandum which was received by the Government. The grievances mentioned are the following:

(i) Free supply of uniforms.

(ii) Continuance of good conduct allowance.

(iii) Payment of due wages with arrears due to suburban guards.

(iv) Adjustment of seniority of guards on various anomalies based on the C.P.C. report.

(v) Enforcement of undue mass transfers of V. T. suburban guards.

(vi) Non-payment of due annual increments to staff over due; and

(vii) Fixation of pay of staff on the prescribed scale.

**Shri B. K. Sidhva:** Is not it a fact that some of the individuals who were drawing a particular salary previously, are now drawing less under the new scale?

**The Honourable Shri N. Gopalaswami Ayyangar:** I cannot give an answer straightaway. But if there are any such cases, they will be looked into, because the general principle that we are following is that no guard should get, under the new arrangements, anything less than what he was getting previously.

**Shri B. N. Munavalki:** May I know when the good conduct allowance was stopped and why?

**The Honourable Shri N. Gopalaswami Ayyangar:** They are all included in the new allowances.

**Shri Haribar Nath Shastri:** In view of the reply that has just been given by the Honourable Minister that according to the new grades the position of the guards is not so liberal as in other cases, do the Government propose to re-examine the question?

**The Honourable Shri N. Gopalaswami Ayyangar:** We will look into the matter.

**Shri Kishorimohan Tripathi:** Have Government examined the grievances in the memorial? Which of them have they found genuine and what steps are Government taking to redress these grievances?

**The Honourable Shri N. Gopalaswami Ayyangar:** They are all under the consideration of the G.I.P. Railway administration. When anything requires the orders of the Government of India, they will be referred to us and we will consider them.

Tuesday  
1st March, 1949

# THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART B—PROCEEDINGS OTHER THAN QUESTIONS AND  
ANSWERS)

## Official Report

Volume II, 1949

(24th February, 1949 to 18th March, 1949)

Fourth Session  
OF THE  
CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE)

1949



सत्यमेव जयते

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)  
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 1st March, 1949.

The Assembly met in the Assembly Chamber of the Council House at a Quarter to Eleven of the Clock, Mr. Deputy Speaker (Shri M. Anantbasayanam Ayyangar), in the Chair.

QUESTIONS AND ANSWERS

(See Part I).

11-50 A.M.

REPEALING AND AMENDING BILL.

The Honourable Dr. B. R. Ambedkar (Minister of Law): Sir, I beg for leave to introduce a Bill to repeal certain enactments and to amend certain other enactments.

Mr. Deputy Speaker: The question is:

“That leave be granted to introduce a Bill to repeal certain enactments and to amend certain other enactments”

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I introduce the Bill.

CANCELLATION OF MEETING FOR 2ND MARCH, 1949

Shri H. V. Kamath (C. P. and Berar: General): Before we proceed to other business, may I bring to your notice the fact that to-morrow's meeting of the Assembly has been cancelled, but we are meeting on Saturday. In view of this may I request you that the questions tabled for to-morrow may be taken up on Saturday.

Mr. B. Paker (Madras: Muslim): May I know why the meeting for yesterday was cancelled?

Mr. Deputy Speaker: I shall refer the honourable member to paragraph 19(a) regarding the allotment of question time during the Budget Session:

“When the question-hour is eliminated owing to the cancellation of a meeting of the Assembly or its adjournment without transacting any business, all the questions, both starred and unstarred, originally entered in the lists of questions for that day will be treated as unstarred questions for the next meeting, and will be printed along with their answers in the Official Report of the latter day. No fresh lists of such transferred questions will be printed but at the next meeting the original lists, marked as unstarred, will be placed in the House in the sets of agenda papers for that meeting.”

Shri H. V. Kamath: May I point out another rule: that the first hour of every day shall be devoted to the answering of questions?

Mr. Deputy Speaker: It is true. That is being complied with so far as Saturday is concerned, because we have no questions tabled for that day.

## CHARTERED ACCOUNTANTS BILL.

### PRESENTATION OF REPORT OF SELECT COMMITTEE

**The Honourable Shri K. C. Neogy** (Minister of Commerce): Sir, I beg to present the report of the Select Committee on the Bill to make provision for the regulation of the profession of accountants.

## TEA COMMITTEE FOR INDIA BILL.

### PRESENTATION OF REPORT OF SELECT COMMITTEE

**The Honourable Shri K. C. Neogy** (Minister of Commerce): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the development of the tea industry under Central control, and for that purpose to establish a Tea Committee for India and levy a customs duty on tea produced in, and exported from, India.

## INDIAN JUDICIAL PROCEDURE BILL.

### EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

**Pandit Thakur Das Bhargava** (East Punjab: General): I move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be extended up to the 25th March, 1949."

In the original motion before the House the date is 11th March. With your permission I want to amend this to 25th March.

**Mr. Deputy Speaker:** The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to clarify and modify the law in practice hitherto followed in Criminal applications for special leave to appeal to His Majesty in Council for Criminal cases decided by the Indian Courts, be extended up to the 25th March, 1949."

The motion was adopted.

## TIME FOR STUDY OF BUDGET PAPERS.

**Begum Aizaz Rasul** (U. P.: Muslim): Sir, I want to bring to your notice the fact, that the two days that have been allowed to the Members of this House to study the Budget is a very short period and I should like to request you to allot more time for its study before the general discussion of the Budget takes place. In the provinces four days are given to the Members to study the Budget papers before the General Discussion takes place.

**Mr. Deputy Speaker:** Two days have already been allowed—one is a holiday and the other is a working day; all the same honourable members will have two days technically. But I am sure such honourable members as have not been able to study the papers sufficiently will take part in the discussions in the end.

**Shri Biswanath Das** (Orissa: General): In this connection, may I make a submission, Sir? Even in provinces Members are given more time to study the budget than is given here. This is a very complex budget. We just have one working day and one holiday. Some of us will have to attend committee meetings even on the holiday. Under these circumstances, I would request you to consider the position and extend time.

**Mr. Deputy Speaker:** I am afraid I am unable to do anything in this matter. This matter has already been decided by Mr. Speaker. However, I find that three days have been allotted for General Discussion—we are all accustomed to the General Discussion. So far as voting of Demands for Grants is concerned, more pointed attention may have to be paid to it and I find that nine days have been allotted for it. Therefore, I do not think that the present time table need be altered.

## HINDU CODE—contd.

**Shrimati G. Durgabai** (Madras: General): It is with great pleasure that I rise to support the motion made by the Honourable Minister of Law. I also feel that I should express my deep debt of gratitude to Sir, B. N. Rau and his colleagues on the Committee who have bestowed great labour on the report which forms the basis of this Bill.

The Bill to codify the Hindu law when it goes on the Statute Book, will be a great landmark in the social history of this country. Before I go in greater detail into the main provisions of this Bill I would like to stress one point. Honourable Members are aware of the fact that the provisions of this Bill are of a permissive or enabling nature. They impose no sort of obligation or compulsion on the orthodox section of the Hindus. Their only effect is to give the growing and clamant body of Hindus, men and women, the freedom to live a life which they wish to live without in any way affecting or infringing their liberty to adhere to the old ways.

I wish to confine my remarks only to one or two main objections that have been raised against the Bill. The first objection is against the attempt at codification itself. It is urged that many of the principles of the Hindu Law are now well-settled, and as it would unsettle the settled law, a code is not called for at all. The other objection is that far from preserving the principles of Hindu Law which have been handed down from generation to generation, an attempt at codification would tend to introduce principles which are quite alien to Hindu society. It has been said that the Legislature has no right to alter the law of *smritis*, *shrutis* and *sages* of great repute. An other charge against the Hindu Code Bill is that it seeks to introduce changes of a revolutionary character and, therefore, it will destroy the law laid down by *smritis* and *Dharma*. My answer to all these objections is that it is just because many of the principles of the Hindu Law are now well-settled, that an attempt to set down all these principles into a systematised and easily understood code should be made.

Hindu Law as it exists today is rigid without being certain. Many judicial decision and precedents have outlived their usefulness. As an English writer puts it, the case law on the subject has become a luxuriant jungle where it is not possible to see the wood for the trees. There are frequently conflicting decisions of various High Courts given from time to time. Even the decisions of the Privy Council on some of the intricate questions of law are widely felt to be out of accord both with ancient authority and also modern spirit. A uniform and unified law will prove a boon to Hindu society, because it would save considerable time of law students and also practitioners who have otherwise to take a considerable number of years to get to acquire a full grasp of the law. Even the ordinary citizen will also be able to read the code and say to himself, "Within this cover is the whole basis of my rights, privileges and obligations." A code will also minimize the time and labour of Judges and it would also induce the speedy administration of justice. To be without a code is, in my opinion, to be without justice.

The objection that it has introduced changes of a revolutionary character is mainly voiced by vested interests. The subordination of some of the present interests to secure the future interests of the country is always a thing to be welcomed. As a matter of fact, this Code does not really go far enough in that direction and that is my opinion.

The bulk of the agricultural property is excluded from the operation of this Code. Therefore, it is urged that your object to have a uniform law is frustrated. Why attempt a Code at all if this object is defeated? My answer to that objection is this. What is aimed by this Code is to have a

[Shrimati G. Durgabai]

uniform law for all Hindus, but not a uniform law necessary for all kinds of property. In the interest of agriculture itself, if not for anything else, separate laws and special laws will be enacted by appropriate legislatures which may include a special law of succession which is quite different from the law of succession applying to other forms of property.

Now I come to what I consider as the main objection, that is, the giving of a share to the daughter. This was opposed on many grounds that it would lead to disintegration and fragmentation of property, besides introducing a foreign element in the shape of the son-in-law. And also it is objected to on the ground that the simultaneous heirship of a daughter with a son would simply shatter the Hindu society. Also it is said that if the daughter takes away a share the love of her brothers is lost. It is also said that sons in many families would simply be ruined under the double burden of marriage expenses and also a share to the daughter. May I ask what sort of affection it is of the brothers if only it would involve putting a little more strain on their own self-interest? May I also ask if no share is given to the daughter the sons' love will be greater?

With regard to fragmentation I fail to understand how this question can be raised, as it has already been said that agricultural property is excluded from the purview of this Bill. This point was raised by one of the honourable members of this House and we are all aware that the bulk of agricultural property is excluded from the operation of this code. It would only apply to urban and movable property. What they mean, I feel, by fragmentation is diminution of the share which they will get if the daughter is also given a share. The daughter being of the same flesh and blood should there be so much uproar, I ask, if a share is sought to be given to her?

With regard to the introduction of a stranger into the family my answer is that the property which the daughter takes from her father, if necessary, by legislation may be made to form as part of her separate property. The evil or the good resulting from the legal provision depends also on the particular individual i.e., son-in-law concerned. I do not want to say much about this.

It should be noted that the daughter, as do the sons, demands a share if need be only after the death of the father and there is absolutely no question of her demanding a partition when the father is alive. Therefore I do not see why some honourable members should object to this. As the Law Minister has already dealt with the matter the *smritis* themselves have recognised the share of the daughter to her father's property, and therefore there is nothing revolutionary about this and the attempt to exclude the daughter on the ground that she does not contribute to the spiritual benefits of the father or her ancestors is in my opinion unjust and unfair.

In this connection the argument is put forward, why not the daughter take a share in her husband's property and not come to ask for a share in her father's property? This appears to be a compromising formula. I may say straightaway that this compromise formula is not or will not be acceptable to women. We say that we should be recognised on a basis of equality. This code proposes to abolish the distinction that exists on the basis of sex and that should be removed. The daughter should be recognised as an heir and should enjoy her property in her full right as a daughter and as an heir to the father. As regards the question of disintegration I have already dealt with the matter. The evil could be met by different ways. Fragmentation can be stopped and consolidation could be secured by special laws. If the

property goes down to a certain extent that could be sold and the shares could be adjusted. There are different ways how this problem could be tackled and the argument on that score could not be advanced that the daughter should not get a share. Hence the Select Committee has recommended, based on this principle of equality that she should be given an equal share with the son. I appeal to the honourable members of the House to support the recommendation made practically unanimously by the Select Committee in this regard.....

**Shri H. V. Kamath** (C.P. and Berar: General): Dr. Amnedkar was not in sympathy with that.

**Shrimati G. Durgabai**: Therefore when it is said that the daughter takes a share both from the father and from the husband and the husband takes nothing, how about this? The Select Committee has recommended that the man also can inherit the wife's property in the same way as the wife inherits the husband's property and also the son will be given a share equal to that of the daughter's in the mother's property just as the daughter claims a share in her father's property. Therefore there should be no difficulty even in this regard. For those who oppose this Bill on these grounds there is one answer given. I do not want to quote because the time is limited and other members are anxious to speak (*Honourable Members*: 'Go on. Take your time'). Mr. V. V. Srinivasa Iyengar pointed out in this connection that those who oppose this legislation on religious grounds labour under a misunderstanding that Hindu law has remained static from the time of Manu. That is not the position.

This takes me on to another subject and that is about the status of women with reference to the holding of an estate absolutely and not in life. The Bill seeks to remove this disqualification attached to woman's estate and it gives her the right to hold property absolutely and not for life only. The main argument in favour of limiting the estate in the case of women is that they are incapable of managing it and also that they are likely to be duped or exploited. Also it is said that they are illiterate and they do not understand the principles of management and hence there will be a strong inducement to designing male relatives to take away her right. My answer to all this is this. The House is aware that the daughter has an absolute estate in Bombay today. Therefore on that ground I do not think they are exposed to any risk. The other argument is that we have scores of instances where women have proved better managers than men. Also there is one more argument. No doubt I agree that women are illiterate but may I ask you how many men are literate? Three out of four men continue to be illiterate today. (*An honourable Member*: 'Nine out of ten'.) Therefore the relative advantage enjoyed by men is confined only to one in four of the male population (*An honourable Member*: 'They are the sons of their mothers.') and it should also be remembered that the percentage of literacy among women is rising very much faster today than it is among men. (*Shri H. V. Kamath*: 'Question'.) With regard to the quantum of her share I have already stated the position of the Select Committee. We have recommended an equal share to the daughter. I appeal to you that you should be generous enough to endorse the recommendation made by the Select Committee without any hesitation on your part. I will now come to another subject, namely monogamy. However much I wish to speak on this subject, I do not do it because of the limited time at my disposal. Not only that, but this has been dealt with amply by the honourable the Law Minister and also by several other speakers. Many arguments have been put forward on economic and social and other grounds; even religion and spiritualism have been sought in

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aid to support their arguments. But feelings were expressed in a very light-hearted manner: if only a man is healthy and wealthy, why not he marry and marry again! Also, that if the rule of monogamy is enforced many Hindus will become Muslims in order to secure the benefits of polygamy! I need not answer this question because I have found one lady witness very ably and effectively answering this point. She said that if the rule of monogamy is not enforced, it may be that women will become Christians in order to secure the benefits of monogamy. But neither of them I think is serious.

