

Wednesday
14th December, 1949

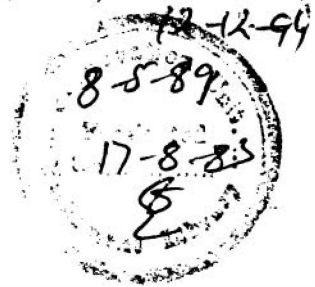
THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

VOLUME IV, 1949

(28th November to 24th December, 1949)



SIXTH SESSION
OF THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE)

1949

~~CONTENTS~~

VOLUME IV—28TH NOVEMBER TO 24TH DECEMBER, 1949

	PAGE
MONDAY, 28TH NOVEMBER, 1949—	
Starred Questions and Answers	1—36
Unstarred Questions and Answers	37
Statements laid on the Table	37
TUESDAY, 29TH NOVEMBER, 1949—	
Starred Questions and Answers	39—68
Unstarred Questions and Answers	68
WEDNESDAY, 30TH NOVEMBER, 1949—	
Starred Questions and Answers	69—107
Unstarred Questions and Answers	107— 68
THURSDAY, 1ST DECEMBER, 1949—	
Starred Questions and Answers	109— 44
Unstarred Question and Answer	144
FRIDAY, 2ND DECEMBER, 1949—	
Starred Questions and Answers	145— 79
Unstarred Question and Answer	179
Short Notice Question and Answer	180— 81
MONDAY, 5TH DECEMBER, 1949—	
Declaration by Members	183
Starred Questions and Answers	183—216
TUESDAY, 6TH DECEMBER, 1949—	
Starred Questions and Answers	217— 54
WEDNESDAY, 7TH DECEMBER, 1949—	
Starred Questions and Answers	255— 82
THURSDAY, 8TH DECEMBER, 1949—	
Starred Questions and Answers	283—315
Unstarred Questions and Answers	315— 16
FRIDAY, 9TH DECEMBER, 1949—	
Starred Questions and Answers	317— 44
MONDAY, 12TH DECEMBER, 1949—	
Starred Questions and Answers	345— 72
TUESDAY, 13TH DECEMBER, 1949—	
Starred Questions and Answers	373—413
Unstarred Questions and Answers	413— 17
WEDNESDAY, 14TH DECEMBER, 1949—	
Starred Questions and Answers	419— 55

THURSDAY, 15TH DECEMBER, 1949—

PAGE 8

Starred Questions and Answers	457— 94
Unstarred Questions and Answers	494— 95

FRIDAY, 16TH DECEMBER, 1949—

Starred Questions and Answers	497— 528
Unstarred Questions and Answers	528— 30

MONDAY, 19TH DECEMBER, 1949—

Starred Questions and Answers	531— 61
Unstarred Questions and Answers	561— 62
Short Notice Questions and Answers	562— 64

TUESDAY, 20TH DECEMBER, 1949—

Starred Questions and Answers	65— 92
Unstarred Questions and Answers	593— 94

WEDNESDAY, 21ST DECEMBER, 1949—

Starred Questions and Answers	595— 627
Unstarred Questions and Answers	627— 31

THURSDAY, 22ND DECEMBER, 1949—

Starred Questions and Answers	633— 61
Unstarred Question and Answer	652
Short Notice Questions and Answers	662— 66

FRIDAY, 23RD DECEMBER, 1949—

Starred Questions and Answers	667— 94
Unstarred Questions and Answers	694— 95
Short Notice Questions and Answers	695— 98

SATURDAY, 24TH DECEMBER, 1949—

Short Notice Questions and Answers	699— 705
--	----------

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

PART I—QUESTIONS AND ANSWERS

Wednesday, 14th December, 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. Ananthasayanam Ayyangar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

BAHAWALPUR PALACE IN NEW DELHI

***571. Shri R. K. Sidhva:** Will the Honourable the Prime Minister be pleased to state whether it is a fact that the Nawab of Bahawalpur (Pakistan) has a palace in New Delhi and if so, what is the position with regard to that palace at present?

Dr. B. V. Keskar (Deputy Minister of External Affairs): Bahawalpur House in New Delhi is now occupied by the American Embassy. That Embassy wish to have a perpetual lease of the property and negotiations for this purpose are in progress.

Shri R. K. Sidhva: May I know whether during the negotiations the Nawab wanted to purchase this building at any stage?

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

Shri R. K. Sidhva: May I know how many years lease is likely to be executed?

Dr. B. V. Keskar: The land is on perpetual lease and the house is built by the Nawab at his own expense.

Shri R. K. Sidhva: May I know what is the position, whether this will revert to the Indian Union, this property of the Nawab or will it remain as the Nawab's property.

Dr. B. V. Keskar: This is now practically the Indian Union property, but negotiations with regard to its transfer legally to the Union are in progress.

Shri R. K. Sidhva: That is all right.

PENICILLIN FACTORY

***572. Shri R. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to refer to the statement made on 8th March, 1949 in reply to my Starred Question No. 939 during the last Budget Session and state what progress has been made for the opening of a factory for manufacture of penicillin?

(b) Has any firm applied for permission to start such a factory and if so, what is its name?

(c) Have Government consulted any expert in this matter and do Government intend to invest money in this concern?

(d) Will the recipe be disclosed to Government by the manufacturer?

The Honourable Dr. Syama Prasad Mookerjee: (a) Pending the formation of a Corporation or a private limited company, a Committee of Management was set up in April, 1949, which was authorised to take all preliminary steps for the early execution of the project. The Committee is selecting a site and is drawing up a procedure for the designing and erection of the Penicillin Plant. They have also formulated estimates of capital expenditure which are being examined by Government. A sum of Rs. 5 lakhs has been placed at the disposal of the Committee during the current year to meet preliminary expenses.

(b) No.

(c) Does not arise.

(d) Does not arise.

Shri B. K. Sidhva: May I ask if this industry will not be entrusted to any foreign concern?

The Honourable Dr. Syama Prasad Mookerjee: That was never the intention, Sir.

Shri B. K. Sidhva: May I know, whether in India we have that talent to manufacture Penicillin? Is the Honourable Minister satisfied?

The Honourable Dr. Syama Prasad Mookerjee: We have some talent undoubtedly, but that will be reinforced by foreign talent also, whenever necessary.

Shri B. K. Sidhva: May I know the composition of the Committee?

The Honourable Dr. Syama Prasad Mookerjee: The Committee is composed of Mr. Neville Wadia as Chairman, Mr. J. D. Choksi, Accountant General, Bombay, Finance Secretary, Bombay Government and Major General Sokhey.

Shri B. K. Sidhva: May I know, Sir, whether any estimate for this plant has been secured in Europe by Major General Sokhey, Acting Director of the Haffkine Institute on behalf of the Government of India?

The Honourable Dr. Syama Prasad Mookerjee: I explained all that, Sir, very elaborately; the scheme was prepared by Major General Sokhey and that formed the basis of the proposal which is now being executed.

Shri B. K. Sidhva: What is the approximate amount that will be invested in this scheme?

The Honourable Dr. Syama Prasad Mookerjee: Our estimate was last year about Rs. 2.75 lakhs, but we have just received a revised estimate which may come to Rs. 4 crores and this is under examination.

Shri H. V. Kamath: Has Government made any serious attempt to secure the services of Japanese experts for this factory?

The Honourable Dr. Syama Prasad Mookerjee: In fact, we have received a proposal only last week from a Japanese concern and that also is now under examination.

Shri V. I. Muntshwamy Pillay: May I know, Sir, whether there is any proposal to start the Penicillin factory in the Nilgiris?

The Honourable Dr. Syama Prasad Mookerjee: Penicillin will be available for use throughout India including the Nilgiris. The factory will be located in the Bombay Presidency.

Dr. Mono Mohon Das: May I know whether this factory will produce some other drugs in addition to Penicillin?

The Honourable Dr. Syama Prasad Mookerjee: Yes, Sir. That is the proposal.

SHOOTING OF INDIANS IN SUMATRA

*573. **Shri B. K. Sidhva:** (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that three Indian nationals were shot by the Royal Netherlands Indonesian Army in the latter part of December 1949, at Djambi (Sumatra)?

(b) When was this incident reported to the Government of India?

(c) What are the causes for shooting these Indians?

(d) Has any action been taken in the matter and has any compensation been granted to the family of the deceased by the Dutch Government?

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

(b) On February 21st, 1949.

(c) The precise causes are not known.

(d) Representations were made to the Government of Dutch Indonesia who have expressed their sincerest apologies to the Government of India for this unfortunate incident and have offered compensation to the relatives of the deceased, certain details in regard to which are still under correspondence.

Shri B. K. Sidhva: Have these culprits been arrested and has any compensation been paid to the persons who have families?

Dr. B. V. Keskar: As I said, the culprits have not been traced. They were paratroopers and it has not been possible to trace them, though certain efforts are still being made.

Shri H. V. Kamath: What, Sir, is the basis of compensation which they have offered to us?

Dr. B. V. Keskar: There is no question of basis of compensation as such. There is a compensation to be paid to the relatives of the deceased in Indonesia and those who have relatives in India. They have offered a certain amount which was not found acceptable and counter-proposals have been made.

Sardar Hakim Singh: Has any information been received by our Consul of the trouble brewing before the actual incident took place?

Dr. B. V. Keskar: As the Honourable Member is aware at that time the civil war was in full swing in Indonesia.

Mr. Tajamul Hussain: May I know how many Indians were actually shot?

Dr. B. V. Keskar: Three.

Prof. Shiban Lal Saksena: Will the Government be able to tell us the causes of the incident?

The Honourable Shri Jawaharlal Nehru: I beg to remind the House that the state of affairs in Indonesia in the course of the last year has been very troubled; warfare has been going on all over the place, shooting, killing and all kinds of things. These I imagine are sufficient causes for incidents to occur.

DECK OFFICERS TRAINING

*574. **Shri R. K. Sidhu:** (a) Will the Honourable Minister of Commerce be pleased to state whether short pre-sea training course to Deck (Navigating) Officers has been introduced in Bombay?

(b) If so, how many students have joined the college for such training this year and what is the accommodation in the college?

(c) What is the length of and fee for each term?

(d) What is the qualification prescribed for admission into this college?

(e) Do Government intend to take steps to increase the strength of students in this college?

The Honourable Shri K. O. Neogy: (a) The Honourable Member is probably aware that the Training Ship *Dufferin* now caters for the normal pre-sea training requirements on the navigational side and there is a Directorate of Marine Engineering Training at Bombay which looks after the pre-sea training for Engineer officers, whether the training is imparted in Workshops, etc. at Bombay or at Calcutta. A Nautical and Engineering College was however started in Bombay primarily to impart post-sea technical instruction, both on the Executive and Engineering sides. To meet the existing and immediate shortage of officers on the Executive side for our Merchant Marine, the Merchant Navy Training Committee recommended that a certain number of boys should be apprenticed directly to ships even without any pre-sea training. In order to ensure that the standard of efficiency of these direct apprentices does not suffer, it was decided to introduce, as a temporary measure, in the Nautical and Engineering College at Bombay a special pre-sea training scheme to coach three batches of 30 each. These special pre-sea training courses started in January, 1949 and the third batch completed its training by the end of October last.

(b) Eighty-eight boys in all joined for these special pre-sea training courses. One boy left without finishing his course. The College accommodated for these courses 30 boys at a time. For the normal post-sea courses it could accommodate a similar number.