**Shri B. Das** (Orissa: General): Do you think a Christian woman is happier than a Hindu woman?

**Shrinati G. Durgabai**: As the honourable the Law Minister has already stated, the force of world opinion and the practices prevailing in the whole world are there and they are in favour of monogamy. Therefore I need not deal with this matter any more.

Neither have I time nor is it desirable for me to take the other aspects of the Bill because there are other Members who will deal with the questions like marriage and divorce, but I only wish to say something on co-parcenary. The distinction between *mitakshara* and *Dayabhaga* came as a result of the different interpretations put by the commentators and other interpreters. Fundamentally, the basis of joint family is there common to both. The right by birth and the principle of survivorship is a distinctive feature of *Mitakshara*. The *Dayabhaga* system has in actual experience proved very satisfactory and the Bill therefore seeks to replace the *Mitakshara* system of inheritance by *Dayabhaga*. It is said the greater prosperity of the people in Bengal and their increasing commercial enterprise is due to a large extent to the *Dayabhaga* system. I am told that the commercial enterprise of Nattukottai Chettiyars in Madras is largely due to their ideas of legal relations of the members of their families which approximate more to those of partnership than is the case in Brahmin joint families.

Much has been said on this subject, therefore I do not want to labour this point. I feel that the opposition is more due to their love for this ancient institution, but those who oppose it I think oppose it because they forget the fact that Hindu Law and *Dharma* on these matters remain static and no changes have been made. Various judicial decisions have made changes from time to time into this system and the institution has been simply shorn of its characteristics. This point has been very ably answered by a very great lawyer like S. Srinivasa Ayyangar, who said that under the Hindu Law, as authoritatively interpreted by the Privy Council, the unity is broken by any member at any time by a unilateral declaration of his intention to separate from the family. This is quite sufficient to answer that charge against the breaking up of the co-parcenary or the replacement of the *Mitakshara* by *Dayabhaga*.

I do not want to take more time of the House. Many things have happened since the achievement of freedom and India has been participating in international conferences and pleading for human rights and also for equal treatment of Indians in foreign countries. It will be a great misfortune if at this juncture we fail to enact a Hindu Code within our own borders, in which there will be no discrimination and where there will be equality for men and women to move, to develop and to contribute to the re-building of our India. Our Constitution is in the making, we have already passed the Chapter on Fundamental Rights, and recognised the principle of equality of everyone before law. We have also passed the provision enabling ourselves to have a

uniform Civil Code. Therefore, I make this appeal to you. Let us not be wanting or halting in having a Code of Hindu Law for ourselves which will prove a great boon to our own society in the way in which I have already stated.

**Pandit Lakshmi Kanta Matra** (West Bengal: General): Sir, I am thankful to you for giving me this opportunity to put in a few words what I feel regarding the motion before the House, namely the consideration of the Hindu Code. I know I am in a position of great disadvantage inasmuch as I could not be present when the Motion was debated during the first two days, as I had to be away from this place. I had, in the few moments I could snatch in the midst of my preoccupations, noticed Press reports that my honourable friend the Law Minister, Dr. Ambedkar had made a magnificent speech in support of his motion. Also, that an equally powerful speech—I am not making any comparison, I rely on reports, though there is a divergence of opinion even among the reporters that an equally powerful speech was made on the other side by Pandit Thakur Das Bhargava.

I listened with considerable attention to the four speeches that have been made in favour of the motion and the one against it. As the debate was going on yesterday, I could see the mood of the House—sometimes hilarious, but when a Member sought to differ from the main provisions of the Bill all manner of gibes and ironical cheers greeted him all through. (*Honourable Members*: 'No, no.') I am glad it is not so. Well, I think it will give me some encouragement because most members know—I think every single member knows—which way I will speak. I do not know how I came to attain this sort of notoriety—I could not say, fame—that I do not support the provisions of this Bill. I will make no secret of it (*An Honourable Member*: Why should you?) because I will speak out my convictions. I know what a delicate task it is for me to be addressing this House, constituted as it is and in the mood in which I find it. I know that I may have to rue the temerity which I have shown by taking courage in both hands to say what I feel. It is rather helpful that immediately before I address this House, I have had the opportunity of listening to my honourable sister, Shrimati Durgabai, who has made a closely reasoned speech in support of this Bill.

I must apologise to my sister for not being able to agree with her in the theories which she has so confidently assumed as being almost accepted by all. She finished her speech with a peroration, appealing to the House to give effect to the principle in the Draft Constitution providing for equality for all in the eye of the law. Yes, we have done that. She also reminded us that we have already passed, as one of the Directive Principles of the Constitution, that there should be a uniform Civil Code for the whole of this country. I am glad she gave me the starting point of my speech today. When this subject was debated a couple of months ago in another place and when it was thrashed out elsewhere informally, I registered a vehement protest against this provision, as I felt that it was nothing but an outcome of shibboleths and slogans—o uniform Civil Code for a country inhabited by 82 to 84 crores of people professing all manner of faiths: Hinduism, Sikhism, Jainism, Buddhism, Christianity; and last but not the least, Islam! I tabled amendments that the personal law should be secure and that this was an encroachment by the State on the personal law of a person which the State had no right to make.

**Maulana Hasrat Mohani** (U. P.: Muslim): Hear, hear.

**Shrimati Renuka Ray** (West Bengal: General): That is the reason why you should support this Hindu Code.

**Pandit Lakshmi Kanta Maltra:** The honourable sister in front of me says that it is the reason why I should support the Hindu Code. May I say that that is the very reason why I am going to oppose the Hindu Code—one of the main reasons. You must be logical. I can understand the feelings of my sisters. Do not think that I am a hater of women, that I am a misogynist, or that I have no feeling for women. (*An Honourable Member:* 'He is a married man'.) Yes I am a married man. I have a humble wife—married according to Hindu shastric rites,—a simple, unsophisticated lady, bred up and nurtured in the ideals of our Hindu homes. (*The Honourable Dr. B. R. Ambedkar:* 'What a pity') It is a pity! May be, but I have not much of love or liking for the lavender, lipstick and vanity bag—variety of that sex. I am happy, and I am sure out of every hundred Hindu homes, 98 have got these types of wives and are quite happy. (*An Honourable Member:* 'Why 98? 99.9 per cent, are so') I am glad, a friend says it is 99.9 per cent. recurring. That enforces my argument. So I can tell my honourable friend Dr. Ambedkar that I have not felt the necessity for the drastic changes that he has sought to introduce in this Bill. (*The Honourable Dr. B. R. Ambedkar:* 'Neither did I feel any'.) My honourable friend says he also did not feel the necessity. If he did not really feel any necessity for these sweeping changes, then do I take it that, it was due to his megalomania that we have got this Hindu Code Bill? I have very great admiration for my honourable friend Dr. Ambedkar, with whom I had the privilege to work for a number of years before this Assembly. I respect him. I know the performance he has been daily putting in in connection with the Constitution Act, (*Honourable Members:* 'Hear, hear') I appreciate him. I admire him. But I will never appreciate what he has been doing in connection with this Social Legislation which is sure to disrupt the Hindu society by the revolutionary changes which very few of us can now realise. (*Honourable Members:* 'No revolution. No, no') Yes, I am glad it is "No, no." If this Bill is passed into law.....

**Babu Ramnarayan Singh (Bihar: General):** No.

**Pandit Lakshmi Kanta Maltra:** What no?

**Babu Ramnarayan Singh:** It would not be passed into law.

**Pandit Lakshmi Kanta Maltra:** I see. If this Bill is passed into law as it is I will then see who is a better prophet—myself or those who say "No, no."

**Shri L. Krishna-swami Bharathi (Madras: General):** You wait and see.

**Pandit Lakshmi Kanta Maltra:** Well, wait and see. Posterity will judge, and I do not think you will have to wait till posterity. You will have to wait only till the next General Election to see what the country has to say about you and your work.

**Maulana Hasrat Mohani:** Hear, hear. Well done.

**Pandit Lakshmi Kanta Maltra:** Sir, the first point raised by my sister Shrimati Durgabai was that having passed that Directive Principle, you should not now object to the Hindu Code. When that Directive Principle was accepted by the House, I thought that the snake had been killed—the Hindu Code Bill,—but I now see that the snake was only scotched; it has raised its head again and will in time spread out its fangs of venom. If you are true to your Directive Principles, if you mean to act on them, then why bring the Hindu Code Bill. Bring a Universal Civil Code applicable to



Hindus, to Christians, (*Shri L. Krishnaswami Bharathi*: 'Will you support it?') to Parsis, to Sikhs, to Jains, to Buddhists, to Muslims. You dare not touch the Muslims but you know that Hindu society today is in such a bad way that you can venture to do anything with it. Only a few ultra-modern persons, who are vocal, but have no real support in the country, are interested in this Bill. (*Interruption*).

**Mr. Deputy Speaker:** Let him proceed.

**Pandit Lakshmi Kanta Maitra:** Millions of dumb people, ignorant but not the less intelligent or sensible simply because they do not have the collegiate education, or are not members of the legislatures, think that such a radical change in their personal law is not called for. They are not to be ignored.

**Shrimati Renuka Ray:** Then do not draw up the Constitution.

**Pandit Lakshmi Kanta Maitra:** I therefore feel that there is no sincerity in the acceptance of the principle of one uniform Civil Code for the whole country; or else, how could you, within two months of it, come out with this Hindu Code Bill which seeks to govern only the Hindus, Sikhs, Jains and Buddhists?.

**Shrimati Renuka Ray:** Hindu Code came much before.

**Pandit Lakshmi Kanta Maitra:** You have omitted Christians, Muslims, Parsis.

**Maulana Hasrat Mohani:** Muslims will never accept any interference in their personal law.

**Pandit Lakshmi Kanta Maitra:** You need not have reminded me. I know that. I perfectly appreciate the proposition of my honourable friend Maulana Hasrat Mohani. But all the same, I think this is a fundamental departure from the accepted principle in the Constitution.

When my honourable friend Shrimati Durgabai said that codification is justified. She tried to prove that an irresistible case had been made out for codification. With all respect to my sister Shrimati Durgabai I submit I stand unconvinced. I can understand the necessity for codification when the law is in a state of flux or that there is much diversity of opinion, or a good deal of vagueness or uncertainty about it. Codification should in such a case be undertaken by the best legal brains in the country sitting together to give shape to the various principles of law which are more or less in a confusing or uncertain state. Is that the case with regard to Hindu law in this country?

**Shri Krishna Chandra Sharma (U. P.: General):** It is.

**Pandit Lakshmi Kanta Maitra:** I accept your statement, but I feel deep regret for the colossal ignorance you have exhibited. Hindu law, if my honourable friend is a lawyer and holds that view, he has not practised. He will please excuse this friendly retort. I can stand interruptions. If you interrupt me you will be only adding ginger to my speech. After the advent of the British to this country, the Hindu law got gradually crystallised. They did not dare to touch the personal law of the people of the country.

**Babu Ramnarayan Singh:** They brought in limited estate for women.

**Pandit Lakshmi Kanta Maltra:** I am coming to that straightaway. If I forget to reply to that point, kindly remind me. Hindu Law is such a vast subject that I can talk for hours on it, if the Chair permits me to do so. I assure you, Sir, I am not going to do that.

I protest in the first place against the manner in which this Bill has been sought to be smuggled into this House and through this House. It is an extraordinary procedure, Mr. Deputy-Speaker.

**Shrimati Renuka Ray:** I object, Mr. Deputy-Speaker, to this insult to the House.

**Pandit Lakshmi Kanta Maltra:** It is not a point of order.

**Shrimati Renuka Ray:** This is a point of order, Sir. I object to the remarks made against the House.

**Pandit Lakshmi Kanta Maltra:** 'Smuggling' I have never understood to be an unparliamentary word. If the honourable member thinks that there is any stigma attaching to it, I would use another word in substitution thereof. I would say that the haste with which this Bill is sought to be passed in the House is extraordinary. Is that also an unparliamentary word? If so, give a parliamentary expression for that. You cannot find a substitute for it. (An Honourable Member: 'Commendable speed'). It is a most extraordinary procedure that has been adopted in this House. I have some little experience of parliamentary activity in this House. I have never known an occasion when a Bill of this importance and magnitude has been sought to be passed in the way it is done now.

**Shri Brajeshwar Prasad (Bihar: General):** It will never be passed. (Interruption)

**Pandit Lakshmi Kanta Maltra:** I like interruptions but I could not catch what he said. If the honourable members think that by constantly interrupting me in this way the effectiveness of my speech will be marred they are mistaken.

The Bill was introduced on the last day of the last Budget session.

**Babu Ramnarayan Singh:** Last hour.

**Pandit Lakshmi Kanta Maltra:** You know very well how a Bill of this importance and magnitude, a Bill which seeks to regulate the life and conduct of Hindu society was introduced on the last day of the last session; how at the end of the day's work we sat beyond 5 o'clock for two hours and the honourable the Minister for Law was allowed to make a speech committing it to a Select Committee only three or four speakers, under a rigid time limit were allowed to speak and at 7 o'clock after a short session the motion was carried. Thereafter what happened? It went to the Select Committee. The Select Committee reported on it and on the motion for consideration of that report points of order were raised in this House. I am not going to enter into the merits of those vital points of order. They were disposed of. So great was the impatience that in the last session the honourable the Law Minister wanted to simply say that the Bill be taken into consideration and there was no speech. It was somehow got into the agenda. Very well it was done. Points of order were ruled out and it was found that it was within the competence of the House to go on with the measure as reported by the Select Committee. Now look at the way in which it is being dealt with now. In the short interval between the Railway Budget and the General Budget this is sought to be pushed through. There is no seriousness about it. Nobody feels its importance. The country at large is bewildered by the way in which we are dealing with a piece of legislation of this far reaching importance. If you attach real importance to it, if you really mean business, if you want that something should be done by way of revising the Hindu law as it is

today, this is certainly not the way to do it. Keep the Bill for a special session. For small Banking Bills and the like you are devoting days and days. That being the case, do you mean to say that a Bill which seeks to regulate the life and conduct of the Hindu community should be dealt with in the haphazard way in which it is sought to be done? I enter my emphatic protest against the way in which this important legislation is being considered. You know how at 3 o'clock yesterday there was the Supplementary Demand for Railways and later in the day the General Budget came in. I wish to submit, Mr. Deputy Speaker that I have not been accustomed to this kind of procedure with regard to Bills of this nature. I ask the old Members of the Legislature to recall a single precedent for this.

**Babu Ramnarayan Singh:** There is none.

**Pandit Lakshmi Kanta Maitra:** Sir, the question is, is there any real necessity for codification. I see absolutely none, because, as my learned friend Shrimati Durgabai said, the Hindu law is well settled and it has held the field for about hundred years. The ancient Hindu law, when the Britishers came here, was interpreted with the help of Indian Pandits. They used to call them Judge Pandits who ransacked all the *Smritis* and *Dharma Shastras* and interpreted the law. This process continued till they succeeded in evolving from the vast mass of *Smritis* and *Nibandhanas* and usages a system of judicial principles constituting the Hindu Law which now hold the field.

Sir, it is well known that the Hindu Law has the oldest pedigree of all the known systems of jurisprudence in the world

**Dr. Mono Mohan Das (West Bengal: General):** It is unjust.

**Pandit Lakshmi Kanta Maitra:** Yes, the Hindu law is unjust! Hindu society is unjust! Hindus are unjust! It is not possible for anybody to reply to an interruption that the Hindu law is unjust. It took only three words to compose that interruption. I do not know if I have the capacity to reply to a sweeping charge like that made in three words 'It is unjust'. Whether a system is good or bad, it is for the society to judge; it is not for disappointed or disgruntled persons to judge. But I may say that the one surest proof of its soundness is that it has been able to stand the test of centuries. No system which is intrinsically bad, unsound or unjust can endure for a long time. Hindu law and the Hindu social system governed by it have been able to withstand the shocks and revolutions which have swept over the country during the ages past. Historic cataclysms have swept off the feet ancient civilisations of countries like Greece, Rome, Assyria, Babylonia—which have all crumbled down—whereas Hindu culture or community, which cannot date its origin, still continues to function with all the vigour and vitality, and I am sure, Providence will allow it to function, till we set about to undermine its very foundations, by legislating in these reckless and light-hearted ways. If there was anything essentially weak in the foundations of Hinduism it would not have been able to survive the upheavals that overwhelmed it throughout its long and chequered history. This country has been subjected to foreign rule for over a thousand years. History will tell you how she has shown her wonderful adaptability, reflection will reveal to you that the Hindu law has had in it the germs of flexibility and adaptability which have enabled it to adjust itself at all times to the changing needs and to meet the challenges of the times.

**Shrimati G. Durgabai:** Hear, hear.

**Shrimati Renuka Ray:** There is a change now. (*Interruptions*).

**Pandit Lakshmi Kanta Maitra:** I am glad that I get a spate of interruptions, which gives me breathing time. Please do that singly. Mr. Deputy Speaker, I am not so big a fool as to hope that many will be convinced by what I say, but I do hope that someone of us at least, may give some little thought to what I say. I earnestly plead that Hinduism, the Hindu Law; the Hindu culture have got immemorial traditions, age-long-moorings, which it would not perhaps be wise for us to sweep away by one stroke of the pen. I make this appeal to my friends to the right and to the left. Sir, I am apprehensive this is just what the present Hindu Code Bill is going to do for us. I do not find anything Hindu about it. It can be more properly called an 'un-Hindu' or 'Anti-Hindu' Code.

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Muslim Code.

**Pandit Lakshmi Kanta Maitra:** Whatever else it may be, it is not a Hindu Code. It does not breathe the spirit of Hinduism; it reeks of un-Hindu ideas; a spirit of supreme contempt for anything Hindu permeates the whole Bill from the beginning to end.

**Shri H. V. Kamath:** What is the Hindu spirit?

**Pandit Lakshmi Kanta Maitra:** Sir, do you call that Hinduism? You please think over your system of marriage and inheritance which form the cornerstones of Hindu system or Hindu society; are you going to undermine it in the way in which you are going to do? That is the question that you will have to answer not only to us here but to our countrymen outside and to the posterity.

Sir, I do feel that if we codify the law in the way it is sought to be done, as a simple intellectual pastime, codification for the sake of codification, I will plead with my honourable friends that it is unwise to do that. It is not necessary. No need for it has been felt by anybody. Look at the opinions of the judges of the different High Courts and the district courts. They are the people who have to administer the Hindu law. Has the Government got a vast volume of opinion embodying the demands from the judiciary that Hindu law requires codification and that also in the way in which it is sought to be done? No. Has there been such a general demand from the people who have to guide themselves, guide their lives and conduct by the provisions of this law? Have they demanded it? Has there been that kind of demand? My honourable friend to the right says: No. It is perfectly correct.

**Shri L. Krishnaswami Bharathi:** He supports you.

**Pandit Lakshmi Kanta Maitra:** My honourable friend says: he supports me. He supports truth. The country will be taken by surprise at what we are doing. Let us not let the flattering unctious to our souls that we are doing a wise thing. I know I cannot deceive myself in the way in which you are doing. Even if it were wise, I would not have thought it necessary to attempt that codification, because of the reasons I have given. You cannot give any uniformity to it whatsoever; and if Hinduism is anything, it is because of its fundamental unity in the midst of diversity. That constitutes the essence of Hinduism, Hindu law and Hindu culture. In a vast country like this you cannot expect a uniformly standardized sort of life ignoring the natural variety. If you did it, it is no wonder that you would come to grief. You may not realize it just now, but realization would come when the time comes. After all even after this codification, is it going to serve your end? I say: no. The honourable member from Mysore yesterday made a speech. He said: Now the work has been made so simple that by buying a publication worth four annas

or six annas; you could know exactly what the Hindu law stood for. So many friends shout 'quite right', 'quite right', but do these enthusiasts realize that even the sponsor of the Bill does not pretend that he is going to codify the whole law of the Hindus? In the preamble he makes a modest claim, not that kind of preposterous claim; He says:

"Whereas it is expedient to amend and codify certain branches of the Hindu law now in force in the Provinces of India."

Therefore what is proposed to be done is to codify certain branches, such as the law of marriage, law of inheritance and law of adoption. Broadly speaking these are the main things.

**Shri L. Krishnaswami Bharathi:** What is left?

**Pandit Lakshmi Kanta Maitra:** My honourable friend asks what is left in the Hindu Law. Does my honourable friend think that this is all that the Hindu Law stands for? These three branches cover the entire field of Hindu life and activity in this country? I can only sympathise with his ignorance. What about joint family property, partition, joint family business, religious and charitable trusts, gifts, transfer *inter vivos*, and other things? They constitute a much vaster field which is left uncovered.

**Shri L. Krishnaswami Bharathi:** Wills is also referred to.

**Pandit Lakshmi Kanta Maitra:** A mere reference to Wills does not mean that it has received a full and comprehensive treatment. In any case, I am grateful to Dr. Ambedkar. He is modest; he never claims to have brought forward an exhaustive Code. If my honourable friends on my right think this is all the Hindu Code, they are out Ambedkaring Ambedkar. Sir, even if this Hindu Code is adopted in the form in which it has been brought before us, it will fail of its purpose for another reason also. My honourable sister Durgabai and my honourable friend from Mysore said yesterday, well, why do you worry about this: this will not lead to fragmentation of agricultural property. I do not know whether they realised that they were furnishing one of the strongest arguments for rejecting this Bill. Unconsciously, my sister and brother have furnished one of the strongest arguments for the rejection of the Bill outright. You are going to regulate the disposition of property. It is now generally accepted that 90 per cent. of the immovable property in this country is in the villages, in the provinces, leaving aside the Centrally administered areas. Therefore, they would be out of the purview of this Code. To house or other immovable property inside the Centrally administered areas, directly under the Government of India, this Code will apply. Then, how is this claim satisfied that this Code applies to all the Hindus in all provinces? This is a very strong argument for throwing out the Bill; throwing out on the ground that it fails in its objective. Besides the three categories I have mentioned, there are so many things which have yet to be covered. The argument would be that provincial agricultural land is purely a provincial subject according to the Constitution Act; so also are religious and charitable trust properties, so also joint family property, and partition, self acquisitions, etc. When this vast field would lie uncovered, I ask the House seriously whether they are really satisfied with the claim of those who think that this is going to be an exhaustive Code or an all embracing Code and that it provides the panacea for all the social and economic ills to which Hindu flesh is heir to. Do they really believe that the 139 sections will be the vitamin tablets which will go to vitalise the whole Hindu society? You may hold that view; the House may hold that view; I do not hold that view. On the other hand, I think this is premature, absolutely premature. Even if the Hindu Code be passed into law, it could not come into force until all the provincial Governments pass

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similar legislation in their own provinces for devolution of agricultural land. Every single province will have to do it before this Act could come into force in all the provinces. I am not now talking of the States; I am talking of the provinces. Besides, it is not inconceivable that the provinces may be taking different decisions. It is not for the Central Government to force the Provincial Governments to legislate on a particular line of succession, a particular line of devolution of agricultural property according to its dictates. Then provincial autonomy will fail to the ground and I am certain that the provincial Ministries will not touch such a proposal from the Centre even with a pair of tongs if such direction went counter to their own views.

**Mr. Deputy Speaker:** May I state for the information of the House that there are as many as 87 members—I have received chits, letters, and so on from them—who are all anxious—most of them, if not all—to put forward their view points on this Bill. I would therefore suggest, however interesting the speech of the honourable member might be, that the points that have been raised on one side in support of the Bill may kindly be answered by others. Thus, all the points would be threshed out and this will contribute to the richness of the debate as well. Dr. Ambedkar has given a clear analysis of the Code with arguments. Of course, the House would like to know how those points are strong and how they are met on the other side. Therefore, greater attention may be paid to that and also regard may be had to the number of speakers that are in the waiting list.

**Shri H. V. Kamath:** May I request you, Sir, to consider, in view of the vital importance of this Bill, that two or three days time is hardly adequate and that at least a week or two should be allotted for general discussion?

**Pandit Lakshmi Kanta Maitra:** With great respect to the views which were expressed by you, Sir, if I have given the impression that I was filibustering, I am sorry. I may tell you, Sir, that this Bill is of such great importance that it would be utterly unfair to the House if you ask us to conclude this general discussion thus. Because, in the first stage, we had not the slightest opportunity to make a speech; this is the stage after getting us committed to the principle of the Bill, in which we have to see how best we can serve our country, even within the limited sphere. If there are 86 speakers, there is the clearest possible indication that the Bill has now attracted serious attention and they want to give their viewpoints. Therefore, there is no particular sanctity to the period that is laid down for debates of this kind.

If we do not conclude the discussion today, certainly more days must be found for further discussion of this. This honourable the Law Minister is very zealous about it; he can give another additional session for this; if not, even in this session four or five additional days could be found. The matter must be thoroughly debated. I hope the House will not accept closure; nor do I think that a closure will be moved by the Chief Whip, and a motion of this kind cannot be close by whipping without ascertaining that there has been a full and sufficient debate.

**Shri H. V. Kamath:** Another point. May I request you, Sir, that the provincial MLAs who are not present here may also be invited to come and participate in the discussion?

**Mr. Deputy Speaker:** We will now adjourn....

**Pandit Lakshmi Kanta Maitra:** I have not yet finished, Sir. I take it I may resume after Lunch.

**Mr. Deputy Speaker:** Yes. We will now adjourn for Lunch.

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

*The Assembly re-assembled after Lunch at Half Past Two of the Clock, Shri S. V. Krishnamoorthy Iyengar (one of the Panel of Chairmen) in the Chair.*

**Pandit Lakshmi Kanta Maltra:** Before the House adjourned for the recess, I was trying to explain to it how this Code was bound to fail of its purpose in some of the material particulars. I explained that there was no necessity for codification as the Hindu law in all its aspects was not only well-established but well understood by the people who were governed by it. I also explained that those who are to administer this Act—I mean the Judges, the judiciary of the land, including the highest—have never demanded that the law should be codified, and I also explained that the scope of the Bill was very very limited, and that besides providing for marriage, adoption and inheritance there was a vast field which was left uncovered. While referring to the agricultural land, I may also point out to the House that according to the series of judicial decisions in this country, the question of land involves and embraces, a vast variety of interests and subjects, from the landlord of the topmost grade down to the tiller of the soil, the man behind the plough; and if the Provincial Governments of the different countries were to regulate the distribution of their property in different ways other than that indicated by the Central Act there was bound to be confusion worse confounded.

Then, Sir, I would like to mention that the Code has not only tried digesting the existing Hindu law within its limited sphere, but in that process of collating and digesting, a number of things have been introduced; a number of subjects, particularly in the matter of marriage and inheritance, which go diametrically against the established notions of the Hindus. Therefore, it is not merely a case of digesting, collating; not also merely a question of amending—because amending is a very mild expression: it does a good deal more than that. It introduces innovations, far-reaching changes, not only in the law of marriage but also in the law of inheritance. Sir, I wish I could explain to the House the full implications of the changes involved. But I am physically unequal to the task. I will try rapidly to explain how I look at these changes.

The two categories of changes which in my opinion and also in the opinion of the vast majority of my countrymen are very radical and sweeping, are those that relate to marriage and inheritance. Sir, my honourable friend has no doubt provided for sacramental marriage in his Code. I do not know if in this country, up to the moment the Bill was drafted and given the shape it has now had, people really demanded of the Government of the land to prescribe a procedure by which marriages in this country are to be contracted. I think, it is nobody's case that prior to the introduction of this Bill, people had not been marrying or there was a good deal of difficulty in getting ourselves married. But how the question of marriage would be improved I do not know. My fundamental objection to these marriages is, that while on the one hand it characterises one form of marriage as sacramental marriage, inside this sacramental cover there has been introduced a number of things which cannot conceivably be called sacramental or sacred ceremonial marriage. Look at the prohibited degrees: Look at the character of the parties. It can easily be an inter-caste marriage, a marriage outside caste, marriage of *sagotras*, and at the same time it would be sacramental marriage. It is rather curious, Sir, that while a sacramental form of marriage is being prescribed, along side with it there is a civil marriage. I do not know how it finds a place in the Hindu code itself. However, they provided an entirely different thing but a most objectionable thing is that while in the sacramental form of marriage one particular class of prohibited degrees is put in, in the civil marriage an entirely

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different category is put; the ambit of the prohibited degrees is narrowed down, so much so that the marriage in many cases becomes purely incestuous marriages. I do not understand, Sir, what necessity was there for this unless we by this measure, want to give direct encouragement to all manner of moral looseness and lawlessness, which unfortunately is invading the youth of this country. Are we here going to give this the *imprimatur* of our sanction? That is the question I would ask my honourable friend very seriously to consider and answer, not in a spirit of banter or levity but with all the seriousness that a difficult social problem demands.