(c) The pre-sea training course was for three months and the fee is Rs. 45.

(d) The qualifications required for this pre sea training course were as under:

(i) Education	...	Matriculation.
(ii) Age	...	16 to 18 years on the date of the commencement of the course which was extended to 19 for those possessing Inter (Science) or higher educational qualifications.

(e) As I have indicated earlier, there is no necessity to continue the pre-sea training course. For the postsea training, so far as we could estimate at the moment, the provision existing in this college is adequate. There would however be no difficulty to augment such training facilities should occasion demand. In fact, the whole question of the number of persons to whom training should be given in the various institutions in relation to the actual future requirements is under examination.

Shri R. K. Sidhva: May I know how many applications were received for admission into this college and how many were refused admission for want of accommodation?

The Honourable Shri K. C. Neogy: I will give the figures. In all 1,359 applications were received for training in these three batches. 368 candidates out of these were called for interview and 187 candidates actually turned up for interview, and the number of candidates selected was 93.

Shri R. K. Sidhva: May I know what provision Government intend to make for accommodating such a large number of candidates, in future?

The Honourable Shri K. C. Neogy: It is not a question of making provision for the training of a very large number of people. The question is one of employment, and I may tell the House that out of the 87 persons who have actually received this pre-sea training, up-to-date 56 have found a place on board ships. The others are waiting for their employment. It is not a question of finding room for everybody who turns up for the purpose of being trained.

Shri H. J. Khandekar: How many of these applicants were Harijans, how many of them were called for interview, and how many were selected for the training, and if any were selected may I know whether they were admitted free, I mean, without fees?

The Honourable Shri K. C. Neogy: I am afraid this information is not available.

Shri S. Nagappa: May I know, Sir, whether students were admitted only from the Bombay Presidency or from all over India?

The Honourable Shri K. C. Neogy: Applications came from all over India, and I am told that selection was not confined to the people of the Bombay Presidency.

Shri S. Nagappa: If applicants came from all over India, may I know how many were admitted from Madras?

The Honourable Shri K. C. Neogy: I have not got the figures province-wise.

Shri R. K. Sidhva: The Honourable Minister stated that out of the number of trainees who have been successful, some have been actually employed. May I know whether they are employed in all the steam ship companies, the Scindias, the British India, etc? Did the British India also accept candidates who have passed out?

The Honourable Shri K. C. Neogy: As far as I am aware, they have been accepted by the Scindias, the Bharat Line, and the Indian Steam Ships, so far.

Shri R. K. Sidhva: What about the British India? Was an approach made, and did this company refuse to take them?

The Honourable Shri K. C. Neogy: I cannot answer straightaway, I have to make enquiries.

Shri R. K. Sidhva: May I know whether the Honourable Minister will make enquiries to find out whether the British India actually admitted any of the trainees who have been successful?

The Honourable Shri K. C. Neogy: I will make enquiries.

Dr. P. S. Deshmukh: Has the Honourable Minister got any scheme for the enlarging facilities of naval education?

The Honourable Shri E. C. Neogy: I take it that the Honourable Member refers to the training for officers of the merchant marine, and not for the navy proper. Now, the training for the former is given to two different categories of persons. One category would qualify as Deck Officers, that is to say, who would be in charge of the navigational duties. And the other category would be with the engineering qualifications. Now, arrangements are being made, and they have been extended already for the purpose of giving adequate facilities for the training of these two categories of officers.

Shri S. Nagappa: What steps are the Government taking to provide jobs to those who have already been trained, and who are now unemployed?

The Honourable Shri E. C. Neogy: Is the Honourable Member referring to the people who have received the pre-war training?

Shri S. Nagappa: Yes.

The Honourable Shri E. C. Neogy: We are doing our best to place them in different ships.

INDUSTRIAL CONCERNS (CLOSURE)

*575. **Shri R. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state the number of textile mills closed down from April, 1949 up to date?

(b) What are the names of the mills so closed and what are the reasons for their closing down?

(c) How many labourers were affected by the closing of these mills?

(d) What steps have Government taken in this matter?

(e) Have Government made enquiries as to the reasons for the closing down of these mills and if so, what were they?

The Honourable Dr. Syama Prasad Mookerjee: (a) Twenty-eight mills have completely closed since April, 1949 and twenty-one mills have closed one or more shifts.

(b) and (c). A statement is laid on the Table of the House. (See Appendix XV, *annexure No. 1.*)

(d) For the measures which have been taken by the Government for relieving accumulation of stocks I would refer the Honourable Member to the reply I gave to part (b) of Shri C. Subramaniam's Starred Question No. 25 on the 28th November, 1949.

(e) Yes. The reasons in each case as far as they are available have been given in the statement laid on the Table of the House. (See Appendix XV, *annexure No. 1.*)

Shri R. K. Sidhva: May I know from the Honourable Minister whether out of the 28 mills that are completely closed, whether any efforts have been made to run some of these mills by the Provincial Government or by the Government of India?

The Honourable Dr. Syama Prasad Mookerjee: No, Sir, the difficulty in most of these cases is that the mills are of an uneconomical nature. But a proposal is now before Government regarding the working of one big mill and a decision has already been taken in that behalf.

Shri R. K. Sidhva: May I know whether it is a fact that the Bombay Gov.

ernment are having some mills opened at Sholapur, and if that is within the scheme that the Honourable Minister contemplates?

The Honourable Dr. Syama Prasad Mookerjee: Yes, Sir. That is the mill.

Dr. V. Subramaniam: Sir, is it a fact that cloth and yarn are selling now below control rates?

The Honourable Dr. Syama Prasad Mookerjee: The control rate is the ceiling rate and in some places it may be that they are available at lower prices.

Shri B. P. Jhunjhunwala: Has any mill closed down due to the mal-practices of the management?

The Honourable Dr. Syama Prasad Mookerjee: There are some.

Shri B. P. Jhunjhunwala: Which are those?

The Honourable Dr. Syama Prasad Mookerjee: Some of the cases are under investigation, and I do not think I should mention the names here.

Shri Mohan Lal Gautam: Is it a fact that all the rest of the mills, except the one are uneconomic?

The Honourable Dr. Syama Prasad Mookerjee: Well, not all of them, but most of them are.

Shri Mohan Lal Gautam: What steps are Government taking to run those mills which are closed and which are not uneconomic?

The Honourable Dr. Syama Prasad Mookerjee: Government have no power now to run mills themselves, and it is proposed to take power in the hands of Government. At present all that the Government can do is to appoint a Controller who must be in a position to order the management to run the mills. But if the management itself is incapable of running the mills, obviously the Controller is helpless.

Shri Mohan Lal Gautam: How long will the Government take to assume the powers to run the mills?

The Honourable Dr. Syama Prasad Mookerjee: It is a question of finance, how far the Government will be able to spend the money for running the mills, which are not capable of being run properly; it is a matter which has to be seriously considered.

Shri Mohan Lal Gautam: My question is about running the economic mills. I am not asking about the uneconomic mills. I am asking about the economic ones, but due to some other factors, the mismanagement by the management or some other causes they closed down, I am asking about them.

The Honourable Dr. Syama Prasad Mookerjee: One such glaring case has been taken in hand by Government and orders will issue in a few days.

Dr. P. S. Deshmukh: How does Government reconcile its drive for more production and grading or allowing such situations to be created due to which Mills are closed down? Will Government see that such a situation does not arise again?

Mr. Deputy-Speaker: He is asking, whether the Government is responsible for this situation.

The Honourable Dr. Syama Prasad Mookerjee: Government is not at all responsible. Of course when the uneconomic mills close down, the cotton will be available for use in the better organised mills.

Shri L. Krishnaswami Bharathi: Of the mills that closed down, how many were spinning mills and how many weaving mills?

The Honourable Dr. Syama Prasad Mookerjee: The list is placed on the Table of the House.

Shri L. Krishnaswami Bharathi: I want the number.

The Honourable Dr. Syama Prasad Mookerjee: I have not counted them.

Shri B. L. Malviya: Is there any hope of some of the mills again working, in the near future?

The Honourable Dr. Syama Prasad Mookerjee: In fact, some of the mills have reopened.

Shri M. Tirumala Rao: Is there any proposal from organised labour that if some of these mills are handed over to them, they will work them?

The Honourable Dr. Syama Prasad Mookerjee: Provided Government places funds at their disposal.

Shri Raj Bahadur: What is the resultant reduction in the output of textiles, on account of the close-down of these mills?

The Honourable Dr. Syama Prasad Mookerjee: Roughly it comes to about 25 million yards of cloth and about 2 million yards of yarn provided the cotton thus released is not used by other mills.

Prof. Shibban Lal Saksena: Does the Government propose to bring in legislation in this session to take the power to run these mills?

The Honourable Dr. Syama Prasad Mookerjee: I don't think it will be possible to bring such a measure this session.

श्री गोकुलभाई दौलतराम भट्ट : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि बम्बई में जो मिलें बन्द हैं उनको चलाने की कोई योजना बम्बई गवर्नमेंट की ओर से हो रही है ?

Shri Gokulbhai Daulatram Bhatt: Will the Honourable Minister please state whether any proposals are being formulated by the Bombay Government for the running of the mills which have been closed in Bombay?

आनरेबिल डा० श्यामा प्रसाद मूकजी : एक मिल चलाने की योजना हो रही

है ।

The Honourable Dr. Syama Prasad Mookerjee: Proposals are afoot to run one mill.

श्री गोकुलभाई दौलतराम भट्ट : कौन सी मिल है ?

Shri Gokulbhai Daulatram Bhatt: Which one of the mills?

आनरेबिल डा० श्यामा प्रसाद मूकजी : शोलापुर मिल चलाने की योजना हो रही है ।

The Honourable Dr. Syama Prasad Mookerjee: Proposal to run the Sholapur Mill is under consideration.

Shri B. K. Sidhva: Could the Honourable Minister give us an idea of the skeleton scheme for combining some of the mills which are running on economic lines?

Mr. Deputy-Speaker: It is a proposal for action.

Shri Mihir Lal Chattopadhyay: May I know whether there is any apprehension of any dearth of cloth in the country on account of the closing down of these 50 mills?

The Honourable Dr. Syama Prasad Mookerjee: All the 50 mil's have not closed down. Quite a number of them are working at least one shift. The situation will not lead to a dearth in the total production.

Shri S. Nagappa: If as a result of the investigation (which the Honourable Minister said is going on) it is found that there are some mills which have closed down due to mismanagement, will Government consider the desirability of seeing to it that the labourers are given compensation: and if so, how much?

The Honourable Dr. Syama Prasad Mookerjee: I believe in such cases references are made to the Tribunal. The matter goes to adjudication.

Shri B. P. Jhunjhunwala: Out of the mills which have closed down, how many are uneconomic and how many are economic units?

The Honourable Dr. Syama Prasad Mookerjee: Most of the mills are uneconomic. There may be about three or four only which can be run economically.

Shri Raj Bahadur: May I know how far the reduction in the output of textiles has affected the distribution and prices of textiles?

The Honourable Dr. Syama Prasad Mookerjee: It has not unfavourably reacted yet.

Dr. P. S. Deshmukh: Since when have the mills become uneconomical? From what date?

The Honourable Dr. Syama Prasad Mookerjee: The exact date is not known.

Shri H. J. Khandekar: Is the Honourable Minister aware that certain millowners in the Central Provinces and Berar have given notice to the provincial government that they may have to close down their mills for want of cotton? If so, what arrangement do Government propose to make to give compensation to the labourers, if those mills are closed down?

The Honourable Dr. Syama Prasad Mookerjee: The notices have been withdrawn and the C.P. Government is in touch with the mills concerned.

ANDAMANS WOOD FOR MATCH MANUFACTURE

†*576. **Shri B. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that wood from Andaman forests can be used for the manufacture of match sticks?

(b) If so, have the Government of India made any effort to utilise the rich forest resources in Andamans for this purpose and if so, to what extent?

(c) If not, do Government intend to utilise wood from Andaman forests for this purpose?

† Answer to this question laid on the Table, the questioner having exhausted his quota.

The Honourable Dr. Syama Prasad Mookerjee: (a) Yes.

(b) About 1,000 tons of soft wood in the form of logs and about 150 tons in the form of splinters, per month, are supplied to the Indian Match Industry from Andamans.

(c) Does not arise in view of answer to (b) above.

MATCH FACTORIES IN INDIA

†577. **Shri B. K. Sidha:** (a) Will the Honourable Minister of Industry and Supply be pleased to state the total production of match boxes in India and to what extent is import of sticks made from foreign countries?

(b) What is the total number of match factories in India and what is the total capital value thereof?

(c) How many of these factories are now owned by foreign capital?

(d) How many of these factories are run on cottage industry lines?

(e) Have any efforts been made to increase match manufacture as a cottage industry?

(f) What is the average production cost of matches per lb.?

The Honourable Dr. Syama Prasad Mookerjee: (a) 1948—5,33,243 cases of 60 gross boxes of 60 sticks each.

1949—3,94,279 cases. (January to September).

No sticks have been imported during the three years ending 1948-49.

(b) The total number is 200. Total capital value—about Rs. 4,28,75,500.

(c) Five of them, only partly.

(d) About 150 units.

(e) Every possible facility like concession in excise duty is being given to this cottage industry, but cottage factories are now facing a crisis on account of their higher cost and inferior quality of products.

(f) Rs. 2-12-0 per gross.

REPATRIATION OF INDIANS FROM BURMA

*578. **Dr. Mono Mohon Das:** Will the Honourable the Prime Minister be pleased to state the expenditure incurred by Government in repatriating Indians from Burma due to civil war in that country?

Dr. B. V. Keskar (Deputy Minister of External Affairs): The total expenditure so far incurred by the Government of India on this account is approximately Rs. 8,28,000.

Dr. Mono Mohon Das: What is the total number of people repatriated who have come from Burma to India?

Dr. B. V. Keskar: The total number of people who have returned to India from Burma is roughly 50,000, of whom 12,000 are destitutes who were repatriated by our Ambassador in Rangoon.

Dr. Mono Mohon Das: May I know whether there is any chance of these people going back to Burma and whether the Burma Government is prepared to take them back?

† Answer to this question laid on the Table, the questioner having exhausted his quota.

Dr. B. V. Keskar: That will depend on the favourable evolution of the political situation in Burma which is unsettled at present.

Dr. Mono Mohon Das: May I know whether some of these people have left immovable properties in Burma and if so, what will happen to these properties?

Dr. B. V. Keskar: I do not know how many of these people have left any immovable property in Burma. The question is an uncertain one. I might refer my Honourable friend to question No. 319, answered on the 6th December, in which a very detailed answer was given with regard to the question of Indian properties in Burma, left behind by those who were there and those who have come back to India.

Shri Mahavir Tyagi: May I know whether among the Indians repatriated there were some who had secured citizenship rights in Burma?

Dr. B. V. Keskar: I do not think so.

Shri Mahavir Tyagi: How many Indians have been left behind in Burma and have the Government of India made any attempts to obtain conditions of security for our nationals there?

Dr. B. V. Keskar: My Honourable friend is aware that the situation in Burma is extremely uncertain, that there is a war going on between the different groups and it is not possible for the Government of Burma to afford protection in certain areas, though our embassy there and also the Government of India have been pressing that the lives and properties of Indian nationals in Burma should be adequately protected.

Shri Mahavir Tyagi: Have proper arrangements been made for the security of those who are still left in Burma?

The Honourable Shri Jawaharlal Nehru: I do not know if the Honourable Member suggests proper arrangements by the Government of Burma or the Government of India.

Shri Mahavir Tyagi: Through the negotiations of the Government of India, of course, with the Government of Burma.

The Honourable Shri Jawaharlal Nehru: Obviously protection in Burma can only be provided by the Government of Burma. The Government of India can only draw their attention and persevere in the task of drawing their attention. Ultimately such protection can only be given by the Government of Burma.

Shri Mahavir Tyagi: Are the Government of India satisfied that proper protection is being afforded by the Government of Burma?

The Honourable Shri Jawaharlal Nehru: Conditions in Burma are such that no government can be satisfied with the adequacy of the protection.

Shri V. I. Manishwamy Pillay: What arrangements have been made to settle the 12,000 people who have been repatriated from Burma?

Dr. B. V. Keskar: No guarantees of rehabilitation have been given to any repatriates and neither have any of these people asked for rehabilitation.

Shri S. Nagappa: To what classes do these people belong? Are they labourers or middle class people?

Dr. B. V. Keskar: I have not got the information but I believe they belong to all classes.

Prof. Shibban Lal Sakana: What is the total number of Indians even now in Burma?

Dr. B. V. Kacker: It is more than 600,000.

TYRE MANUFACTURE

*579. **Dr. Mono Mohon Das:** (a) Will the Honourable Minister of Industry and Supply be pleased to state how many factories there are in India for the manufacture of tyres of automobiles, and aeroplanes?

(b) Where are they situated?

(c) What per cent of India's demand is met by these factories?

(d) What is the total value of tyres imported into this country in the year 1948-49?

The Honourable Dr. Syama Prasad Mookerjee: (a) Two.

(b) Bombay and Hooghly.

(c) The entire demand for these tyres.

(d) Rs. 6,69,678.

Dr. Mono Mohon Das: May I know whether the rubber produced in this country is sufficient to feed its factories?

The Honourable Dr. Syama Prasad Mookerjee: We have to import raw rubber to the extent of 4,000 tons a year.

Dr. Mono Mohon Das: Have the Government found it necessary to give protection to these factories against foreign competition?

The Honourable Dr. Syama Prasad Mookerjee: It is not necessary. We are producing all that we need. In fact we are now exporting some of our rubber tyres manufactured in India.

Dr. Mono Mohon Das: May I know if Government have received any applications to start new enterprises?

The Honourable Dr. Syama Prasad Mookerjee: I am not aware of any.

Shri P. T. Chacko: Since there is a deficit, will Government encourage the production of rubber by planting rubber again?

The Honourable Dr. Syama Prasad Mookerjee: We are manufacturing practically all the types of tyres that we stand in need of. Only some types of giant tyres of odd sizes required for tractors are not manufactured. The existing factories are now attempting even to manufacture these.

Shri P. T. Chacko: My question was that since there is a shortage or deficit in the production of raw rubber in India, will the Government encourage more production by allowing planting again?

The Honourable Dr. Syama Prasad Mookerjee: Certainly.

Shri H. V. Kamath: Is there any plan under the consideration of Government for the manufacture of synthetic rubber?

The Honourable Dr. Syama Prasad Mookerjee: No, Sir: not to any large extent: researches are going on.

Shri Mohan Lal Gautam: What is the difference between the prices of imported tyres and those manufactured in India?

The Honourable Dr. Syama Prasad Mookerjee: As I said, we allow tyres to be imported only of those varieties which are not manufactured in India. We have banned the import of tyres which are manufactured in this country.

Dr. P. S. Deshmukh: Do the Government control the prices of tyres produced in the country?

The Honourable Dr. Syama Prasad Mookerjee: No, Sir. I thought the Honourable Member was against controls.

Shri P. T. Chacko: May I know whether there is any restriction at present on planting rubber?

The Honourable Dr. Syama Prasad Mookerjee: It does not arise out of this question.

Shri V. I. Munishwamy Pillay: In view of the recent Rubber Restriction Bill passed in this House, may I know whether enough rubber will be available to these factories for making these tyres?

The Honourable Dr. Syama Prasad Mookerjee: We are in deficit now to the tune of 4,000 tons a year of raw rubber.

INDIAN CONSULATE IN SPAIN

***580. Dr. Mono Mohon Das:** (a) Will the Honourable the Prime Minister be pleased to state whether there is any Indian Consulate in Spain?

(b) If so, when was the Consul first appointed?

(c) What is the amount of expenditure incurred by Government on account of this Consulate?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) No.

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

Dr. Mono Mohon Das: May I know whether there is any Spanish Consulate in India?

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

The Honourable Shri Jawaharlal Nehru: I am not quite sure. There is a possibility that a consulate might be continued somewhere. We will enquire.

Dr. Mono Mohon Das: Do I take it that there is no Spanish Consulate in India?

Mr. Deputy-Speaker: The Honourable the Prime Minister has said that he will make enquiries.

The Honourable Shri Jawaharlal Nehru: If I may add, the difficulty in answering that question precisely is this. There may not be an official Consul but a person might be asked to function as a Consul.

Shri H. V. Kamath: But who has been asked to function as Consul?

The Honourable Shri Jawaharlal Nehru: I neither know his name nor parentage.

UNLAWFUL CONVERSIONS BILL

*581. **Dr. Mono Mohan Das:** (a) Will the Honourable Minister of Law be pleased to state whether it is a fact that the introduction of the "Unlawful Conversions Bill" has been shelved for the time being?

(b) If so, what are the reasons for it?

The Honourable Dr. B. R. Ambedkar: (a) Yes.

(b) The proposed legislation was abandoned on the recommendation of the Standing Committee for the Ministry of Law. A copy of the Report of the meeting of the Standing Committee held on the 22nd March, 1949 when the matter was discussed by the Committee was circulated to all Members of the House.

Dr. Mono Mohan Das: May I know the Objects and Reasons of this Bill which has been abandoned.

The Honourable Dr. B. R. Ambedkar: The project was abandoned. Therefore there was no necessity to frame any Statement of Objects and Reasons. And no Bill was prepared.

Shri S. Nagappa: Will not the abandonment of this measure go against those who were converted by force?

Mr. Deputy-Speaker: The Honourable Member wants to know whether the Bill is not necessary.

The Honourable Dr. B. R. Ambedkar: The Committee was advised that all the converted females for whose protection this Bill was contemplated have been taken back in the large majority of cases into the families to which they belonged and consequently there is no more necessity to make any provision in the matter.

ECONOMY MEASURES

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

(a) whether in pursuance of the economy drive in governmental expenditure, any steps have been recently taken so far as the Ministry of External Affairs and our embassies abroad are concerned;

(b) if so, what they are, and whether they fall short of the recommendations of the Economy Committee; and

(c) whether any further economy measures are under Government's consideration?

Dr. B. V. Keekar (Deputy Minister of External Affairs): (a) and (b). Several measures have been adopted to effect economies in governmental expenditure concerning the Ministry of External Affairs and Indian Embassies abroad. These have been referred to in detail in my reply to question No. 22 by Shri Kishorimohan Tripathi on 28th November, 1949.

The recommendations of the Economy Committee are being implemented as far as practicable. At the same time government have taken steps to effect economies on a more comprehensive scale. The economy measures already taken are expected to reduce the expenditure during the current financial year by Rs. 27.95 lakhs, which exceeds the annual saving of Rs. 17.19 lakhs recommended by the Economy Committee.