I feel that the basic conception of Hindu marriage has suffered the rudest possible shock by introduction into it of the matter of divorce which is so repugnant to Hindu notions of marriage. Hindu marriage, as ought to be known to every one who professes himself to be a Hindu, who honestly takes pride in calling himself a Hindu, as I myself do, is a sacrament and not a civil contract and as such it will not be difficult for him to admit that divorce is absolutely foreign to its concept. Union by marriage, according to the Hindu Shastras is sacred and absolutely indissoluble (*Interruptions*). If you want me to cut short my speech you will kindly interrupt me only on important matters. I am not afraid of interruptions—I know how to answer them, I can answer them in my own way. But if you keep on interrupting me, my speech will be unduly long and you also may not feel happy over the replies I will give.

**Babu Ramnarayan Singh:** It ought to be so.

**Pandit Lakshmi Kanta Maitra:** The institution of divorce in this country, or in any country for the matter of that, has not been found to promote the well-being of the community for whose benefit it exists. As an humble student of sociology, I have had occasions to read reports of matrimonial courts. An honourable Member referred to Judge Lindsay and I believe he also had in view the "Revolt of the Youth". I do not know whether my honourable friend realised that he unconsciously provided one of the stronger arguments for opposing this form of marriage when he referred to that great Judge. I want honourable members carefully to consider if within the family circle we should permit matrimonial alliances to spring up between a person and his mother's brother's daughter or his father's sister's daughter, as has been provided in this Hindu Code.

**Shri H. V. Kamath:** It is common.

**Pandit Lakshmi Kanta Maitra:** It may be common in South India, but South India is not the whole of India. My whole point is that if there is a particular form of practice in a particular part of the country, you should not go out of your way to see that it is provided for the whole country.

I come from a province which is not in the South. It is a backward province, educationally, culturally—call whatever you like that benighted backward province of Bengal. I know of the domestic conditions of the families inhabiting there. Go to any Hindu household in Bengal, you will find that besides the sons, daughters and other natural heirs, all manner of relations, sisters, sons, nephews, nieces, maternal uncles' sons, uncles' daughters all knit together and maintained in the joint family system. They are all regulated and restrained by moral and religious influences. You will find it in almost every household.

**The Honourable Dr. B. R. Ambedkar (Minister of Law):** What is the difficulty?



**Pandit Lakshmi Kanta Maltra:** I shall tell you where the difficulty is. There is no difficulty for those who have no family of their own. The difficulty happens in this way. For dividing trouble here I shall illustrate with reference to myself. If in my family my sons, daughters, father's sisters' daughters and sons, mother's daughter's sons and daughters etc. sister's daughters were to live together, and if one of my sons contracts intimacy with his first cousin even when he is a minor or an adolescent, knowing human nature being what it is, do you eliminate the possibility of this attachment growing up and culminating in marriage? If you do, you are poor students of history, poor students of sociology and poor students of psychology. After all, the call of human flesh is there and no legislation, however omnipotent can root out this natural and powerful impulse in mankind. If you sanction matrimonial unions between blood relations,—between closest relations in the household, I shudder to think what would happen to society?

**The Honourable Dr. B. R. Ambedkar:** Nothing.

**Pandit Lakshmi Kanta Maltra:** Nothing of course, if you do not care for society; nothing, of course, if you believe in a kind of society only where there are only social butterflies sucking honey here and there and making merry; but I am for a society which has attained or will attain for India the position which is her own, the position for which she is respected all the world over. If you throw away all these things, if you put up a short of Vadeuoum, a Hindu Code, where you find all sorts of marriages, between first cousins and blood-relations sanctioned, if you legalise all these incestuous marriages the society will be a sink of moral degradation.

**Shri L. Krishnaswami Bharathi:** We protest against the use of the word 'incestuous'. It is very wrong to condemn outright a system which is prevailing in large parts of the country. It is a reflection on a whole province.

**Mr. Chakman:** Order, order.

**Pandit Lakshmi Kanta Maltra:** Therefore, I cannot but raise my voice of protest against such a system, because I believe that marriage between first cousins is not conducive to the well being of society from the biological and eugenic points of view and is opposed to the notions of Hindu Law.

**Shri L. Krishnaswami Bharathi:** No, no.

**Pandit Lakshmi Kanta Maltra:** Thus, not only from the point of view of society, but also for the peace and purity of family life, I want that this should be condemned. It is immoral and outrageous.

Sir, my honourable sister, Durgabai, said quite rightly, that monogamy should not be opposed. I do not know of any honourable Member in this House who really does not want monogamy. Monogamy everyone of us want, not for our mere lives; circumstances have forced us to accept this monogamous marriage. It is a fact. Polygamy has passed away completely from the upper classes of this country not by legislation. That is my main contention. If you want to eradicate a social evil you should work up from within not from above. If my honourable friends look to the history of this country, they will find my position amply proved. We all know the miseries and sufferings of Hindu widows. There are so many cases of child and young widows which break our hearts or at any rate it ought to break our hearts. In fact, in the past generation, the late Pandit Vidyasagar of hallowed memory was so much moved by it that he got passed the Hindu Widow Remarriage Act. But the country was not prepared for it and what was the result? The Act virtually became a dead letter and has remained so till now. That is bound to be the fate of all social legislation which have not originated from a demand from within the society.

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I was telling the House that polygamy has virtually disappeared from the country for a variety of reasons such as a growing sense of responsibility in conjugal life, growing consciousness among womanhood and above all the interplay of all manner of forces, most important of which is economic, which makes it impossible to indulge in the luxury of having many wives at the same time. Therefore I say there is no necessity for any legislation for it. It has automatically died out: the custom has fallen into disuse. It may be argued that there are some strata of society where it prevails. There also I want to sound a note of warning. You cannot stop it by force or compulsion. You have got to create public opinion and when these unfortunate brethren of ours come to realise the evils of this system they will discard it. If, on the other hand, without bringing up their standard, without creating a consciousness in them by education and public opinion you try to thrust your legislation down their throats, I would request you to realise the effect that it will have on them. Just as my honourable sister was telling us they will say: This is our society; it is such a castiron mould and they would not allow us to have another wife. We will go to another form of society, embrace another religion where this is permissible. Any sociologist, any man interested in social reform will have to pay heed to that as well. The fear is not altogether an unfounded one. Anyway I feel that if you codified the Hindu law, all that should have been done was to prescribe the essentials of marriage,—the requirements on the part of the contracting parties, their ages, their mental and physical capacity, prohibited degrees of relationship and things like that. Those who believe in social ceremonies and functions, may go through the form of ceremonial marriage but the essentials of marriage should not be allowed to vary between civil marriage and sacramental marriage. If there is a demand in the country for inter-caste marriages I will not stand in its way. If people want to marry outside their castes let them by all means invoke the provisions of the Civil Marriage Act of 1874. There is nothing at present to stand in the way of people who are anxious to marry outside their castes. If there are *bona fide* attachments among intercaste boys and girls it is not that we want to stop or prevent them. They have got the facilities open to them even under the existing law, the law to which I referred earlier. You can change that law. You can repeal or modify certain provisions so that people marrying under that Act will have their children governed not by the Indian Succession Act as at present but by the Hindu Law. I have no objection to that but I fail to understand why in a Hindu Code side by side with the sacramental marriage you are allowing civil marriage. This must be completely taken out of the Code which should have nothing to do with it. There may be a separate civil marriage law for all.

Sir, I personally feel that if you insist on having the question of divorce in it, then you will have to face the music of it everywhere in the country and unless as public men you have your ears stuffed with cotton, as most public men among us have, you will have to pay very very dearly for it. In any case as a Hindu I emphatically protest against the introduction of this heterodox concept of divorce into the scheme of Hindu marriage.

Now let us come to the question of inheritance. There has also been an innovation in this regard though I do not want to go into very great details. But there also I would like to tell my honourable sister, Shrimati Durgabai, that we are firm believers in the judgment of the Hindu law-givers of old; we are firm believers in the equality of the sexes, though not in the sense in which she talks or her friends talk. Equality must be in the sense of equality of opportunity. You cannot make physically man and woman the same.

Equality must therefore have some other meaning. There is no feeling of inferiority attached to women, there is no discrimination with regard to the education of daughters or their marriage. Our shastras have provided:

*"Kanyapyevam Palaniya, Shikshaniyatigatnat Daya Boraya Vidusha, Dhana Ratna Samanvita."*

It means that the daughter also should be educated in the same way as boys, and, in the fullness of time, given over in marriage to a proper groom with dowry including rich jewellery. And in my society, in the Hindu society it is enjoined:

*"Yatra Naryastu Pujyante, Ramante Tatra Devata."*

It means that Gods bless the households where women are honoured.

Women folk has been accorded such a high and exalted place in Hindu society. I do not deny that there may be hard cases: there are hard cases, where women are not treated in the way they ought to be. But if you have fallen off the ideal of your sages, your saints, your law-givers or your leaders they are not to blame for they have not let you down. The blame attaches to us. If you cannot approximate to the ideals of Mahatma Gandhi in your conduct but preach them in season and out of season or take his name in everything but not follow in his footsteps, the fault is not Mahatmaji's; the fault is ours. Similarly you cannot impugn your Hindu Shastras or law-givers. They have set the standards quite high and it is for you to act up to them. Notwithstanding our best efforts it is not possible to eliminate every case of injustice or hardship. Human institutions are imperfect. No human ingenuity can devise any procedure, any machinery or any agency by which all possibilities of social injustice can be completely eliminated. Let us be frank about that and let us try to realise that.

My honourable friend said in connection with the management of property that she knows of women who are better managers of property.....

**The Honourable Shri N. V. Gadgil** (Minister of Works, Mines and Power): Of men also!

**Pandit Lakshmi Kanta Maitra:** Exactly, of men also. I do not think there is any single married man in this House who will dispute that proposition. In the household she is the ruler; she is all in all. The tallest of us. The Law Minister or his honourable colleague will have to crouch before her; however much he may thunder here. There you are ruled not by the rod, but by a strange sort of a whip, a soft, sweet silken cord made up of filaments of love which takes off all harshness and roughness, and menfolk have cheerfully submitted to her rule. She is the queen of the household. Many married people; I think most married people, would frankly admit that.

**Shri L. Krishnaaswami Bharathi:** That is how we have cheated them.

**Pandit Lakshmi Kanta Maitra:** We are now going to cheat them by this Code. Do you think the greatest justice will be done to them if you simply give them right to property. Mr. Chairman, according to the Hindu notions, a girl has a distinct position, a role entirely different from that of a son. Any honourable member who has read Sanskrit literature or has any knowledge of it--I cannot make any presumption either way, whether most people know it or no one knows it.....

**An Honourable Member:** The Law Member knows it.

**Pandit Lakshmi Kanta Maitra:** He may know it, he is a scholar. Well, in *Sakuntala* of our immortal poet, after the marriage of *Sakuntala* and her departure to her husband's place, there occurs a *Sloka* which is classical and which gives you in a nutshell how the Hindu law-givers and the Hindu society

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look upon their girlhood. Immediately after Sakuntala left the hermitage for her husband's place, sage Kanwa said, "Today I feel relieved":

"*Artho Hi Kanya Parakiya Eva Tam Adya Sampreshya Pratigrahita. Jati mamayang Bishadah Prakamam. Pratyarpit Nyasa Ivantaratma.*"

"This my heart, my inner self today has been relieved of a heavy burden and I get that inner pleasure of relief." What was that burden? A daughter in the family is like a trust deposit of somebody else's money and just as one feels relieved as soon as that trust or deposit is made over to his rightful owner. So do I feel today having made over Sakuntala to her husband (*Interruption*); Not in these days of law of limitation but I am talking of those days. "Nyasa", means a deposit, trust. If my honourable friend Dr. Kamath wants further interpretation, I am perfectly willing to give that outside the Chamber.

**Shri H. V. Kamath:** But I am not a doctor?

**Pandit Lakshmi Kanta Maitra:** More than a doctor; you are doctor, philosopher, lawyer, and legislator. I have great respect for you; you are a nice chap and above all a great patriot.

Sir, that is the conception of girls. So, if the Hindu law-givers did not give them a right of ownership equal to that of the son in the family, it was not because of any aversion, not because of any dislike but because of the simple reason that the girl is made for her husband's family; she is not to become a part and parcel of the family where she is born. That is the whole thing. And therefore no question of injustice or inequality arises. I do not know of any school of Hindu law prevalent in any part of the country where a daughter has been given a distinct share equal to that of the son in the property of her father.

**Shri A. Karnanaka Menon (Madras: General):** It exists in Malabar.

**Pandit Lakshmi Kanta Maitra:** I am glad that in the South they have got so many things.

**Broomatty Annie Mascarene (Travancore State):** In Travancore too, sons and daughters share equally.

**Pandit Lakshmi Kanta Maitra:** I am grateful for this information but all such information emerges from the South; and if my friends from the South ...

**Shrimati Hansa Mehta: (Bombay: General):** Are they not Hindus in the South?

**Pandit Lakshmi Kanta Maitra:** Yes but if they are proud of all that in the South, let them not deny us our legitimate right to feel proud of our manners and customs in the North and North-East. That is my humble submission to them. I do not like this type of argument. Because some order of succession, some order of inheritance prevalent in Bombay or some other part has been found suitable there, therefore it must be bodily transplanted into Bengal and elsewhere regardless of all considerations whether it is a plant which can grow and thrive in that particular soil. If a particular institution has been found to work very satisfactorily in the South, it must be allowed to work there; But if it is not found suitable for the soil of the North or the soil of the East or the soil of the West, I do not see any reason or justification for forcibly transplanting it there.

In fact my one very serious objection to the Hindu Code is this: for this craze for theoretical uniformity you ignore completely variety; you have got these things in this part and those things in that part; that itself shows that in this vast country of ours, peculiar social manners and customs have developed

according to the needs of particular places or areas. They must be left undisturbed. In clause 7, however, the Bill provides an overriding power by which all usages, immemorial customs which have the sanction of law should be scrapped. I think it is clause 7.

**An Honourable Member:** It is clause 4.

**Pandit Lakshmi Kanta Maatra:** I will take it on my friend's authority. Sir, this in my opinion, is highly objectionable. Clear Proof of usage outweighs the written text of Law. This is a well established dictum.