(c) Yes. The question of effecting further economies wherever possible is being kept constantly in view.

Shri H. V. Kamath: Is it a fact, as was reported in the press at the time, that an Additional Secretary of the External Affairs Ministry was deputed to London early this year, either in April or in May, to look into the working of the High Commissioner's Office and recommend measures for reducing expenditure or retrenchment or economy in the High Commissioner's Office?

The Honourable Shri Jawaharlal Nehru: We are constantly considering these problems in our various offices, and an Additional Secretary did go to London to confer with the High Commissioner and make recommendations.

Shri H. V. Kamath: Is it a fact that the contingent expenditure in connection with our Embassy at Washington during the financial year, that is from April, 1949 up to date, has been much more than what was incurred during the corresponding period last year?

The Honourable Shri Jawaharlal Nehru: I am afraid I do not know. I require notice to find that out.

Shri H. V. Kamath: What was the expenditure incurred by our Ambassador on the coast-to-coast tour undertaken by her last June or July?

Mr. Deputy-Speaker: Certainly the Honourable Minister would require notice for that; he cannot answer it offhand.

Shri H. V. Kamath: Was that tour undertaken at the instance of or under instructions from the Government of India?

The Honourable Shri Jawaharlal Nehru: Yes.

Shri S. Nagappa: May I know whether this expected reduction of Rs. 27 and odd lakhs is commensurate with the policy of the Government to impose a 15 per cent. cut in expenditure?

Dr. B. V. Keskar: No.

Shri S. Nagappa: Why is it not so?

Dr. B. V. Keskar: The cut of 15 per cent. is a cut in salary; it is not a cut in the general expenditure of the Government.

Shri S. Nagappa: If that is the case, may I know whether the salaries of all the Ambassadors have been cut by 15 per cent.?

Shri H. V. Pataskar: Are there any Cultural Attaches even now in our Embassies?

The Honourable Shri Jawaharlal Nehru: Speaking from memory, there has never been any Cultural Attache in our Embassies except in two or three places. They were called 'Cultural Attaches' although in effect they did important work otherwise. At the present moment possibly there might be one.

Shri H. V. Kamath: May I know what was the object of the extensive coast-to-coast tour undertaken by our Ambassador at Washington?

Mr. Deputy-Speaker: It does not arise out of this question.

Shri H. V. Kamath: But it was very extensive and expensive hence it arises out of this question.

The Honourable Shri Jawaharlal Nehru: Our Ambassadors are supposed to travel about for the purpose of increasing good-will for India, trade with India

and contacts with India. Apart from that, in the United States of America Indians—students and others—are spread out all over the country. In fact the House may be interested to know that my visit has led to this conclusion that some effort should be made for greater contact with Indian students in various parts of that country as well as Indian residents and we are thinking of it, because at present the contacts of a distant Embassy with them are so remote that there can be hardly any touch with them easily, and we propose to have more close contacts in future.

Dr. P. S. Deshmukh: Sir, the question whether the reduction in salaries has been made applicable to Ambassadors has not been replied to.

The Honourable Shri Jawaharlal Nehru: Probably not. We have been considering whether to increase them.

Shri H. V. Kamath: Have our other Ambassadors too—for instance our Ambassador to the U.S.S.R.—been asked to undertake similar tours in the countries to which they have been accredited?

The Honourable Shri Jawaharlal Nehru: I am very happy to provide information to the House on any subject. But Honourable Members will realise that sometimes one has to deal with political conditions in a country and answers become difficult without embarrassing the Government.

AMBASSADOR IN TURKEY

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

- (a) whether our Ambassador to Turkey has returned to India;
- (b) if so, the reasons for his return; and
- (c) whether Government propose to accredit any ambassador to Turkey in the near future?

The Honourable Shri Jawaharlal Nehru: (a) Yes.

(b) On expiry of the term of his appointment.

(c) The selection of a suitable person as ambassador will take some time and meanwhile there will be a Charge d'Affaires in Turkey.

Shri H. V. Kamath: What were the substantial achievements of our Ambassador to Turkey during his tenure of office?

The Honourable Shri Jawaharlal Nehru: I wonder if a list were to be made of the substantial achievements of any of us in Government, or as Members of the House, how the list could be prepared. I am not aware of any such list.

Shri H. V. Kamath: My point was this. In spite of the fact that our Ambassador to Turkey was doing very good work, including the saving of £58,000—as the Prime Minister stated during the last Budget session—on the Brazil barley deal, why were his services not continued at Ankara?

Mr. Deputy-Speaker: The Honourable the Prime Minister need not answer the question.

The Honourable Shri Jawaharlal Nehru: Sir, may I beg to point out that I do not mind giving any answer, but I would ask you to inform me whether it is proper in the shape of a question to make insinuations?

Mr. Deputy-Speaker: It is not right for any Honourable Member to make insinuations against respected members or officers. I have been noticing it often. It is not right. Hereafter Honourable Members will take heed.

Shri H. V. Kamath: Where is the insinuation here? I am reading from the official report of the Assembly proceedings.

Mr. Deputy-Speaker: That official report is not the subject matter of the question here. The Honourable Member is asking as to why an officer of the Government has not been reappointed. It is a matter exclusively for the Government to decide.

Shri H. V. Kamath: Why was he not continued?

Mr. Deputy-Speaker: That exactly is the point. Such a question ought not to be put to the Government because it is the exclusive privilege of Government to decide it.

Shri H. V. Kamath: With due deference to you, Sir, can we not ask the reasons for a particular course of action?

Mr. Deputy-Speaker: No.

Shri H. V. Kamath: That is very strange.

Mr. Deputy-Speaker: Order, order. I will ask the Honourable Member to observe order in the House.

Shri H. V. Kamath: I have always observed order.

Mr. Deputy-Speaker: All right. Kindly sit down.

Shri H. V. Kamath: I have sat down, Sir.

The Honourable Shri Jawaharlal Nehru: Sir, may I be permitted on behalf of the Government to express my regret that any Member of the House should treat the Chair in the manner the Honourable Member has treated it.

INDIANS IN MALAYA

*584. **Shri Mahavir Tyagi** (a) Will the Honourable the Prime Minister be pleased to state the number of Indians in Malaya?

(b) How many of them enjoy citizenship rights there?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) The total number of Indians in Malaya is estimated to be about 627,000.

(b) The whole question of citizenship in Malaya is still under discussion in the Federal Legislative Council. According to the Census Report of 1947, 50 per cent. of the total Indian population in Malaya are local-born. As, according to the Federal Agreement, citizenship can be acquired by birth and by application, it would be reasonable to estimate that more than 50 per cent. of the Indians in Malaya are eligible to become Federal citizens.

Shri Mahavir Tyagi: Is the news in the Press true that attempts are being made by the Malayan Government to disfranchise those Indians who were citizens of Malaya?

Dr. B. V. Keskar: Nobody has been up till now a citizen of Malaya because Malayan citizenship is now only coming into being and it is only now that citizens are being enrolled. The rules and regulations have been framed only very recently.

Shri Mahavir Tyagi: Do the rules permit the enlistment of Indian nationals also as Malayan citizens?

The Honourable Shri Jawaharlal Nehru: There is a certain misapprehension about such questions, if I may say so. Owing to the change in status of various

countries, continual difficulties are arising about the nationality of a particular person. In regard to countries like, say, Burma it is a clear issue of whether a person is a Burmese national or an Indian national; that is the case with regard to Ceylon and some other countries. In regard to countries which may be termed as British colonies, there is a slight difference. The difference would not have arisen if the connection between the Commonwealth of Nations and India had completely ceased; then an Indian there would have been either an alien national, and therefore not an Indian national, or an Indian national—one of the two. But as Honourable Members might have seen recently an enactment is being passed now by the British Parliament to give certain rights to Indian citizens abroad which normally they would not possess as being citizens of the Republic of India. That is, they have gone out of their way to give these rights. Now, in a country like Ceylon it is entirely for the Ceylon Government to decide or decide in consultation with the Indian Government. Unfortunately, we have not come to an agreement. In a place like Malaya which is a kind of colony, the Colonial Administration largely decides and as far as we have known at present, they propose, while acknowledging in a sense Indian nationality, yet to give citizenship rights to Indians there. In what number and what proportion depends on various factors.

Shri Mahavir Tyagi: Thank you for the detailed statement.

RETURN OF INDIANS FROM MALAYA

*535. **Shri Mahavir Tyagi:** (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that a number of Indian residents in Malaya have come back to India as refugees?

(b) How many Indian residents in Malaya are detained in jails and on what grounds are they so detained?

Dr. B. V. Keekar (Deputy Minister of External Affairs): (a) Government are not aware of any Indian resident of Malaya having come back to India as a refugee due to the present disturbances there. The Honourable Member has, presumably, in mind the case of Indians, arrested by the Malayan authorities under the Emergency Regulations, who were repatriated to India. Up to the 13th November, 1949, 295 Indian nationals along with their dependents were thus repatriated.

(b) The number of Indians detained in Malaya under the Emergency Regulations up to 31st October, 1949, is 270. They are detained on suspicion that they were assisting or were likely to assist in subversive activities in the country.

AGRICULTURAL LABOUR

*536. **Shri B. L. Malviya:** (a) Will the Honourable Minister of Labour be pleased to state whether an enquiry has been undertaken about the conditions of agricultural labour in India?

(b) How many villages have so far been surveyed?

(c) Has any questionnaire been framed for such enquiry?

(d) How much money has so far been spent on this enquiry?

(e) Has it been possible to arrive at any tentative conclusions on the basis of such enquiries regarding the conditions of agricultural labour in India?

The Honourable Shri Jagjivan Ram: (a) Yes.

(b) A preliminary enquiry for the purpose of testing the suitability of

questionnaire, amplifying the instructions to the investigation staff etc. has been conducted in 27 villages in Madras, West Bengal, Bihar, the United Provinces, the Central Provinces and Berar, Assam, Orissa and Mysore.

(c) Yes.

(d) The total amount spent till the end of October, 1949, is approximately Rs. 1.14.000.

(e) No.

Shri E. L. Malviya: How long will it take for the completion of the enquiry?

The Honourable Shri Jagjivan Ram: I think it will take a year or more.

Shri E. L. Malviya: Do Government propose to implement the provisions of the Minimum Wages Act pending the results of the enquiry?

The Honourable Shri Jagjivan Ram: We are taking all possible steps to request the Provincial Governments to expedite the implementation of the Minimum Wages Act.

Sardar Bhopinder Singh Man: Has any enquiry been made about the conditions of agricultural labourers in the Patiala and East Punjab States Union and in the East Punjab? If an enquiry has not been made, may I infer from it that there is no such acute problem in these territories?

The Honourable Shri Jagjivan Ram: The problem exists in the Patiala and East Punjab States Union and the enquiry will be held there also.

Shri Kishorimohan Tripathi: May I know the possible date when the Act is likely to be implemented?

The Honourable Shri Jagjivan Ram: I will refer the Honourable Member to the Act itself.

Pandit Thakur Das Bhargava: How many more villages are to be surveyed?

The Honourable Shri Jagjivan Ram: This is a test-checking. After obtaining the results of this test-checking, the intention is to survey 800 villages in the whole country.

Shri S. Nagappa: In view of the fact that so many villages have been surveyed and test-checked, is this experience not enough for the Government to introduce the Act or enforce at least some of its provisions?