There are diversities of customs and manners because of the diverse needs of the people that compose this vast continent. And therefore:

*Veda vibhinna Smritayah vibhinna,  
Nasau munir Yasya matam Na Bhinnam.  
Dharmasya Tattvam Nihitam Guhayam,  
Mahjano yena Gatah Sa Pantha*

**An Honourable Member:** Let us all be mahajans.

**Pandit Lakshmi Kanta Maatra:** Mahajan does not mean a moneylender.

That is the most unkindest cut of all. That indicates the depth to which society has fallen. We cannot think except in terms of rupee or dollar or shilling or pence. Mahajan has been variously interpreted: as great men; or majority of men. Take it in whatever sense you like:

*Veda khila Sadachar Swashya cha Priyamatmana,  
Yasmin Deshe Yadachara.....*

I do not want to weary this House with a lot of other quotations but this is such a subject that I cannot altogether avoid it if I am to convince honourable Members of the justice of my Contention based on Hindu shastras. I have to make myself clear before the House. It may reject what I say; it does not matter; but I represent a constituency—not a purely territorial one—but the constituency of a vast body of men and women who believe in Hinduism and Hindu Society governed by the injunctions of Hindu sages of old. Sir, I represent for the time being the views of that constituency. It is true that I have been returned to this Constituent Assembly by indirect election—with four or five votes only, but I may assure the House that I have fought some of the most contested elections in the country from some of the most important constituencies. Immediately before coming to this Constituent Assembly I was representing the city of Calcutta in the Central Legislature. Before that, I was representing the Presidency Division composed of several districts with lakhs and lakhs of people, and the Presidency Division is admitted to be one of the most cultured divisions in India. I know the people. I know their pulse. My native town is a famous seat of ancient classical learning. It is my district Nadia, in Bengal, that gave the new schools of *smritis*, *Tantras*, *Nayni*, *Baishnava* Philosophy etc. I am not digressing but I shall be failing in my duty to the inheritors of this great culture if I did not try to place before the House their views and ideas with regard to these matters of the Hindu Code. I owe it, to myself and to my community to give my views so that judgement may not go against us by default. Anyway, Let me hurry on.

I have shown you the place, the honour, which our *Shastras* have given to our women. The famous queen Indumati was dead and King Ajah was bemoaning her death thus:

*Grihim Sachiva Mittah Sakhi Priya Shishya Lalita Kalavidhan,  
Karuna Bimalkhena Mritryuna Harata vade King Na Ma Hritam*

"Oh ruthless God of Death! What have you not taken away from me? What mischief have you not done to me? By one blow, you have taken away one, who was my *Grihini*—you know what *Grihini* means, the queen of the

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house—who was my *Sachiva*—*Sachiva* means Minister. She was my minister. Not only was she the queen of my family but my minister, my bosom friend in privacy and my devoted playmate in love."

That, Sir, is the position which our womenfolk used to occupy in our society. Therefore, it cannot be said that out of sheer greed, grouse, animosity or jealousy or whatever you call it, the womenfolk has been relegated to a position of inferiority. If she has not been given a district status in respect of inheritance co-equal with the son, it is because she is meant for some other family than her father's and that the property is to be settled with the persons who will keep up the family, who will maintain the lineage and preserve the sanctity of the family traditions, manners and customs and who will continue the practices and the ceremonies of the family. As soon as a girl is married she becomes integrated into another family; and according to the Hindu conception the status of a wife in the husband's family is a most respectable status—far more respectable than the status of the girl in her own father's house. I will again quote Kalidas' *Shakuntala*. When Queen *Shakuntala* could not be recognised by King *Dushyanta*, who said: "I do not remember to have married you." Thereupon *Shakuntala* was exhorted by the *Rishi* to remain in her husband's house even as a maid as that was a more honourable position than to be in her father's place.

**The Honourable Shri N. V. Gadgil:** That is how men behave!

**Shri M. Tirumala Rao (Madras: General):** He was suffering from loss of memory.

**Pandit Lakshmi Kanta Maitra:** No, he was not suffering from loss of memory. It was because King *Dushyanta* was under a curse by which he was to forget everything connected with his marriage; not that he was guilty of a deliberate moral lapse. Amazing ignorance!

**Shri B. N. Munavalli (Bombay States):** What an excuse!

**Pandit Lakshmi Kanta Maitra:** I am not the author of *Shakuntala*. Call it an excuse or whatever you like, I do not mind. But I quoted *Shakuntala* because its author *Kalidas* is a world Poet commanding respect all over the world; and notwithstanding all your disparagement of *Shakuntala*, it will remain the ideal literary masterpiece of the world for all time. There ought to be some limit to which disparagement of our national institutions, culture and traditions can be tolerated. Mr. Chairman, I am reminded of a very famous passage in *Plato*—I cannot recall his words exactly now—but he said, in effect: "Anybody who is false to his nation's traditions, to his glorious heritage and culture is a traitor and is a person who should be given capital punishment". I do not understand the patriotism of those, the nationalism of those, who have nothing but contempt and jeer for anything that is their ancient culture and heritage.

**Shri H. V. Kamath:** You have misunderstood. Nobody is against our ancient culture.

**Pandit Lakshmi Kanta Maitra:** We might differ on many matters in connection with this Code, but nobody's purpose will be served—neither mine, nor yours—by trying to belittle our great ancient sages. They are not coming here for your applause. They do not care for your radio propaganda and newspaper flashes. They did what they considered to be in the best interests of the Community. If today you are going to make a daughter co-equal with the son in regard to inheritance, I am afraid a good deal of complications would arise. When the girl knows that she is getting a share in her father's property, when her brothers know that their sister is a co-sharer and as such the property will pass off to some other family with her marriage, whose interest would it be to marry off the girl? I want to know.

**Shri H. V. Kamath:** Her own.

**Pandit Lakshmi Kanta Maitra:** My honourable friend says it will be the girl's own interest to marry as quickly as possible. I feel, Sir, that such a girl will find many a pitfall lying about her way.

**Shrimati G. Durgabai:** You distrust her?

**Pandit Lakshmi Kanta Maitra:** Not a question of distrust. The Hindu sages have provided that marriages should be negotiated in the best interests of the pair by the guardians of the pair.

**Shrimati Renuka Ray:** What did Shākuntala do?

**Pandit Lakshmi Kanta Maitra:** I know that Shākuntala did not marry that way, but my friend and sister's interruption reminds me of a story. A man had the Mahabharatha and the Ramayana recited in his house for six months. Thereafter, he asked his daughter, "You have heard the story. What is the lesson you derive?" "Woll," replied the daughter, "from the Mahabharatha I learn that I can have five husbands as Draupadi had five husbands." From the whole of the Mahabharatha this is all that she learnt. Enquired about the lesson she derived from the Ramayana, the daughter in law replied, "It is very clear. As soon as my husband dies, I cannot be married to my husband's brother." "You know what happened after Havana died, his widow Mandodari married his brother Bibhisana." Sir, according to Hindu law there have been several systems of marriage. There was the Gandharva form of marriage for which we have not provided here, though we have the provisions in the Code for Civil Marriage to cover all manner of such cases. So, I say that in an ordinary Hindu house-hold, under this codified Hindu Law, you are going to bring about a change in the relationship between the various members. Is this going to make for the sweetness of relationship or peace in home life?

**Sarv. Ramnarayan Singh:** By no means.

**Pandit Lakshmi Kanta Maitra:** There is not going to be that sweet relationship between brothers and sisters and sisters' husbands that now exists, because after a girl is married, she will have her husband or her son or somebody else in her father-in-law's house to control the property of her father's family and there is bound to be bitterness, bad blood and jealously litigation and all the rest of it. Ultimately the family will break up. Are we going to enact a Code which will facilitate the breaking up of our households? Will the *summum bonum* of Social life be reached when every single family is broken up and domestic peace driven away? It is for you to consider whether this should be done. I feel that these things are bound to happen.

Sir, a girl may be educated. But after her marriage when she goes to her father-in-law's house she is being guided and dictated in all matters either by her husband or by some relation of his and it will not be in her interest to endow her with a share in her father's property by legislation here. You will say you will pass another legislation to prevent her from being dictated in respect of the property she has got from her father. If you are going to endlessly legislate in that way, in order that you may have the intellectual satisfaction of having a Hindu Code, I would leave you alone. I therefore think that this is a revolutionary change and this should not be introduced. This does not mean that I am against making provision for girls. By all means make provision for them. Make any provision for unmarried girls. Make her marriage and her education the first charge on her father's property. Make it absolute charge on that property so that on her marriage when she will be absorbed in the family of her husband she will be divested of her interest in her father's property. But that is not what you are doing. You talk of equality of sex

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justice and fairness; but are allowing the girl the right to inherit not only her father's property equally with the son, but also to share her husband's property or father-in-law's property. This is equality with a vengeance. The girl should not get property from both sides. This will also lead to further fragmentation of property.

**Shrimati G. Durgabai:** The boy will get a share of his mother's property?

**Pandit Lakshmi Kanta Maitra:** A daughter whether married, unmarried or widowed will get her mother's property. Let any honourable friend read the Hindu Law. Even as it is, under the Hindu Law, all categories of daughters are entitled to *Straddhana* property.

**Shrimati G. Durgabai:** No, no, no, no.

**Pandit Lakshmi Kanta Maitra:** I say, yes, yes, yes, yes. Thus the daughter is provided according to the present Hindu law. I cannot go on correcting the misapprehensions of others. The Hindu law is there. The members of the legal profession know it. I need not labour the point, I believe, that there is sure to be more fragmentation. This will inevitably lead to increased testamentary disposition and consequent litigation and ultimate ruination.

**An Honourable Member:** Already there is fragmentation.

**Pandit Lakshmi Kanta Maitra:** Yes, but two wrongs do not make one right. Because there is fragmentation already, is no argument for making provision for further fragmentation in the shape of more shares to property.

Sir, in this field of inheritance, another innovation has been introduced and I think that is the most devastating of all changes.

**Shri B. Das:** That is not the principle of the Bill. You can drop it.

**Pandit Lakshmi Kanta Maitra:** What is the principle of the Bill?

**Shri B. Das:** I am referring to partition and that is not the main principle.

**Pandit Lakshmi Kanta Maitra:** The system of inheritance is the backbone of the Bill. Under this Bill you are going to scrap the *Mitakshara* law. Make no mistake about it. The right to property by birth and survivorship, which is the basic foundation of *Mitakshara* law, is going to be swept away. This *Mitakshara* system of law has been governing the country for hundreds of years till there was evolved in Bengal the *Dayabhaga* law founded on the principle of natural justice and affection. Many of my friends who are supporters of the Bill have told me that I should be the last person to oppose it inasmuch as it introduces the principle of inheritance enunciated in the *Dayabhaga* law of my province. My reply to them was that that was no satisfaction to me. I do not want, even if the well-meaning Social Reformers in India wants that that system should be adopted. Even if a superman or dictator comes and tells me: 'Look here, the law of inheritance in Bengal should be made applicable to all India'. I would be the first man to raise my voice of protest against it. The old system has stood the test of time. The change might suit my province, but not all India. I do not want that this *Mitakshara* law of inheritance should be scrapped in favour of one which is neither the *Mitakshara* law of inheritance nor the *Dayabhaga* law. It is a hybrid mixture of both which is conducive to the welfare of none, tending to bring about the disintegration and downfall of Hindu society as it will completely unsettle a well settle order of things.

I think I have exhausted the patience of the House and must bring my speech to a close. (Honourable Members: 'No, no') I have dealt with inheritance. I have dealt with marriage. I feel that these two branches of Hindu law which



are sought to be drastically amended should get fuller consideration. But it will be a tragedy for India, for the Hindu society, if in the name of reform you uproot the Hindus from their safe and ancient moorings which have protected them from the stress and storm of centuries. Let me again repeat that our Shastras, besides making elaborate provisions for all matters of social life, left a wide field to well-established local customs and usages. They have been very salutary in their effect, as stabilizing forces in society. If we ignore them and make a fetish of codification we will cast Hindu Law into a mould absolutely inflexible, rigid and cast iron; we will be importing into it unnecessarily a character which never belong to it. We will be transforming it into some thing, which will never be able to adjust itself to the needs of times, as it has been in the past.

Sir, before I conclude, I will touch on the argument which has been advanced here also, but which has been very lightly brushed aside by those who do not like it. It has been argued—and I believe perfectly rightly—that this Legislature is not competent to deal with it.

**Shri L. Krishnaswami Bharathi:** Legally incompetent?

**Pandit Lakshmi Kanta Mitra:** Yes. I feel that it is not competent. In any case, if you take shelter behind legal formation, I will tell you, morally you have absolutely no justification for passing this Code. I know this objection was raised not only from people like us, but by people very highly placed in the political life of this country, by people with high political stature; for instance, by a man of the eminence and standing of the Honourable Dr. Rajendra Prasad, the President of the Indian Constituent Assembly, the sovereign body by which in season and out of season, we are all swearing. I want to know whether or not his views deserve our best consideration. Personally, I have very great respect for him. He is not only the uncrowned monarch of Bihar, but he is one of the undisputed leaders of India. Dr. Rajendra Prasad has given the clearest possible indication. He knows not only the people of Bihar but Bengal as well and also other provinces. He set up his practice in Calcutta and up to the middle of his life he lived in Calcutta. It is not for nothing that he gave the warning that the Constituent Assembly, constituted as it is to-day, ought not to discuss a legislative measure of this nature. I can speak for myself. I cannot speak for others. I honestly feel that I have absolutely no right, legal or moral to be a party to any measure, any legislation, which is not absolutely necessary for the day to day administration. I was returned to the Constituent Assembly with four votes only. I can honestly declare here and now that when I sought all those four votes from the Members of the West Bengal Legislative Assembly, I never promised them that I would give them the right of divorce. Neither did they ask for it. I declare that I never promised them that I was going to scrap up the law of inheritance. I never told them that I was going to the Constituent Assembly to create a fresh Portfolio and a Ministry of Marriage, because I feel that such an institution will be necessary here in the Central Government, if this Bill goes through. Look at the formalities that have been provided here. So personally, speaking, I feel that I have no right to give my assent or dissent to this. I can only tell the House that I am not competent, because I had no specific mandate from my Constituency to do it. When I came in through the General Elections there were clear issues before the Country such as the attainment of the freedom of the country and all the rest of it; and the last time we came here, we were enjoined only to draw the Constitution of India. Therefore, it might gratify our vanity that we as members of the sovereign legislature of the land are competent to enact such a legislation but the claim is shorn of all moral content whatever. Nothing would have been lost if we had deferred the consideration of this Bill to some future date after the next General Elections. I emphatically maintain, Mr. Chairman, that the time chosen for its passage through this House has been

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most inopportune. After the attainment of independence, problems after problems have been confronting the National Government. Have we been able to solve them? we have not. Are we in the country very popular? By what I mean 'all' including that side. No. Frankly, because we raised expectations which we have not been able to fulfil. That may be due to a variety of causes over which we have had no control; that may be due to an interplay of forces, which took us unawares, absolutely unprepared. But throughout the country you find simmering discontent. As a matter of fact, I do not feel inclined to disclose my identity as a member of the Legislature, of the Constituent Assembly, when I travel in a railway compartment, because the moment they come to know that, they start vigorously criticising us.

**Shri B. L. Soodh:** (East Punjab: General): Then go by air.

**Pandit Lakshmi Kanta Maitra:** I have started going by air. Quite true. There also I fare no better. I am not joking. I really feel that the country has become sick of us, disappointed of us because of our failure to do anything real for the common man. Hitherto there had been the Kashmir question. There is the question of commodity prices. Yesterday we had a brilliant performance with the unfortunate—enhancement of post-card rate and the price of cloth.