The Honourable Shri Jagjivan Ram: It is not.

Babu Ramnarayan Singh: May I know on what basis these villages were selected for enquiry?

The Honourable Shri Jagjivan Ram: These villages were selected at random in consultation with the statisticians and economists, to have test-checking. In each case they just select the village at random and proceed on the basis of results obtained as to how far the data received will be reliable if extended to other villages as well.

Prof. Shibban Lal Saksena: Will the Government place the results of the survey before this House?

The Honourable Shri Jagjivan Ram: If any Honourable Member is interested it can be readily made available to him.

Sjt. Rohini Kumar Chaudhuri: Will cultivators cultivating on uneconomic holdings be taken as agricultural labourers? That is to say, such cases where the peasant has his own holding which is not sufficient for him and therefore he cultivates somebody else's land?

The Honourable Shri Jagjivan Ram: Anybody working on wages in the fields will be taken as an agricultural labourer.

Shri S. Nagappa: Arising out of the Honourable Minister's answer that the collection of data will take one year, may I know whether there is any scheme under the contemplation of Government to give temporary relief to these wage-earners?

The Honourable Shri Jagjivan Ram: If the Honourable Member had followed my reply to the question of Mr. Malviya, it would have been clear to him that all possible steps are being taken to expedite the implementation of the Minimum Wages Act by the Provincial Governments.

Shri S. Nagappa: I wanted to know whether any scheme is under contemplation of the Government to give temporary relief to these labourers during the interregnum.

Mr. Deputy-Speaker: Permanent relief itself will be given very soon.

The Honourable Shri Jagjivan Ram: I will again request my Honourable friend to go through the Minimum Wages Act,

Shri V. I. Munishwamy Pillay: In answer to part (c), the Honourable Minister stated that the questionnaire has been framed. Will the Government consider the desirability of sending this questionnaire to all Harijan Associations working in the field of labour in the Madras province?

The Honourable Shri Jagjivan Ram: It has been the policy of the Government to send it to all organisations or individuals interested in the matter as soon as they ask for it.

Sjt. Rohini Kumar Chaudhuri: Is the Honourable Minister aware that in Assam 90 per cent. of the proprietors of agricultural land are themselves cultivating, and will they all be included in the category of agricultural labourers?

The Honourable Shri Jagjivan Ram: I will explain the position to my Honourable friend. It depends also on the provincial governments. The primary responsibility of fixing wages for agricultural labourers is that of the provincial governments, and whatever enquiry we are holding, we are holding in consultation with the provincial and State governments concerned. If the provincial government of Assam thinks that all of them should be included in the category of agricultural labourers, of course the Central Government will have no objection.

Sjt. Rohini Kumar Chaudhuri: I may explain, Sir, he has not followed the point.

The Honourable Shri Jagjivan Ram: I have quite followed the point. I have answered it.

Mr. Deputy-Speaker: The Honourable Minister does not agree with the Honourable Member.

Sjt. Rohini Kumar Chaudhuri: There is no question of agreement. The point is this. There are some people who own lands, but those are uneconomic for them; so they till their own land and also the land of others. These people will of course be called agricultural labourers. But what about others? The

Honourable Minister stated that everybody who "cultivates" land will be an agricultural labourer.

The Honourable Shri Jagjivan Ram: I said that anybody who works in the field of others for wages will be treated as an agricultural worker.

Shri S. Nagappa: Is the Government aware that this questionnaire has not been received by many important organisations working in this field?

The Honourable Shri Jagjivan Ram: Anybody or any organisation which is interested in this work may ask Government to send a questionnaire and my Ministry will be only too glad to forward a copy of the same.

BOUNDARIES BETWEEN INDIA AND PAKISTAN

*587. **Shri Basanta Kumar Das:** Will the Honourable the Prime Minister be pleased to refer to the reply given to my Starred Question No. 51 on the 31st January, 1948 regarding the demarcation of the Indian Union boundaries in accordance with the Radcliffe Award and state;

(a) whether any joint survey has since been undertaken with a view to demarcating the boundaries between India and Pakistan in the east and the west;

(b) if the answer to part (a) above be in the negative, the steps taken for such demarcation; and

(c) whether, in the absence of demarcated boundaries, the measures relating to defence and realisation of custom duties are not hampered?

The Honourable Shri N. Gopaldaswami Ayyangar (Minister of Transport and Railways): (a) No, Sir.

(b) As stated by me in answer to Question No. 49, asked by Pandit Mukut Bihari Lal Bhargava, on the 28th November, 1949, a joint Tribunal has been set up under the Chairmanship of Lord Justice Algot Bagge of Sweden for the adjudication and final settlement of certain boundary disputes on the East—West Bengal and East Bengal—Assam borders and for demarcating the boundaries accordingly. The Tribunal has commenced its work only recently. As regards the other portions of the boundary between East—West Bengal and East Bengal and Assam, it was agreed between the two Governments that the Directors of Land Records of the Provinces concerned should demarcate the boundary in such manner as they might mutually agree upon. Preliminaries in this respect are being completed and the work of actual survey and demarcation is expected to commence very soon. As regards the West—East Punjab Border, the Financial Commissioners of the two Provinces assisted by such expert Revenue officers, as may be necessary, are to consider this problem and make definite recommendations for the erection of boundary pillars.

(c) While it is very desirable from all points of view to have the boundaries finally demarcated without further delay, the realisation of customs revenue is not being hampered by the absence of exact lines of demarcation.

Shri Basanta Kumar Das: Is the question of the 500 sq. miles of Nadia district one of the subjects being considered by the Tribunal?

The Honourable Shri N. Gopaldaswami Ayyangar: I am afraid not. The terms of reference were discussed and settled at an Inter-Dominion Conference.

Shri Basanta Kumar Das: Do I take it that this question of 500 sq. miles of Nadia district which has been claimed by people there that it ought to be

included in the Indian Union according to the correct interpretation of the Radcliffe Award was not discussed in the Inter-Dominion Conference?

The Honourable Shri N. Gopalswami Ayyangar: Any interpretation of the Radcliffe Award as regards what is included in the terms of reference of this Tribunal is a matter which I would deprecate the House from discussing. The matter is before a Tribunal and we must leave it to the Tribunal to come to a decision.

Sjt. Rohini Kumar Chandhuri: Are any steps being taken now to demarcate the boundaries between Khasi Hills and Eastern Pakistan?

The Honourable Shri N. Gopalswami Ayyangar: The officers of East Bengal and Assam connected with demarcation and survey have been conferring with each other and when the line is finally settled, steps for demarcation will be taken.

Shri Basanta Kumar Das: My question was whether this question of including the 500 sq. miles of Nadia district was or was not discussed at the Inter-Dominion Conference.

The Honourable Shri N. Gopalswami Ayyangar: I believe among the many contentions that were discussed at the time this was one, but the actual terms of reference were agreed upon between the representatives of West Bengal and India on the one hand and representatives of East Bengal and Pakistan on the other.

Shri H. V. Kamath: At present, how many military and police outposts are there on the border in the east as well as in the west so as to safeguard against violation of the border?

The Honourable Shri N. Gopalswami Ayyangar: I am afraid I am unable to give that information.

Shri H. V. Kamath: What is the total length of the Indo-Pakistan border on the east and on the west?

The Honourable Shri N. Gopalswami Ayyangar: Several hundreds of miles.

Shri H. V. Kamath: But what is the exact length?

Sardar Bhopinder Singh Man: Is it a fact that certain villages which according to the Radcliffe Award ought to have been in India's possession in the district of Gurdaspur in East Punjab are still with Pakistan and they are refusing to give possession?

The Honourable Shri N. Gopalswami Ayyangar: I am not quite sure whether all the villages in dispute are with Pakistan. Some are with us also.

Shri Basanta Kumar Das: Do I take it that this question of 500 sq. miles of Nadia district has been given up for good?

The Honourable Shri N. Gopalswami Ayyangar: That is not a matter for me to answer at the present juncture. If there is any good case for including that area within the terms of reference agreed on, that is a matter for decision by the Tribunal.

Sardar Bhopinder Singh Man: May I know whether under the terms of reference of the Tribunal, is it contemplated that it will go into the question apart from the disputed territories of exchanging certain enclaves between the two Dominions?

The Honourable Shri N. Gopalswami Ayyangar: I do not think so.

Sjt. Kuladhar Chaliha: May I know whether it is a fact that about two miles of Indian territory in Khasi Hills have been included in Pakistan and what steps have been taken by the Government of India to recover it?

The Honourable Shri N. Gopaldaswami Ayyangar: I believe the Honourable Member is referring to some area beyond Dauki in Assam. As a matter of fact, the Pakistan customs post at that place has been pushed about a mile or so towards our boundary, but according to the Assam Government that outpost is not within our territory.

Shri Suresh Chandra Majumdar: May I know who is competent to raise this question about these 500 sq. miles before the Tribunal and whether they are likely to take it up within their terms of reference?

The Honourable Shri N. Gopaldaswami Ayyangar: I cannot say what the Tribunal will or will not do. As a matter of fact, our Counsel will certainly press whatever comes within the terms of reference.

Shri Suresh Chandra Majumdar: My question was whether the terms of reference cover this question.

The Honourable Shri N. Gopaldaswami Ayyangar: I have already answered that question.

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

(b) WRITTEN ANSWERS

SCIENTIFIC DISCOVERIES

***588. Seth Govind Das:** Will the Honourable the Prime Minister be pleased to state what scientific discoveries made in the Indian Research Institute have been or are likely to be put to industrial use?

The Honourable Shri Jawaharlal Nehru: A statement giving the required information is laid on the Table of the House. (See *Appendix XV, annexure No. 2.*)

REHABILITATION (DISPLACED PERSONS)

***589. Seth Govind Das:** Will the Honourable Minister of Rehabilitation be pleased to state:

(a) the number of industries and factories started exclusively for displaced persons;

(b) the number of co-operative production centres started primarily for the benefit of displaced persons and the special facilities provided by Government;

(c) the number of large scale farms of mechanised agriculture exceeding 50 acres started solely for displaced persons; and

(d) the number of displaced persons employed as a result of the help extended by Government?

The Honourable Shri Mohan Lal Saksena: (a) Government are not starting factories exclusively for displaced persons, but facilities in the form of loan, electric power, building materials are given to displaced industrialists wishing to set up their own factories. The Central and Provincial Governments and many semi-official bodies have, however, started work centres with the intention of providing remunerative employment to displaced persons.

(b) There are a number of work centres which are being gradually converted into Co-operatives.

(c) Except for some small tracts, no large scale mechanized cultivation has been resorted to.

(d) It is difficult to state the number. But I may inform the Honourable Member that 1,53,450 persons have secured employment through the efforts of Government Agencies.

RECOVERIES FROM PAKISTAN

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

(a) whether it is a fact that the Pakistan Government have ordered the forfeiture of the deposits which were made with the Colonization Officer, Nili Bar Colony, Pakpattan by non-Muslims along with their tenders for lease of lands, and which they could not get back on account of disturbances; and

(b) if so, what action Government have taken or propose to take to recover these amounts?

The Honourable Shri Mohan Lal Saxena: (a) Government have received no representations regarding forfeiture of deposits.

(b) Does not arise.

MISUSE OF U.N. AEROPLANES

*591. **Sardar Hukam Singh:** (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that the Kashmir Government had protested strongly against the misuse of U.N. planes by U.N.C.I.P. officials for running a clandestine service between Kashmir and Pakistan?

(b) What action have the Government of India taken in this regard and with what results?

The Honourable Shri Jawaharlal Nehru: (a) and (b). There has been no question of a clandestine service as suggested. The Government of Kashmir made a report to the Government of India that W/Comdr. Smith was taken from Pakistan to Srinagar in a U.N. plane when the validity of his permit for the journey had expired. Enquiries showed that there was nothing *mala fide* in this incident. The Government of India have pointed out to the Commission the desirability of restricting the use of U.N. planes to U.N. official purposes and the Commission have issued suitable instructions in the matter.

TEMPORARY PERMITS

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

(a) the number of Muslims who came to India from West Pakistan with temporary permits during the period from March to September 1949;

(b) the number of those who refused to go back after the expiry of the permit;

(c) the action taken against them; and

(d) whether any of these were allowed to stay in India and if so, why?

The Honourable Shri Mohan Lal Saxena: (a) During the period from March to September, 1949, 21,670 temporary permits were issued to Muslims

for entry into India from West Pakistan. The number of persons actually entering India will be larger as often more than one person is covered by a permit.

(b) Nearly 2,600. The information is, however, incomplete as reports from a few Provincial Governments are still awaited.

(c) In certain cases permits were extended, others were prosecuted, and those convicted were sent back or deported to Pakistan after completion of their sentences. Some are still under trial.

(d) Seventy persons were allowed to stay in India temporarily pending a final decision on their cases. Further information regarding them is being collected.

ENTRY OF MUSLIMS FROM WESTERN PAKISTAN WITHOUT PERMITS

***593. Sardar Hukam Singh:** (a) Will the Honourable Minister of Rehabilitation be pleased to state the number of Muslims who were found to have entered India from Western Pakistan without any permits since permit system was introduced?

(b) How many of them were tried and what was the punishment awarded?

The Honourable Shri Mohan Lal Saksena: (a) Between the 19th July, 1948, i.e., the date of the introduction of the Permit System and the 31st October, 1949, about 1,322 persons are reported to have entered India from Western Pakistan without permits. The information, however, is incomplete as the reports from some of the Provincial and State Governments have not yet been received.

(b) Of the 1,322 persons, 16 are untraceable. Of the remaining, 979 were convicted and 130 have been discharged. Cases are still pending against 196. The punishment awarded in the case of those convicted was either fine or imprisonment or both. Fines ranged between Rs. 10 to Rs. 2/0 and imprisonment varied from one week to one year.

STEEL IMPORTS

***594. Shri Mahavir Tyagi:** (a) Will the Honourable Minister of Industry and Supply be pleased to state the total quantity of steel imported into India during the past ten months and the cost of these imports?

(b) How much of it was given over to fabricators?

(c) How much of it was in the form of sheets for wagon building?

(d) Has all the steel referred to in part (c) above been taken over by the Railway Board?

(e) Is it a fact that the Railway Board has refused to accept their full quota of steel?

The Honourable Dr. Syama Prasad Mookerjee: (a) The total quantity of steel imported during the ten months from January to October, 1949, was 284,190 tons at Rs. 15.89 crores approximately.

(b) As all steel imported by Government are pooled with indigenous steel for distribution against quota certificates, it is not possible to state what quantity was released from imported steel and what quantity from indigenous steel. I may, however, add that the quantity of steel allotted to the steel processing industries during 1949 is 233,519 tons.

(c) The Honourable Member presumably means plates and not sheets. The quantity of plates earmarked was 1,500 tons.

(d) and (e). Except for 2,900 tons of plates which were required for wagon building, the Railway Board have taken delivery of their full allotment; the Plates will be taken as soon as their negotiations with wagon builders are completed.

OPENING OF EMBASSIES

*595. **Shri Lakshminarayan Sahu:** (a) Will the Honourable the Prime Minister be pleased to state what is the policy in regard to the opening of Embassies in foreign countries?

(b) In view of the present financial position, do Government propose to consider the abolition of some embassies and the stopping of new embassies?

(c) What is the advantage in having an ambassador on behalf of India in Portugal?

The Honourable Shri Jawaharlal Nehru: (a) The appointment of diplomatic missions abroad is a necessary consequence and an inescapable commitment of independence. A sovereign State deals with other sovereign States by exchange of diplomatic missions. India has dealings of various kinds with a large number of countries. These dealings can be carried out either through our own representatives or through the good offices of some other country. Sovereign States prefer the former alternative.

In a large number of cases an exchange of diplomatic representations takes places with another country because of the desire of that country. It would be discourteous and disadvantageous not to accept in a friendly manner the proposals on this behalf made by another country.

(b) The closing up of any existing mission abroad is undesirable as it means having no direct links with that country. No fresh appointments are however being made except in very rare and special cases. Staffs of missions abroad have been reduced to the barest minimum with a view to economy.

(c) No ambassador has been sent to Portugal. A legation has been opened there with a Minister in charge. The decision to exchange diplomatic missions with Portugal followed informal approaches by the Portuguese Government and was made in August, 1948. There are several problems of intimate concern to India which relate to the Portuguese Government and it is desirable that there should be direct contact to deal with and settle problems between the two Governments. The Portuguese Minister arrived in Delhi early this year.

INDIA'S CONTRIBUTION TO U.N.O. (EXPENDITURE)

*596. **Shri Lakshminarayan Sahu:** (a) Will the Honourable the Prime Minister be pleased to state what is India's contribution to the U.N.O. expenditure after the devaluation of the rupee and what percentage it bears to the total expenditure?

(b) How much more have we to contribute as a result of the devaluation of the rupee?

Dr. B. V. Keshkar (Deputy Minister of External Affairs): (a) The contribution for a complete year after devaluation will only be made next year and the amount has been estimated at Rs. 51,48,000. India's contribution is assessed at 8.25 per cent. of the total expenditure.

(b) The added contribution for the current year is estimated at Rs. 5,26,660.

INDIAN STAFF IN U.N.O. SECRETARIAT

*597. **Shri Lakshminarayan Sahu:** (a) Will the Honourable the Prime Minister be pleased to state how many Indians are now employed in the U.N.O. Secretariat and in what grades?

(b) What percentage does the Indian staff form of the total staff of the U.N.O. Secretariat?

(c) What steps have Government taken to press the U.N.O. to take more Indians?

(d) Is it a fact that the Secretary-General of the U.N.O. has now realised that Indians are under-represented in the U.N.O. Secretariat and intends to send an officer of the U.N.O. to recruit more Indians?

(e) What happened to the previous list of about 600 candidates selected by the Federal Public Service Commission? Why have the U.N.O. not selected persons from this list so far and why are they sending an officer to recruit men from India?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) The number of Indians employed in the international grades (that is grade 8 and above) is 24. The total number of Indians including those in the lower grades and in Regional Headquarters (e.g. E.C.A.F.E.) is 39. A statement is laid on the Table of the House showing the grades in which they are employed.

(b) The percentage taking only international grades is 2.36 at Headquarters and 2.41 including the Regional Headquarters.

(c) Government have been constantly pressing for increasing India's representation in the U.N. Secretariat. Due to our efforts India's representation has increased from 2 in 1946 to 24 in 1949 in Top Grades. By next year the number is expected to go up to 32 or 33. It has also happened that the U.N. have made offers to competent Indians who were unable to accept it for personal reasons.

(d) An Officer of the U.N. Secretariat will be visiting India in February 1950 but this visit is not as a result of such a feeling on the part of the Secretary-General. It would not be correct to say that now India is hopelessly under-represented in U.N. An Officer of the U.N. Secretariat will be coming to India on a routine visit.

(e) U.N. Secretariat selected candidates from a list furnished by the Federal Public Service Commission. At their request another competitive examination was held in Delhi in October 1949 as a result of which some more Indians will be selected for upper grades in the Secretariat.

STATEMENT

The Grades in which Indians are employed in the U.N.

I. U.N. SECRETARIAT.		REGIONAL HEADQUARTERS.	
Grade 18	1	Top-ranking Director	1
Grade 17	1	Grade 18	1
Grade 16	7	Grade 14	4
Grade 15	2	Grade 12	2
Grade 14	2	Grade 6	2
Grade 13	3		
Grade 11	2		
Grade 9	3		
Grade 8	3		
Grade 7	1		
Grade 6	1		
Grade 5	3		
	<hr/>		
TOTAL.	29	TOTAL.	10

INDIAN ASSETS IN BURMA

*598. **Shri B. P. Jhunjhunwala:** (a) Will the Honourable the Prime Minister be pleased to state what is the total investment of our nationals in Burma?

(b) What is the extent of loss incurred by our nationals as a result of their nationalisation of land and such other measures?

(c) Have Government satisfied themselves that the Government of Burma have not discriminated against India in their policy towards foreign investment in their country?

(d) If the answer to part (c) above be in the negative, what measures have Government taken to safeguard the interest of Indian nationals?

(e) If no such measures have been taken so far do Government propose to take any measures now?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) No reliable statistics are available regarding the investment of Indian nationals in Burma.

(b) The extent of loss, if any, which our nationals may suffer, as a result of resumption of their lands under the Burmese Land Nationalisation Act, 1948, cannot be estimated at present, as the question of amount of compensation to be paid still remains to be decided.

(c) Yes, Sir.

(d) and (e). The questions do not arise.

INDIAN ASSETS IN CEYLON AND MALAYA

*599. **Shri B. P. Jhunjhunwala:** (a) Will the Honourable the Prime Minister be pleased to state what is the total investment of our nationals in Ceylon and Malaya?

(b) What is the extent of loss incurred by our nationals as a result of their nationalisation of land and such other measures?

(c) Have Government satisfied themselves that the Ceylon and Malaya Governments have not discriminated against India in their policy towards foreign investment in their countries?

(d) If the answer to part (c) above be in the negative, what measures have Government taken to safeguard the interest of Indian nationals?

(e) If no such measures have been taken so far do Government propose to take any such measures now?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) An estimate of the total investments by Indian nationals in Ceylon and Malaya is not available. The attention of the Honourable Member is however, drawn to the reply

given to part (a) of Question No. 1425 asked by Shri Brajeshwar Prasad on the 28th March, 1949.

(b) There has been no nationalization of land in Ceylon and Malaya.

(c) So far, no such discrimination against India has come to the notice of the Government of India.

(d) and (e). Do not arise.

COPRA AND COCOANUT OIL

*600. **Shri Satish Chandra Samanta:** (a) Will the Honourable Minister of Industry and Supply be pleased to state how much copra and cocoanut oil imported from Ceylon were distributed in the province of West Bengal?

(b) What is the difference in price of cocoanut oil in West Bengal and South India in the year 1949-50?

(c) Is there any cocoanut oil mill in West Bengal?

(d) If the answer to part (c) above be in the negative, what steps do Government propose to take to encourage cocoanut oil industry in West Bengal?

The Honourable Dr. Syama Prasad Mookerjee: (a) The information is as follows:

	<i>(all figures in gallons).</i>			
	1946-47	1947-48	1948-49	1949-50 (Jan./August).
(1) Coconut oil	1,503,927	1,606,754	1,125,741	
(2) Copra.	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>

(b) The prices of coconut oil at Calcutta during the first seven months of 1949-50 were, on the average, about 10 per cent. and 13 per cent. higher than in Cochin and Allepy respectively and two per cent. lower than in Madras.