**Mr. Chairman:** The honourable Member may confine himself to the Bill.

**Pandit Lakshmi Kanta Maitra:** I am only saying that the rise in prices of commodities, labour strikes, the Communist menace, refugee problem etc. have been too much for the Government. Is this the time for us to go on with this luxury of Social reform legislation, and a very highly controversial legislation at that? It is sure to give rise to the bitterest animosity; and as a matter of fact, it has already brought about a lot of acrimonious controversy. I believe honourable members have been already flooded with literature (interruption). Of course, from the Anti-Hindu Committee, and similar societies and associations from Calcutta and elsewhere. I have got protests from the Women's Association in Poona. I have got protests from Women's Association in Bengal, the members of which come from the highest aristocracy in the land. I have not known of any Bar Association in Bengal which has not protested against this. I have not known any Bar Associations which have supported this Bill. I have in my possession perhaps the whole literature that has been circulated so far in connection with this Bill. I have classified it and the dead weight of opinion is against it, qualitatively and quantitatively. I again say that the time is not opportune. At a time when, according to our Prime Minister's appeal we should close our ranks, put our heads together, devote all our time and energy and work in amity and concord so that we may solve the problems of the land, we should not give another cause for disruption, another cause for discord or grouse or discontent in the country. I do feel nothing is to be lost if we shelve this Bill for the time being. If that is not done, then, of course, I promise that I will have to oppose this Bill at every stage. I oppose this Bill, because I feel that it is a wholly unwarranted measure and that there has been no demand in the country for a legislation of this kind. I oppose it because I feel that in all social legislations we must go slow and that we cannot bring about large scale social reform by legislation alone. The reforms will have to come from within, by force of public opinion which has to be created inside the society. Thirdly, I oppose because of the most irregular manner in which this Bill is sought to be passed in this House. I oppose because I feel that I am not morally competent to discuss this Bill and pass it in the Legislature as it is constituted at present. I oppose this Bill because I feel that it has brought in radical changes in the concept of marriage, in the scheme of Hindu Law including the law of

inheritance and succession. I oppose it because I feel that it will create endness and needless complications including such things as Civil Marriage Register, Sacramental Marriage Register, Marriage Notice Book, Director General of Marriages, Registrar Generals of Marriages, Ministry of Marriages, and so on and so forth. I oppose it on the further ground that it would give rise to bitterness, dissuor and discord in our families leading to the disintegration of society. I oppose it on the further ground that it is undemocratic inasmuch as a vast body of opinion in the country is against it. In view of all these, I feel I am morally called upon to oppose this Bill with all the force at my command.

With these few words, yes, these are few words in view of the enormity of the legislation, in view of the gravity of the issues involved; these are few words in view of the opposition it has roused and the repercussions it will have on the society. Anybody who really wants society to be protected against this menace coming from the legislature cannot but be articulate and discursive; he has to devote time to the full and dispassionate consideration of things; he must give his humble bit of advice of caution to the legislators so that they may not drive us along the wrong path and that the society may not slip down the declivity into ruin.

**The Honourable Shri N. V. Gadgil:** I have been somewhat provoked to participate in the discussion on a Bill which undoubtedly is revolutionary. I have heard with the greatest respect the speech of my honourable friend with whom I had the honour to work in this House for more than ten years. If there is anything which distinguishes him most, it is his earnestness which is only equalled by his great eloquence. I entirely agree with him that in matters of social reform one must go slow. On that point, I have not the slightest doubt. But this Bill has proceeded so slow that some of us have rightly complained that it has not been passed much earlier. As far as I know, this Bill or at least the main provisions of this Bill have been before the House or its predecessor and before the country including the members of the Bar for nearly eight years. It cannot be said by any stretch of imagination that this Bill has taken either this House or the country by surprise.

I well remember in 1945, at the time of the general elections, I was opposed by certain groups precisely because I stood for social reform, because I stood for the codification of the Hindu Law. The very fact that I was elected and I am still here is an indication that I carry the views of my constituency.

A point has been made by any honourable friend Pandit Maitra that this House is not competent to pass a legislation of this character. I think this objection I have heard so often in the course of the last fifteen years that every time when a social reform Bill was before the House, the same objection was raised. With what result, everybody knows. If this House is competent to pass the Constitution for free India, I fail to see how it is not competent to pass this legislation. As if to reinforce the argument with a personal appeal, my honourable friend Pandit Maitra referred to the views expressed by Honourable Dr. Rajendra Prasad. I have, and, in fact, every person in this House has, every respect for Honourable Dr. Rajendra Prasad. Yet, there is a duty which every member of this House owes to his conscience and to his constituency and to this great country in which he lives above everything, not merely as a legislator, but as a person who visualises the reconstruction of Hindu society and he would be failing in his duty if he were to take into consideration only the personal views of one eminent person or another eminent person. When I say this, I say it in no spirit of disrespect, but because I feel duty is higher than any respect for any individual.

The main point is, has the time not come for the codification of the Hindu Law; has the time not come for the introduction of certain reforms in the

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system of marriage, adoption, inheritance and all other things which go to constitute what is generally known as the Hindu Law. The sources of Hindu Law are so many. I do not want to dilate on this and I do not want to take much time of the House. But there is a clear case established that there must be some uniformity, some definiteness about the interpretation of the law. If the law is not clear, if the law is not uniform, the stability of society suffers. If we have different interpretations of a particular text by half a dozen High Courts, I think the time has come when all this must be put an end to.

Further, my honourable friend suggested that we are attempting to destroy Hindu Society. My own feeling is that here are about 290 persons who are in close contact with Hindu Society; here we can come together, ventilate our views and come to some agreement and adjustment and pass a legislation calculated to secure the further progress of Hindu Society. When Manu, Parasara and Yagnyavalkya wrote their *smritis*, they had not the benefit, I should say, of any legislature. They were undoubtedly great men; but I do not think that the race of great men died with them. On my left, I find a person so great in scholarship and character that it would not be wrong on my part to compare him with some of the old Rishis and law givers. If today in addition to his own deep wisdom and learning he requisitions the help and co-operation of all the 290 persons, I think his hands are strengthened and his views ought to appeal to us.

The main point, as I said was: Has the time come for certain reforms and has the time come for the codification of Hindu Law? If the time has come, it makes no difference whether one man promulgates a Code and the country accepts it, or whether it is accepted by the process of discussion in a democratic manner and the country accepts it. The main point is to judge it without passion, without prejudice and without entering into any extremist considerations. We have in this House to judge it purely on merits and not on sentimental grounds.

After all, what is it that is in this Code? Except for the question of inheritance, there is nothing to which we have not listened so often and to which we have not agreed substantially. My own view is that there are two important things on which the controversy is centred. One is marriage; the other is ending of the co-parcenary in Hindu law. So far as marriage is concerned, there is nothing revolutionary in this. In these days, when everything is pointing towards State control more and more, and when we are talking of nationalization, I think the only sphere for private enterprise is marriage.

**Mr. Nasiruddin Ahmad:** Let that also be nationalized!

**The Honourable Shri N. V. Gadgil:** Now in this Bill a golden mean is struck. The entry and exit in this sphere is so regulated that a modern man coming from the west would certainly laugh at our backwardness. He would say if marriage is a matter which is calculated to secure the highest happiness for both, then one of the grounds for divorce must be incompatibility of temperament. Have you gone up to that? The grounds in the Bill are very narrow. In fact, I say that this is a very moderate measure. You do not expect a wife to carry on with a lunatic, a leper etc. and there is nothing in this

Bill which runs contrary to the provisions of the *Smritis* or which is inconsistent with the genius of Hindu society and culture. Most of us know the *Smriti*

नष्टं मृते प्रवर्जिते, क्लीबे च पतिते पतो । पतिः अन्यत् तु नारीणाम् विधीयते ।

These are the grounds given in the ancient text and if something approximating to that is not available today in Hindu society, it is because we have become stagnant and all those dynamic urges for progress have ceased to operate. After all whom, and to what extent of Hindu society will this effect? Speaking for my own province, 95 per cent. have already some sort of divorce, not as a matter of law, but as a matter of custom. It is only the two or three per cent. of people of the upper classes who are opposed to it. But taking a fair view, the educated section is completely for it.

On the one hand I agree that divorce must not be made very cheap and that incompatibility of temperament should not be one of the grounds. But at the same time, marriage should not be considered a life sentence, if it virtually comes to that. After all, just as marriage has an individual aspect, it has also a social aspect. If the two spouses do not agree, then the bickering and the bitterness and the lack of harmony is not confined merely to the precincts of the family but it has wider application and effect, and society and the general atmosphere roundabout also suffer. If it is the desire of any law giver that whatever piece of legislation he wants to get through it must have the capacity of securing the results contemplated then we have to judge whether what has been all along with us has really given us the result we have asked for. It is a matter for introspection. If today we are providing some way out from wedlock in order to make people, who are really not happy to get out of it, we are only doing what I think is our social duty.

So far as marriage is concerned, I fail to see how we can object to marriages between persons belonging to different castes. In the year 1949, it would be a sad commentary on our progressive outlook if a single person should stand up here and say—well, marriages between persons belonging to different castes should not be legalised. In free India, I think there is only one caste, the caste of free men: and one religion and that religion of humanity. (Shri H. V. Kamath: 'And free women!') This reform has been before this country so long that those who feel that this means dissolution of Hindu society are enemies of progress: such a Hindu society in my opinion ought to be dissolved. What is this that a man should be called untouchable because he is born in a particular caste. I have never seen a boy born with a broom: I have never seen a boy born in a Brahmin family with a *Yagopavita*, nor a boy born in a Marwarl family with a *yarajut*.

जन्मना जायते ब्रह्मः । संस्कारात् द्विजोच्यते विद्यया याति विप्रत्वं त्रिभिः श्रीतयोच्यते च ।

All are born *Shudras* and after *Sanskara* a man attains higher status and when he has gone through the different stages of learning and accomplishment he becomes a *Shrotriya*. Here is the real spirit of Hinduism, not the spirit which is evinced by some of our old Sanatanic friends here and outside. If the object of this great country, as has been often given out to be is to make a classless society, then we must see to it that proper institutions, both social and political are evolved and enlarged. I therefore consider that whatever recommendations are made in this Code as regards marriage are not only absolutely necessary, but they do not go far enough. But as I agree with my honourable friend, Pandit Maitra, that in social matters we ought to go slow, I am willing to accept this position for the time being.

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The most controversial part of the whole thing is the elimination of the coparcenary from Hindu society. Something was said of public opinion. Something was said of the press and the bar. In my own province there is an association called the 'Dharma Nirnaya Mandal'. In this Mandal are to be found महामहोपाध्याय तर्कतीर्थ विद्वावाचस्पति—men of high learning and scholarship. Very recently they have passed a resolution and expressed views on the proposed Hindu Code:—

"The Dharma Nirnaya Mandal takes this opportunity, when the Hindu Code is on the anvil for consideration in the present session of the Assembly, to express its appreciation of the general liberalizing influence which is brought to bear in the frame-work of the present code. The Mandal sees this influence clearly in the removal of—

- (a) distinction regarding joint-ancestral and self-acquired property;
- (b) different treatment of sons and daughters;
- (c) technical difficulties in the interpretation of Woman's Estate; and
- (d) distinctions between *Mitakshara* and *Dayabhaga* rules of inheritance.

The Mandal believes that the above reforms will go a great deal to minimise court litigations and foster national spirit and engender a feeling of oneness by this one Hindu Code being made to apply to all Hindus in the whole of India. The Mandal notes this as the first attempt ever made in this direction within historical memory.

This is the reason, why in spite of several differences in minor details, the Mandal heartily supports the present measure as it is."

**Babu Ramnarayan Singh:** What people do they represent?

**The Honourable Dr. B. R. Ambedkar:** They are most learned and orthodox men.

**The Honourable Shri N. V. Gadgil:** But enlightened orthodox.

Now, I come to the question of joint Hindu family. The House will no doubt agree with me that a progressive society ought to change with the change in times and that it should evolve appropriate institutions both of property and of laws. The time has now come to assess dispassionately the merits of the joint family system, both as an institution to secure family happiness and as an institution of property. Even today if somebody gives me convincing arguments about the benefits of the joint Hindu family I am prepared to hear him, for I am not dogmatic—I feel that truth is the real thing, not prestige for one's own views.

Now, taking the first point, has the joint family system secured happiness for the individual members of the family? I am not speaking what the daughters-in-law feel when they have to live in a big family. What I have seen and heard definitely goes to show that so far as happiness and harmony are concerned, this institution has ceased to be of any use or value. After all there is nothing new in this. If out of 32 crores of Hindus nearly 5 crores are already governed by *Dayabhaga* and if that system has worked well at least, one cannot say that it is absolutely bad and that we must not even think of it. (An honourable Member: 'It is absolutely new.'). That it is new there is no doubt. But what is the society that we are visualising for the future? Is it of a patriarchal type? What is exactly the nature of the society you want to reconstruct? As I understand, that society is going to be one in which there will be equality of status and equality of opportunity because those are the two phrases we have incorporated in the preamble of the Draft Constitution. I think with that Preamble the joint family property system is not consistent.

The real trouble seems to me to be—after having listened to the speeches of various members—what is being given to daughters. But as an institution of property the joint family system must go, because it concentrates wealth. People will ask me, "Well, has it or has it not done something good?" I at once agree that it has done some good. But so far as property aspect is concerned, so far as social credit aspect is concerned, other alternatives have already come into existence, such as co-operative societies and the joint stock companies. Therefore, there is no need of this institution so far as the creation of social credit is concerned. As a mechanism for business other alternatives have come into existence and by experience we have found that they give better results. Therefore, we are not destroying anything without putting something in its place; we are not leaving the whole society in a sort of vacuum as it were. What has outlived its usefulness is being liquidated so that new India will go ahead with greater speed and may attain greater progress.

Now, the real trouble as I said is about some share being given to the daughter: whether it should be half or whether it should be something less are details which can be discussed later on. But one point is certain and that is that the daughter must get some share. In free India if you are only going to say that—

यत्र नार्यस्तु पृथ्यन्ते रमन्ते तत्र देवता

and then say that she should either go to a court of law or ask for maintenance, I say it is not fair.

My own feeling is that some difficulties may arise at the beginning; when new institutions come, when new thoughts generate; society does take some time to adjust itself. The question is not whether these difficulties are great or small; the relevant question is whether the new arrangement proposed is good or bad. If you are convinced that it is good, naturally there will be some difficulty in adjustment. We must not mind the difficulty at all.

It has been suggested that as soon as the marriage is over the bridegroom will start trouble, by suing or otherwise, for the share which his wife has got from her parents. It would be welcome to lawyers. Well, when we are trying to nationalise as much as possible, what little will be left will not be of great consequence, that people would go to the court for a small share of it. In times to come there will be little left both for the boy and the girl. Even if it leads to litigation, does it mean that we should not do justice? Because a good thing may be abused by a few, does it mean that it should be denied to all? It is for the House to decide. It is high time that the general talk of equality of sex must be followed by equality of ownership of property. If we do not do that we will have to face the charge of hypocrisy.

My honourable friend Pandit Lakshmi Kanta Maitra has prophesied all sorts of trouble for the great Hindu society. Such prophets have always been there in the past and they have always proved false. I have not the slightest doubt that Hindu society has got such a flexible nature that it has absorbed various cultures and if it has lived through the ages successfully it is because those who guide the affairs of the society had in time suggested changes suitable to the times. That is the reason why it has survived till now. Here is an attempt to bring the law in line with public opinion. What the law does is that it consolidates the public opinion but public opinion being dynamic by its very nature it goes ahead every now and then. It is like a horizon which recedes the nearer one goes to it. Modern society by its very nature progresses very quickly. Therefore, we have to adjust public opinion and the law of the land. There are other means by which it can be done, like legal fiction or equity

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but the best and the honest way is to do it by a piece of legislation. I think here is an attempt in that direction. Although I agree that it is revolutionary it is a planned revolution and therefore it is going to be a success.

**Mr. Naziruddin Ahmad:** I have but a short time at my disposal, (Dr. B. R. Ambedkar: 'Why? You have your own time'.) I mean comparatively short time for the enormous subject which I have to deal with and I hope the House will give the subject that amount of thought and attention which I have given to it. (*An honourable Member:* 'What have you to do with it?') At the very outset I am asked what I have to do with it. I say I have every thing to do with it. Two very enormous changes have taken place in the country. One is that we have decided to shed our communal character and the other is that we have decided to impose upon ourselves the benefits of joint electorates. Can any honourable gentleman in this House deny the right of a Muslim to think in the same way as a large part of the Hindus think? After all we have to live with Hindus. In West Bengal they form 60 per cent. and we have to live with them and think with them. Come with me to West Bengal. Pandit Maitra put the case of the opposition in Bengal very mildly when he said that there is serious opposition to this Bill.....

**Shrimati Renuka Ray:** There is equally and more serious support.

**Mr. Naziruddin Ahmad:** Come with me to West Bengal. I am not speaking on behalf of the orthodox section. With regard to that aspect of this legislation I have nothing to do. I have certain serious questions to raise before the House which have not been raised up till now. The objection in Bengal is so serious that if anybody undertakes a journey to ascertain public opinion—(*Interruption*) I mean intelligent and advanced public opinion,—if anyone will go there, if anyone will make a journey from town to town in West Bengal he will be faced with opposition to the Bill from the most intelligent section, the most enlightened section (*An honourable Member:* 'Which the Honourable Member has not done'). I believe the interruption is not based upon a thorough consideration of the subject. I submit that it will be agreed that the members of the bar are not very conservative people.....

**Shri L. Krishnaswami Bharathi:** Most of them are orthodox and conservative.

**Mr. Naziruddin Ahmad:** They are not perhaps the orthodox section.....

**Shrimati Renuka Ray:** What about the opinion of Mr. Atul Gupta recognised as one of the most eminent lawyers and chosen by Congress for the Partition Committee?

**Shri Krishna Chandra Sharma:** Does the lawyer line on precedents?

**Mr. Naziruddin Ahmad:** In spite of these interruptions I submit they are not the orthodox section. You go to any bar library and you will find that this Bill is opposed tooth and nail.....

**Shri L. Krishnaswami Bharati:** Because their occupation will be gone.

**Mr. Naziruddin Ahmad:** I do not agree that you eliminate the profession of the bar by this Bill. You are introducing complications which you can not think of. On the other hand I submit that the lawyers in a different capacity, in a professional capacity, will thank this House for introducing this controversial measure. Four judges of the Calcutta High Court, four advanced



Hindu judges of the Calcutta High Court—one of whom now adorns the Federal Court, Mr. B. K. Mookerji have said—that the law is already well settled. The law is well known. The law may be different here and there but that is due to various reasons into which I need not now go. The law is well known.

**Shri A. Karunakara Menon:** If the law is so settled why Law reports every week?

**Mr. Naziruddin Ahmad:** It is because I feel that my honourable friend does not realise the subtleties which underlie the law. In fact precedents are necessary. You cannot cover any possible case in anticipation by legislation. So precedents are necessary. They illuminate difficulties and they are helpful in deciding cases in future. The moment mankind gives up precedents, specially in the domain of law, they will cease to be intelligent animals. That is why I submit that lawyers who are not orthodox people are opposed to this piece of legislation, not because it will deprive them of their food.....

**Shrimati Renuka Ray:** What happens when limited estate for women goes out in regard to litigation in Bengal?

**Mr. Naziruddin Ahmad:** I only hope that my honourable sister Shrimati Renuka Ray did represent the ladies of Bengal. (*An Honourable Member:* 'She does.') She is only one star in the whole of West Bengal. I will cite at least a dozen stars in opposition who are equally well known as Shrimati Renuka Ray. She is only one guiding star leading the case of the Hindus.....

**Shri B. K. Sidhva (C.P. and Berar: General):** The only star.

**Shrimati Renuka Ray:** There are hundreds of women who have gone to Noakhali and other places. There are many guiding stars in Bengal; these women social workers are all leading stars, but they all support the Hindu Code.

**Mr. Naziruddin Ahmad:** I submit that my honourable sister has not the experience of litigation. He has not lived in the law. If he had lived it he would have seen the enormous possibilities.....

**Honourable Members:** Say 'she'.

**Mr. Naziruddin Ahmad:**...for a good thriving business. There is no difference between he and she. According to the latest standards 'he' includes 'she'.

I submit ladies should no longer be called "she", but they should be called "he".

The lawyers are against this measure. Their family system will be seriously disturbed. They are very much averse to the Bill. (*An honourable Member:* 'Are they afraid about their profession?') No, they will get more cases. I assure the House on behalf of the lawyers to which profession I have the honour to belong, that for their personal interests they should all welcome it. (*Shri L. Krishnaswami Bharathi:* 'You are mistaken.'). I am not mistaken, I have lived in the law much longer than my honourable friend has done. I have taken part in litigation. The divorce provisions will introduce endless litigation and will lead to endless complications and endless difficulties for many families and more misery for women than men.

Coming straight to a very important point, I have to submit before the House a very serious state of affairs in connection with this Bill. The Bill was hastily rushed through the Legislature on the 9th of April last. We were

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asked by our fair sisters not to oppose the Bill at that stage; it was considered to be so important that no detailed attention need be paid to it—it should be passed. So, at the last hour of the last day we agreed to allow it to be considered. I raise my feeble objection from the Hindu point of view. Am I raising any objection from the Muslim point of view? Certainly not. So, my declaration that the objection was from the Hindu point of view should not have excited any surprise or any laughter. It is from the Hindu point of view that I am speaking. My learned sister the other day asked me, "Why is it that you are denying to your Hindu sisters rights which you are giving to your own sisters?" That is a very cardinal question. May I reply? My reply is this, that you cannot give the same kind of food to different kinds of persons. You have got to judge the position of a Hindu woman as the Hindu law conceives of it. You have got to consider the position of a Muslim woman as the Muslim law conceives it. We are not here to question the wisdom of one system or the other. I find there are two kinds of Members here: some vegetarians and some non-vegetarians. Would you give meat food to a vegetarian and if anybody gives vegetable food to a vegetarian would you accuse him of partiality? (*An honourable Member*: "Is it logic? Very strange logic.") The argument is as logical as the question put to me by my sister Shrimati Renuka Ray—it was not logical. You cannot give the same kind of food to two different kinds of persons; they were indeed born and bred differently.

The Bill was rushed through the House on the 9th of April. The Honourable the Law Minister has given us a revealing passage in the Report of the Select Committee. He has made a plain admission that the Bill had not received any consideration on its merits before it was taken to the Select Committee. That was a very wonderful statement to make. Originally the Bill was supposed to be well-drafted—a good Bill—it passed through the Legislature on the 9th of April and was taken to the Select Committee and then comes the realisation that it had not received technical or departmental consideration. Why is it, may I ask; that although it had not received technical or serious departmental consideration at the hands of the Law Ministry, it was rushed through at that stage? (*An honourable Member*: "We were very near 1st April"). That may be; it was very near the 1st of April and that probably has something to do with the rush. Probably no serious business was meant, some sentimental piece of literature had to be passed through in order to satisfy our fair sisters. The Bill is driven more by "lady sentiment" than by a consideration of the necessities of the case. The Department then undertook a most unprecedented task. They came to the conclusion that the Bill was not properly drafted, that it had some defects, that it had to be re-cast. The Bill was composed of several individual chapters with separate numbering and separate definitions, entirely separate from each other. The Legislative Department thought that this was a blemish and that the Bill should be re-cast with continuous numbering and the whole blended into one complete whole.

I submit that the moment the Legislative Department came to that conclusion, then was the time to withdraw the Bill and to frame a new Bill which the Ministry was able to accept; and present that as a new Bill. Instead of that, the Department went through a process of legislative drafting with which I was never familiar. The whole constitutional history of India and abroad will never offer an example of a departmental Bill being prepared after a Bill is presented and after sending it to the Select Committee. Shri Ramnarayan Singh yesterday asked as to what authority the Drafting Committee had to make a new Bill altogether. (*An honourable Member*: "It is not a new Bill.") I shall be in the unfortunate position of being able to show that very substan-

tial changes have been made. Although the Honourable the Law Minister yesterday tried to avoid answering the question, still he had to admit in the end that he did not make any changes, that it was the Select Committee that made the changes. I am in a position to demonstrate before the House that the changes were very serious, very radical, and not unsubstantial changes.

**Shri L. Krishnaswami Bharathi:** Sir, on a point of order. If the honourable member wants to base his argument for re-committing the Bill to the Select Committee on the fact that it was some other Bill that was considered and not the Bill sent to it, that point has been covered by Mr. Speaker's ruling; he need not emphasise on that point. If he has other reasons, he is welcome to do so; he is speaking on his amendment for re-committing the Bill to the Select Committee. But if he stresses his argument, namely, that the Bill considered by the Select Committee was not the Bill sent to it by this House, then that has been covered by the ruling of the Chair which declared that it is the same Bill.

**Shri T. T. Krishnamachari (Madras: General):** That might be an argument for rejecting consideration.

**Shri L. Krishnaswami Bharathi:** If that is so, then that point has been thrashed out so much that if he were to argue it again it will merely be taking the time of the House. That aspect has been so thrashed out and arguments have been advanced. He is merely repeating them. I would submit to you, Sir, that we can hear any new arguments but we are not prepared to hear the same arguments being repeated by him.

**Pandit Lakshmi Kanta Maatra:** May I put in a few words in connection with the point of order raised by my friend Mr. Bharathi? He said that the honourable member Mr. Naziruddin Ahmad in his amendment for re-committal to the Select Committee had been raising the grounds which had been covered by Mr. Speaker's ruling. I do emphatically maintain and the House would also agree that every honourable member is entitled, without disrespecting the ruling of the Chair to give the reasons which lead him to recommend the Bill for re-committal to the Select Committee. There is no point of order as such involved in it. It is a member's legitimate right to place all arguments which he can for making a motion for re-committal to Select Committee.

**Mr. Chairman:** I think there is no point of order in this, because he is speaking on his amendment that the Bill he re-circulated for purposes of obtaining further opinion thereon and he is just advancing arguments how the Bill has changed; how the original Bill has been altered in the Select Committee.

**Mr. Naziruddin Ahmad:** I submit the real difficulty of my honourable friend is not there. I believe that an intelligent man as he is, Mr. Bharathi of all persons is well aware of the real difficulties of the situation. That is why I submit he most intelligently wants to intercept me by Mr. Speaker's ruling. I must make a declaration at once here that of all persons in the House I have the greatest respect for the decision of the Chair.

**Pandit Lakshmi Kanta Maatra:** Why do you go into that?

**Mr. Naziruddin Ahmad:** I am merely saying that I accept the decision of the Chair. I am not going into that.

**Pandit Thakur Das Bhargava (East Punjab: General):** You must go into that. Why not?

**Mr. Naziruddin Ahmad:** But what was the ruling? The ruling was that the consideration of the Bill was not out of order; in fact, the ruling was that

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the members of the Select Committee had the old Bill and the Departmental Bill and they must have taken the whole thing into consideration and on that basis the technical objection which I had raised that the Departmental Bill alone was taken into consideration and not the original Bill was not well-founded. That is the effect of the ruling, and that is the ruling. My present purpose would be now to show that although the members of the Select Committee had the original Bill before them, although they had the Departmental Bill before them, although they had both, although they had the opportunity of comparing the two and seeing what glaring interpolations were made in the Departmental Bill, they did not do so. They discharged their duties, I should say with respect to consideration of the importance of the subject, in a somewhat hasty manner and imperfectly and rather perfunctorily. This was the point of view that I was emphasising.

**An Honourable Member:** You are inciting the Law Minister to violence!

**The Honourable Dr. B. R. Ambedkar:** I would not do any such thing, because I have plenty of arguments to meet Mr. Ahmad.

**Mr. Naziruddin Ahmad:** I submit the Honourable the Law Member is fully conscious of the situation, I have a little suspicion, that he knows by this time without any doubt what serious changes have been made in the Departmental Bill.

**The Honourable Dr. B. R. Ambedkar:** I do not know. I am waiting to hear, though.

**Mr. Naziruddin Ahmad:** The Honourable the Law Member said, "There have been certain serious changes, but I did nothing. It is the Select Committee that did so. The Departmental Committee did not make any changes." In fact, yesterday, I put a pointed question which he kindly answered, namely, whether the Departmental Committee that was set up was instructed not to make any substantial changes. That was due to the fact that I find in the report of the Select Committee a definite declaration by the majority of the Select Committee: "This revised draft does not make any substantial changes in the body of the original Bill." It was this declaration which I understand was also given to the Select Committee by him that no substantial changes have been made; it was on this basis that, although they had the original Bill with them, they did not look very carefully and compare them with a view to finding out whether any substantial changes have been made.

**Shrimati Renuka Ray:** On a point of order, Mr. Chairman, are matters which happened in the Select Committee, are those details allowed to be brought up in this manner?