(c) There are two mills in West Bengal which crush copra for making coconut oil.

(d) Does not arise.

EXTRADITED CHINESE FROM TIBET

*601. **Shri Ari Bahadur Gurung:** (a) Will the Honourable the Prime Minister be pleased to state the number of Chinese nationals who were allowed to enter into India via Kalimpong as a result of the quit order by the Government of Tibet?

(b) How many of these Chinese have left for China and how many are still in India?

(c) How many of these Chinese have Indian wives?

The Honourable Shri Jawaharlal Nehru: (a) The total number of Chinese evacuees from Tibet was 100 including 28 children. Party also included 33 guides and attendants who have returned to Tibet.

(b) 45 of these Chinese nationals have already left for China. The others will return as soon as transport is available. One of them, reported to be a Japanese national, is at present under detention pending his proposed repatriation to Japan.

(c) None.

TREATY WITH BHUTAN

*602. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that the Government of India have concluded a new treaty with the Government of Bhutan;

(b) if so, what are the terms of the treaty and in what manner these terms differ from the terms of the previous treaty that existed between the British Government and the Government of Bhutan;

(c) what was the amount payable annually to the Government of Bhutan by the Government of India under the old treaty by way of compensation or subsidy and what would be the amount payable by the present Government under the new treaty and what is the reason for increase in the amount, if any; and

(d) whether any part of the territory forming part of the Dominion of India has been retransferred to the Government of Bhutan and if so, the extent of such territory and the reasons why this was done?

The Honourable Shri Jawaharlal Nehru: (a) Yes.

(b) to (d). A copy of the treaty is placed on the Table. (See *Appendix XV, annexure No. 3.*)

EMPLOYEES' STATE INSURANCE SCHEME

*603. **Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Labour be pleased to state:

(a) what progress has since been made in the implementation of the pilot scheme of Employees' State Insurance in the Chief Commissioners' Provinces of Delhi and Ajmer-Merwara;

(b) whether any machinery has been set up or is proposed to be set up in either of these areas to enforce the provisions of Employees' State Insurance Act and if so, what and if not, by which date one is likely to be set up;

(c) whether any attempt has been made in Ajmer-Merwara to acquire buildings for dispensary, local offices, etc., to enable the Corporation to function in the industrial areas;

(d) whether any local offices where cash benefits will be administered have been set up in Delhi and Ajmer-Merwara; and

(e) whether any regional office has been opened in either of the Provinces and if not, how long it is likely to take?

The Honourable Shri Jagjivan Ram: (a) It was originally intended to introduce the pilot scheme under the Employees' State Insurance Act, 1948, in Delhi and Ajmer-Merwara. The Standing Committee of the Corporation which considered the question in detail has decided that due to practical difficulties it may not be possible to implement the pilot scheme in Ajmer-Merwara at present. It has, however, been decided to implement the Scheme very shortly in Delhi.

Before the scheme is implemented in Delhi, accommodation has to be secured and other arrangements made for the regional office, local offices and dispensaries. So far, a regional office has been set up and efforts are being made to obtain accommodation for local offices. Steps are also being taken to build dispensaries.

STARRED QUESTIONS AND ANSWERS

The regional office has already contacted the employers in Delhi for obtaining complete data as regards workers who will be insured under the Scheme.

The Central Government, the Provincial Governments and the Corporation are finalising the various rules and regulations that have to be promulgated under the Act, providing for various administrative and other details for implementing the scheme.

The pilot scheme will be inaugurated in Delhi as soon as the necessary buildings for the various offices are acquired and set up and the necessary rules, regulations and other matters are finally completed.

(b) In view of the reply to question (a), no organisation is proposed to be set up immediately in Ajmer-Merwara. In Delhi, a skeleton regional office has been set up and other local offices and dispensaries will be set up as soon as the necessary buildings become available. These offices are expected to be set up by the 31st March 1950.

(c) Does not arise.

(d) In Delhi, strenuous efforts are being made at securing accommodation for the local offices. In respect of Ajmer-Merwara the question does not arise.

(e) A skeleton regional office has been set up in Delhi. In respect of Ajmer-Merwara the question does not arise.

NON-MUSLIM DISPLACED PERSONS IN PAKISTAN

***604. Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Rehabilitation be pleased to state:

(a) the number of non-Muslim displaced persons still awaiting repatriation in Rawalpindi and other places in Pakistan;

(b) whether any agreement has been arrived at between the Government of India and the Government of Pakistan in respect of the exchange of non-Muslim displaced persons at present in Rawalpindi camp with the Muslim detenus and prisoners in India; and

(c) if so, what will be the numbers of such repatriated displaced persons and detenus or prisoners respectively and by which date such agreement is expected to be implemented?

The Honourable Shri Mohan Lal Saksena: (a) The number of non-Muslims awaiting repatriation from Pakistan is not known. Those desiring to come to India are received in transit camps at Karachi and Lahore maintained by the Government of India. From there they are evacuated to India. The number of such persons evacuated from Karachi and Lahore during October, 1949 is 2,909 and 452 respectively.

(b) No.

(c) Does not arise.

TEXTILES AND COTTON (IMPORT AND EXPORT)

***605. Pandit Mukut Bihari Lal Bhargava:** Will the Honourable Minister of Commerce be pleased to state:

(a) the quantity and value of cotton cloth and yarn, silk goods and silk yarn imported from Dollar area and Sterling area separately during the current financial year;

(b) the total quantity and value of cloth, cotton yarn, silk goods and silk yarn etc., exported from India to other countries during the same period; and

(c) the total quantity of long and short staple cotton produced in India during 1948-49 and the total quantity and value of cotton of each variety imported into India from foreign countries including Pakistan?

The Honourable Shri K. C. Neogy: (a) to (c). Statements giving the required information for the period ending with 31st August 1949 are placed on the Table of the House. (See Appendix XV, annexure No. 4.) Later statistics are not yet ready.

TREATY WITH NEPAL

*606. **Shri Ajit Prasad Jain:** Will the Honourable the Prime Minister be pleased to state:

(a) whether any negotiations have been in progress for a treaty between India and Nepal;

(b) if so, the basis, scope and object of the proposed treaty; and

(c) the stage of progress made in the negotiations?

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

(b) and (c). Nepal has been in treaty relationship with India since the early part of the 19th century. After the independence of India it was felt desirable to enter into a fresh treaty of friendship and commerce between the two Governments. Negotiations are proceeding between the two Governments with regard to the terms of the proposed new treaty.

PRIME MINISTER'S VISIT TO AMERICA

*607. **Shri Lakshminarayana Sahu:** (a) Will the Honourable the Prime Minister be pleased to state the expenses incurred on his recent visit to America and England?

(b) How many persons accompanied him?

The Honourable Shri Jawaharlal Nehru: (a) Exact figures are not available as accounts have not been received yet. The principal items of expenditure incurred were air passage from Bombay to London and back and hotel bills in London on the outward journey to the United States. The President of the United States was good enough to send his own aircraft to convey our party from London to the U.S. and back. In the United States the Prime Minister's party were guests of Government, and in Canada they were guests of the Canadian Government. On return from America, the U.K. Government were good enough to offer their hospitality in England.

(b) Those who accompanied me at Government expense were the Secretary-General, my Private Secretary and an Under Secretary of the Ministry of External Affairs. My daughter also accompanied me on this tour but her expenses were paid for privately and not charged to Government account.

INDIANS IN MADAGASCAR

***608. Shri Lakshminarayan Sahu:** (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that many Indian settlers have been deported from Madagascar to India?

(b) If so, how many Indians have been so deported?

(c) Is it a fact that the British Consul-General said that he was unable to help the Indian population in the matter?

(d) What action do Government propose to take in the matter?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a), (b) and (d). Attention of the Honourable Member is invited to the reply given to Starred Question No. 163 on the 1st December, 1949.

(c) No, Sir. The British Consul-General has made suitable representations in all cases which have been referred to him by us or directly by the Indians. In a few cases where his representations have produced no results he has stated that his further intervention would serve no useful purpose.

RECOGNITION OF GOVERNMENTS IN INDO-CHINA

***609. Shri Ajit Prasad Jain:** Will the Honourable the Prime Minister be pleased to state:

(a) whether he had any formal or informal negotiations with U.S.A. and countries of the Commonwealth for the recognition of Bao Dai or Viet Minh Government in Indo-China;

(b) if the answer to part (a) above be in the affirmative, what are the respective view points of U.S.A. and the different Commonwealth countries; and

(c) when do Government propose to take a final decision in the matter?

The Honourable Shri Jawaharlal Nehru: (a) No.

(b) Does not arise.

(c) This matter has not come up before Government.

COMPENSATION TO VICTIMS OF RAIDS FROM PAKISTAN

***610. Sardar Bhopinder Singh Man:** Will the Honourable the Prime Minister be pleased to state what compensation, if any, has been given to the victims of the raids by the Pakistan nationals across the frontiers and if none, why?

The Honourable Shri N. Gopalaswami Ayyangar (Minister of Transport and Railways): No application for compensation has been received by the Government of India. According to information so far received by them compensation has in the following cases been sanctioned by the Provincial Government concerned to the victims of raids from across the India-Pakistan border:

By the Government of West Bengal.—Rs. 210 as gratuitous relief to the families of 7 persons carried away by the Pakistan Police in October, 1948, from Sahabnagar on the Murshidabad border.

By the Government of East Punjab.—Rs. 950 as compensation paid to the dependents killed in four border raids and extraordinary pensions of Rs. 12 p.m. in one case and Rs. 3 p.m. each in three other cases. Two or three other cases are still under consideration.

STATE-OWNED FACTORIES

*611. **Sardar Bhopinder Singh Man:** Will the Honourable Minister of Industry and Supply be pleased to state:

(a) the number of factories State-owned or partially financed by the State, which have been started since August 1947 or are proposed to be started in the near future; and

(b) the provinces in which they are proposed to be located and the reasons for selecting particular provinces for locating them?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). A statement is laid on the Table of the House. (See *Appendix XV, annexure No. 5*.)

RAW SILK (IMPORT)

*612. **Shri Mahavir Tyagi:** (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that the import of raw silk had been banned by Government in July 1948?

(b) Are Government aware that during the same month a large shipment of raw silk was imported at Okha Port?

(c) Had any licences for the import of foreign raw silk been issued by Government during the period when the import of raw silk was banned?

The Honourable Shri K. O. Neogy: (a) No. In July 1948 there was a ban on the licensing of raw silk but not on imports thereof against valid licences issued before the imposition of the ban. It may be added that licences were granted for imports of raw silk freely from Non-dollar sources during July-December 1947 and from Sterling Area countries only during January-June 1948.

(b) No imports of raw silk were made at Okha Port in July, 1948. Some imports were made during August to October 1948 but the consignments cannot be said to be large.

(c) No licences were issued after 1st July 1948, when the general decision not to issue licences was taken, until the current half year when it has again been declared to be licensable.

DEVALUATION

*613. **Prof. K. T. Shah:** Will the Honourable Minister of Commerce be pleased to state the consequences of devaluation, according to the latest information available to the Government, in respect of—

(i) the production in the leading large scale industries in India which provide goods either for export or for home market;

(ii) export of Indian produce, or merchandise, and re-exports from India, during 1949-50; and

(iii) imports of food and machinery, petroleum and its products, and raw materials of Industry?