**Mr. Naziruddin Ahmad:** With regard to this point of order, I have already to submit that.....

**Shrimati Renuka Ray:** It is a point of order which I would like you, Sir, to decide.

**Mr. Chairman:** I think there is no point of order. It is only Mr. Naziruddin Ahmad's inference that the Select Committee did or did not do such and such a thing. I think the honourable member will not cast any aspersions on either the Select Committee or the members of the Select Committee. He may advance his arguments.

**Pandit Thakur Das Bhargava:** The manner in which the Select Committee behaved is certainly open to the criticism of the House.

**Mr. Naziruddin Ahmad:** I submit,.....

**Pandit Lakshmi Kanta Maitra:** You are right, Mr. Chairman. Without casting aspersions he may advance arguments.

**Shrimati Renuka Ray:** But he is casting aspersions.

**Mr. Chairman:** They are of best inferences.

**Mr. Nasiruddin Ahmad:** Sir, my inference is that members of the Select Committee were definitely assured by the Honourable Minister.....

**Shrimati Renuka Ray:** I object to this Sir. This is casting aspersions. These inferences are casting aspersions.

**Mr. Chairman:** Every honourable member is at liberty to draw his own inference.

**Mr. Nasiruddin Ahmad:** I submit, Sir, it can be contradicted at once by any member of the Select Committee.

**Shri L. Krishnaswami Bharathi:** No, certainly we cannot contradict. But since you are inviting a contradiction, I as a member of the Select Committee, do contradict. I say that we went through the whole thing and we were satisfied that.....

**Mr. Nasiruddin Ahmad:** You are making a statement.

**Shri L. Krishnaswami Bharathi:** You wanted a contradiction. And I contradict.

**Shrimati Renuka Ray:** Mr. Chairman, I would like to say that because inferences are made and aspersions are cast, the members of the Select Committee are put in a very awkward position, hence we have to bring forward all that happened in the Select Committee, which we are not supposed to do here?

**Mr. Chairman:** Order, order. I would request the honourable member not to make any aspersions against the members of the Select Committee; he may address arguments as to how the Bill has been changed.

**Mr. Nasiruddin Ahmad:** I would not willingly make or cast any aspersions on any honourable member unless it is involved in the very exposition of the point. If anything was badly done which affects the fate of 30 crores of people and if any mistake or slip has been done by members of the Select Committee then I should respectfully but frankly criticise that. This amount of privilege should be given to a member of the House. I submit, Sir, this is a right which every one enjoys and everybody should enjoy. I should stand corrected if I am wrong. I should not cast any aspersions merely for casting aspersions, but I will confine myself to pointing out certain serious changes and errors of procedure affecting the merits of the Bill and the discussion of the same may necessarily involve me in a criticism of the members of the Select Committee. Why should the members of the Select Committee be afraid of a discussion.

**Shrimati Renuka Ray:** We are not afraid of discussion. Then we must be given the right of speaking on what happened in the Select Committee.

**Mr. Nasiruddin Ahmad:** The so-called sanctity of the Select Committee has been broken in this connection so many times.

**Shri Mahavir Tyagi (U.P. General):** There is no sanctity about it. We can discuss it.

**Shri L. Krishnaswami Bharathi:** We are prepared to discuss it.

**Shri Mihir Lal Chatteropadhyay** (West Bengal: General): Should members be allowed to carry on conversation like this, Sir?

**Mr. Chairman:** Order, order. I have been seeing it happening. I hope honourable members will kindly allow the speaker to proceed with his argument.

**Mr. Nasiruddin Ahmad:** The Honourable Deputy Speaker the other day asked Dr. Ambedkar to explain why certain things took place. Dr. Ambedkar said that it was due to the influence of his enemies getting the better of his friends, they combined together and did it. Is it not giving out the so-called secrets of the Select Committee?

**The Honourable Dr. B. R. Ambedkar:** I did not want to interrupt the honourable member at all. But now I think it is my duty to draw your attention and also the attention of the speaker that his motion is that because certain changes have been made in the Bill, it ought to be recirculated. I think what is most germane to that motion is that he should straightaway without and kind of preliminary discussion proceed to point out what changes have been made. I was waiting to know that from him.

**Mr. Nasiruddin Ahmad:** That is what I was going to do when side-issues were raised.

**Pandit Thakur Das Bhargava:** On a point of order; I beg to submit that this question affects the privileges of the Members of the House. The question at issue is: are the members of the House not entitled to criticise the wrong behaviour or the wrong conduct of the members of the Select Committee in regard to procedure? Supposing a Bill is placed before a Select Committee and that the Bill considered by the Select Committee was not the one referred to another Bill is substituted in its place. Are not the Members entitled to say them by the House? You may give a ruling on the point whether the members of the House cannot criticise this conduct of the Select Committee? Whatever has happened in the Select Committee may not be allowed to be divulged. But the manner in which the proceedings were conducted is open to criticism, otherwise it will mean that the members of the House have no sort of control on a Bill. If a Bill is introduced in the House it becomes the property of the House and every Member has a right to point out the irregularities in the Select Committee.

**Mr. Chairman:** This is not a point of order. The speaker will go on.

**The Honourable Shri K. Santhanam** (Minister of State for Railways and Transport): May I submit that while the House is entitled to criticise the Select Committee and even censure it, it is not entitled to say that the Bill before it is not the Bill that was referred to it. It is not open to the House to say that this is not the Bill referred to the Select Committee. The House may condemn the Select Committee if it thinks that the Select Committee has not done its duty. Whenever a Bill is presented to us and is under consideration it is not open to us to say that this is not the Bill that was presented to it.

**Mr. Nasiruddin Ahmad:** I submit that I was only going to condemn the Select Committee and nothing more.

**Mr. Chairman:** The honourable member will be perfectly right if he criticises the Bill as it has emerged from the Select Committee and points out the changes made. He will confine his remarks to the changes that have been made in the Bill.

**Mr. Naziruddin Ahmad:** I am going to submit to the House that some changes have been made, some serious changes have been made.

**The Honourable Dr. B. R. Ambedkar:** Point them out. I am awaiting to know the changes made. The honourable member may take his own time, but let him tell us what the changes are.

**Mr. Naziruddin Ahmad:** I will proceed in my own way.

**The Honourable Dr. B. R. Ambedkar:** He cannot go on in this manner.

**Mr. Naziruddin Ahmad:** I submit that the original Bill was introduced by Mr. Jogendra Nath Mandal. It bears the printing date 1st August 1946. This was the Bill which was sent to the Select Committee. A Bill printed on 16th August 1948 is the Bill that came out of the Select Committee with the report.

**The Honourable Dr. B. R. Ambedkar:** What is the point on that?

**Mr. Naziruddin Ahmad:** I am coming to that. There are serious discrepancies between these two Bills.

**The Honourable Dr. B. R. Ambedkar:** That is what we are waiting to know.

**Mr. Naziruddin Ahmad:** If this is accepted I will proceed to the vital points. There are serious discrepancies between the original Bill and the Bill that has been appended to the report of the Select Committee. (*Interruptions*) This is not the best way of quickening my pace. I submit that in between these two Bills, a very interesting document came in. It is a departmental draft which was printed on 17th July, 1948. It is this draft which came in between the two. All the points of order raised and argued were about this departmental draft. Even in the present discussions, if I understood the Honourable the Minister of Law rightly, he mentioned nothing about this departmental Bill, but said that all the changes were made by the Select Committee and not by him. I am referring to the Bill dated 17th July, 1948.

**Shri Mahavir Tyagi:** That was before the date of the Select Committee meeting.

**Mr. Naziruddin Ahmad:** I am grateful to my friend Mr. Tyagi for pointing out that the date of printing, *viz.*, 17th July, 1948, was before the Select Committee was first called to meet. I submit that this Bill.....

**The Honourable Dr. B. R. Ambedkar:** I would like to curtail this argument of my honourable friend by saying that it is bound to be so. The re-draft was sent one month before the meeting of the Select Committee.

**Mr. Naziruddin Ahmad:** That is the point I was mentioning. I am grateful for the admission. This draft was complete before the Select Committee met. I should like to state at this stage that the House was not informed about it. The authority of the House was not taken to completely change the original Bill.

**Shri Mahavir Tyagi:** Is the middle one exactly the same as is appended to the report?

**Mr. Naziruddin Ahmad:** There have been some changes. The changes made by the Select Committee were slight, but serious changes were made by the Department which the Select Committee never knew.

**Shrimati G. Durgabai:** It is the Select Committee that has introduced the changes and not the Department.

**Mr. Naziruddin Ahmad:** I submit that the most important thing is that they never made a detailed examination of the Departmental draft. In fact my contention is that—I would sit down if my honourable friend Shri Santharam can quote a single example in the whole legislative history of India or in other countries for this—a Bill that has been sent to a Select Committee has been substituted by another completely re-casting the whole thing and put along with it.

**The Honourable Shri K. Santhanam:** I have been on many Select Committees and in many cases the original Bill has been completely re-drafted by the Select Committee.

**Mr. Naziruddin Ahmad:** That is another matter.

**Mr. Chairman:** May I point out to the honourable member that Mr. Speaker has given a decision that it is the original Bill that was considered by the Select Committee along with the draft given to it by the Honourable the Law Minister? In view of that decision, the honourable member may confine his remarks to the point as to how the original Bill has undergone a change in the Select Committee. All the other remarks about what happened in the Select Committee are beyond the purview of the honourable member.

**Mr. Naziruddin Ahmad:** My point is that, although the Select Committee must be deemed to have considered the original Bill and the departmental draft and to have come to this conclusion, that was done most perfunctorily and imperfectly. My point is this, that although the Select Committee considered or must be deemed to have considered the original Bill and the departmental draft and come to this conclusion and although that is so, my point is that it was necessarily done most perfunctorily and most imperfectly. They must have been, I submit, dominated by the serious changes introduced into the departmental Bill and they must have been completely under the hypnotic influence of a revised draft, a convenient ready made thing, which was placed in their hands. It must have made a tremendous psychological impression on the Members of the Select Committee, so that the Select Committee, although they had the right, largely depended upon the departmental draft and this affects the merits though not the legality of the final Bill.

My point is that any Select Committee has the right to make enormous changes, but it has never happened that a new Bill, completely changed, was placed in the hands of the Select Committee and then they would begin consideration on the new Bill. Although, technically, they had also the original Bill, still they proceeded clause by clause with the new Bill. That was a matter of merit. I submit, that the introduction of this departmental Bill has created considerable amount of prejudice to a fair and impartial consideration of the Bill. I submit that the clauses of the original Bill should have been begun one by one and changes should have been made gradually on the body of the original Bill. Instead of that it seems to have necessarily followed that the departmental Bill was taken up, although there was in them marginal references to the clauses of the original Bill. Still, I beg to submit without any disrespect to the members of the Select Committee, it was impossible for any member to really see readily what enormous changes had been effected in the departmental Bill and it is this, I submit which has affected the merits of the final Bill. I never suggest that the Members of the Select Committee had no right to make any changes or to adopt the departmental Bill or to proceed with the original Bill. I submit that the work was speaking again with respect, necessarily done perfunctorily and considerable responsibility in the work of the Select Committee must rest upon the departmental draft. On a consideration of the departmental draft, therefore, the merits of the present Bill should be considered.



**Shri L. Krishnaswami Bharathi:** Let us see all the points of difference.

**Mr. Naziruddin Ahmad:** I submit that the entire legislation began with a blunder and it proceeds from blunder to blunder until we come to a capital blunder, namely, the present Bill. I submit that the mistake first arose in the year 1937. The mistake arose there and I shall show at once that one mistake led to another mistake and that mistake led to other mistakes and all these mistakes led the Select Committee and then ultimately (*Interruption*) I ask Shri Krishnaswami Bharathi in all seriousness, should I be disturbed like this?

**Mr. Chairman:** If the honourable member addresses the Chair, I think the disturbance will be much less.

**Mr. Naziruddin Ahmad:** Sir, I submit, you will be pleased to consider that in the year 1937, a Bill was passed into law and that is the Hindu Married Women's Right to Property Act, 1937. That, I submit, was a hasty legislation. It contained within itself ill-digested, little understood law that has led to all this trouble. In fact the author of the Bill was Dr. Deshmukh. So, Dr. Deshmukh—I am happy to find it is not our present Dr. Deshmukh—unconsciously with the *bona fide* belief of doing good to Hindu society, introduced that Bill. The effect of the Bill was to introduce some change in the law of Succession in the Compact series. According to Hindu Law, as I have understood it, when a man dies his heirs are son, grandson and great-grandson. In the presence of the son the grandson by a pre-deceased son inherits—the grandson represents his deceased father and takes his father's share. So in this way the son, grandson and the great-grandson in three generations inherit the property. Dr. Deshmukh was enthused with the idea that the widow must be given a definite status and a definite right. So he made the widow of the propositus a share-holder, and not only the widow of the propositus, but the widow of a deceased son, the widow of the deceased grandson and the widow of a deceased great-grandson. They were also included within the ambit of the shareholders. That, I submit was most ill-considered, although the author was imbued with the highest sense of patriotism and welfare of the community. I submit, that this was then.....

**The Honourable Shri K. Santhanam:** Would my honourable friend like me to inform him that this Bill was actually accepted by the late Sir N.N. Sircar, who was the greatest authority on Hindu Law?

**Mr. Naziruddin Ahmad:** I am in a position to show, although not only he, but there was a time when I also accepted it. (*Interruption*). I beg to submit that I am in possession of the House.

**Mr. Chairman:** The honourable member is going into the history of the amendments to Hindu Law.

**Mr. Naziruddin Ahmad:** I submit, that the Hindu Married Women's Right to Property Act was the first mistake and I shall show that this contained within it seeds of other blunders culminating in the present Bill.

**Shrimati G. Durgabai:** That was a serious reflection of the legislature then existing.

**Mr. Naziruddin Ahmad:** I submit that the mistake was admitted by that legislature itself and I can quote passages that that legislature admitted that that was a mistake. (*Interruptions*).

**Mr. Chairman:** Order, order.

**Mr. Nasiruddin Ahmad:** I submit, I should show how the mistake came about. In fact in providing for the widow of the propositus of the deceased son, grandson and of the great-grandson, the position of the daughter became absolutely uncertain. Nobody knew what the position of the daughter was at that time, under this Act.

**The Honourable Dr. B. R. Ambedkar:** An undertaking was taken from my friend Dr. Deshmukh by Sir N. N. Sircar that the Government will support the measure only if he agreed to drop the word 'daughter' and he promised that he would drop the word 'daughter'.

**Mr. Nasiruddin Ahmad:** I am as much familiar with the history of that law as the Honourable Dr. Ambedkar.

**Mr. Chairman:** Is the honourable member going to take more time?

**Mr. Nasiruddin Ahmad:** Yes, Sir.

**Mr. Chairman:** In that case, he may resume his speech later and we may now adjourn.

*The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 3rd March, 1949.*