The Honourable Shri K. O. Neogy: (i), (ii) and (iii). Our rupee was devalued only on 19th September 1949. Having regard to the comparatively short time that has elapsed, I would prefer to postpone judgment on the consequences of devaluation in these matters.

CEYLON MINISTER'S VIEWS ON INDIA

*614. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable the Prime Minister be pleased to state whether the attention of the Government of India has been drawn to the report published in the *Pakistan Times* containing a version of the interview given by Sir John Kotalawala, Ceylon's Minister for Transport and Works, in Cairo on November 8th, 1949, and the views expressed by him on India and Pakistan and their relations with Ceylon, to the representative of a News Agency there?

(b) If so, have the Government of India made enquiries into the matter to find out if the version of the interview contained therein is correct?

(c) Has any action been taken by the Government of India in the matter and have they lodged any protest with the Ceylonese Government and if so, with what results?

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

(b) and (c). Yes. Immediately on seeing the report the Government asked the Indian High Commissioner in Ceylon as well as the Indian Embassy in Egypt to ascertain the correctness of the statement attributed to Sir John Kotalawala. In the meantime Sir John himself in a statement issued by him to the Press in Ceylon denied having made any such statement and characterised the whole report as a complete fabrication and "a lie". He also explained the position to the Government of India through the Ceylon High Commissioner at New Delhi and in particular expressed his regret that such a statement involving the action of the Deputy Prime Minister should have been attributed to him. In the circumstances the question of lodging a protest with the Ceylon Government does not arise.

TREATMENT METED OUT TO KHAN BROTHERS

*615. **Pandit Mukut Bihari Lal Bhargava:** (a) Will the Honourable the Prime Minister be pleased to state whether the attention of the Government of India has been drawn to the reports published in the various Indian newspapers about the inhuman and barbarous treatment meted out to Khan brothers in the prison by the Government of Pakistan?

(b) Have the Government of India received news of the various protest meetings held in different parts of the country and requesting them to intervene in the matter and to bring this to the notice of the United Nations Organisation?

(c) If so, have the Government of India taken any action in the matter or do they intend to take and if not, why not?

The Honourable Shri Jawaharlal Nehru: (a) and (b). The Government of India have seen Press reports on these subjects.

(c) Government do not interfere in the internal affairs of a foreign country, and hence have taken no action in the matter. But individual members of Government share the concern of the public in India at the reports received and earnestly trust that the Khan Brothers, who played such a notable part in the struggle for the freedom of this country and who are loved by large numbers of people both in India and Pakistan, should receive the treatment and high consideration which is their due.

INDIANS DETAINED IN MALAYA

*616. **Shri V. Esmalah:** (a) Will the Honourable the Prime Minister be pleased to state how many Indians have been detained in Malaya for taking active part in Communist activities and how many for paying money to Communist agents to safeguard their lives?

(b) What steps have Government taken to get those who were detained for paying money in fear released?

Dr. B. V. Keskar (Deputy Minister of External Affairs): (a) Government have no information on the exact number of Indians detained for taking active part in the terrorist activities in Malaya. Most of the detainees were arrested on suspicion that they were assisting or were likely to assist in subversive activities in the country. So far as the Government is aware, 40 Chettians were arrested on the specific charge of paying protection money to terrorists or their agents.

(b) Representations were made to the Malayan authorities by our Representative in Malaya, as a result of which 23 of the 40 persons arrested were released unconditionally and 15 were repatriated to India.

WOOLNER COLLECTIONS OF MANUSCRIPTS AT LAHORE

*617. **Shri Ajit Prasad Jain:** Will the Honourable the Prime Minister be pleased to state:

(a) whether the Woolner collections at Lahore consisting of some 10,000 manuscripts in Sanskrit, Pali, Prakrit and other Indian languages formed part of the assets divisible between India and Pakistan;

(b) if the answer to part (a) above be in the affirmative, how the matter was dealt with; and

(c) whether the Government of India propose to approach the Government of Pakistan for the transfer of their shares of the manuscripts or for obtaining their micro-film copies?

Dr. B. V. Keskar (Deputy Minister of External Affairs): The question should have been addressed to the Honourable Minister for Education. It has accordingly been transferred to the list of questions for 20th December, 1949, when the Honourable Minister for Education will answer it.

INDIANS IN BAHREIN ISLAND

*618. { **Shri Damodar Swarup Seth:**
Shri Lakshminarayan Sahu:

Will the Honourable the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to a letter from an Indian in Bahrein island in the Persian Gulf published in the Hindustan Times, Delhi, dated the 1st December 1949, regarding the position of Indians in that island;

(b) if so, whether it is a fact that permission is refused to new comers from India to enter the island;

(c) whether it is also a fact that the Indians residing in that island are not allowed to go to India on business or on urgent family matters; and

(d) if so, whether Government propose to take any action in the matter?

Dr. B. V. Keekar (Deputy Minister of External Affairs): (a) Yes.

(b) No; facilities for travel to Bahrein can, as a general rule, be granted by the passport issuing authorities in India, to Indians and their wives who are proceeding to the Persian Gulf States on *bona fide* business, provided they have arranged accommodation beforehand. It is only in cases other than these that a 'no objection certificate' has to be obtained by the applicant from the Political Agent of the Persian Gulf State concerned.

(c) and (d). 'There can be no such restriction but the Government of India are prepared to make investigations if specific cases are mentioned to them'

AGREEMENT WITH CEYLON FOR PURCHASE OF COPRA AND COCONUT PRODUCTS

*619. **Shri P. T. Chacko**: Will the Honourable Minister of Commerce be pleased to state:

(a) the main terms of the agreement the Government of India have entered into with Ceylon for the purchase of Copra and Coconut products;

(b) the date of the agreement;

(c) the amounts of Copra and Coconut oil imported to India in the years 1946 and 1947;

(d) the price for the commodities mentioned above now prevailing in Colombo and at Cochin?

The Honourable Shri K. C. Neogy: (a) and (b). The attention of the Honourable Member is invited to Commerce Ministry's Press Note dated the 8th December 1949 releasing the text of the agreement to the public. A copy of the Press Note has been placed in the Library of the Legislature.

(c) and (d). A statement giving the required information is laid on the Table of the House. (See *Appendix XV, annexure No. 6.*)

SUGAR INDUSTRY (PROTECTION)

*620. **Shri Ajit Prasad Jain**: (a) Will the Honourable Minister of Commerce be pleased to state when the protective duty on sugar was imposed?

(b) What is the total amount of money which the consumer had to pay as a result of the imposition of protective duties over and above what he would have paid if no protective duty had been imposed on sugar?

The Honourable Shri K. C. Neogy: (a) Protective duty on sugar was imposed in 1932.

(b) I am unable to give a categorical reply to this question. It is not easy even to estimate this amount, as we cannot be certain as to what the rate of revenue duty would have been from time to time, in the absence of a protective duty, the quantity of sugar that might have been imported or consumed and the price of that sugar.

Wednesday
14th December, 1949

THE CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS
AND ANSWERS)

Official Report

Volume VI, 1949

(28th November to 17th December, 1949)

Sixth Session
of the
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1949



CONTENTS

Volume VI—28th November to 17th December, 1949.

	PAGE
MONDAY, 28TH November, 1949	
Death of Mr. Ardeahir Dalal, Syed Md. Murtaza Sahib, Haji Jamal Md. Saheb and Mr. Aziz Ahmed Khan	1—2
Motions for Adjournment <i>re</i> —	
Shortage of sugar	2
Import of coconut and its products from Ceylon	2—3
Ban on the <i>Nationalist</i>	3
Statement <i>re</i> Legislative Business and certain other matters	4—13
H. E. the Governor General's Assent to Bills	13—14
Papers laid on the Table.—	
Report of Indian Government Delegation to 31st Session of International Labour Conference, San Francisco, 1948	15
Amendments to Insurance Rules, 1939	15
Ordinances issued by H. E. the Governor General after Budget Session, 1949	15—17
Action taken by Government on Assurances, Promises and Undertakings given during Budget Session, 1949	18
Election to Standing Committee for Ministry of Rehabilitation	18
Reserve Bank of India (Amendment) Bill—Introduced	18
Essential Supplies (Temporary Powers) Second Amendment Bill—Introduced	18
Rubber (Production and Marketing) Bill—Introduced	19
Requisitioned Land (Apportionment of Compensation) Bill—Introduced	19
Transfer of Detained Persons Bill—Introduced	19
Indian Arms (Amendment) Bill—Introduced	19
Insurance (Amendment) Bill—Introduced	19
Indian Merchant Shipping (Amendment) Bill—Introduced	19
Indian Tariff (Second Amendment) Bill—Introduced	19
Indian Railways (Amendment) Bill—Presentation of Report of Select Committee	19
Indian Judicial Procedure Bill—Presentation of Report of Select Committee	19
Industries (Development and Control) Bill—Extension of time for Presentation of report of Select Committee	20
Taxation Laws Amendment Bill—Withdrawn	20
Banking Companies (Legal Practitioners' Clients' Accounts) Bill—Passed	21—23
Industrial Finance Corporation (Amendment) Bill—Passed as Amended	24—27
Reserve Bank of India (Amendment) Bill—Passed	28—40
Delhi Road Transport Authority Bill—Discussion on Motion to refer to Select Committee—Not concluded	40—50
TUESDAY, 29TH November, 1949.—Vol. VI.—No. 2.	
Motion for Adjournment <i>re</i> Enhancement of Export Duty on Black Pepper	51—52

Papers laid on the Table—	PAGES
Report of Rehabilitation Finance Administration, ending 30th June, 1949	52
General Review of Working of Rehabilitation Finance Administration	52
Amendments to Industrial Finance Corporation of India Employees' Provident Fund Regulations, 1948	52
White Paper on 1949 Sterling Balances Negotiations	53
Loan Agreements relating to Railway and Agricultural Machinery	53
Foreign Exchange Regulation (Amendment) Bill—Introduced	52
Merchant Shipping and Lighthouse (Amendment) Bill—Introduced	52
Abducted Persons (Recovery and Restoration) Bill—Introduced	53
Business of the House	53
Motion re—	
(i) Sterling Balances Agreement of July, 1949	53—92
(ii) Policy of Government about Negotiations for Loans for Financing Development Projects and Agreements concluded with International Bank for Reconstruction and Development	53—92
WEDNESDAY, 30TH November, 1949.—Vol. VI.—No. 3.	
Resolution re Abolition of Night Air Mail and Passenger Service—Discussion not concluded	93—135
THURSDAY, 1ST December, 1949.—Vol. VI.—No. 4.	
Papers laid on the Table—Annual Report of Indian Standards Institution	137
Election to Standing Advisory Committee for Department of Scientific Research	137
Election to Standing Committee for Ministry of Rehabilitation	138
Indian Tariff (Second Amendment) Bill—Passed	138—64
Delhi Road Transport Authority Bill—Referred to Select Committee	164—79
FRIDAY, 2ND December, 1949.—Vol. VI.—No. 5.	
Papers laid on the Table—Notifications under Central Excises and Salt Act, 1944	181
Taxation Laws (Extension to Merged States and Amendment) Bill—Introduced	182
Explosives (Temporary Provisions) Bill—Introduced	182
Industrial Disputes (Banking and Insurance Companies) Bill—Introduced	182
Transfer of Detained Persons Bill—Passed as amended	182—81
Indian Arms (Amendment) Bill—Passed	188—89
Essential Supplies (Temporary Powers) Second Amendment Bill—Passed	189—225
Rubber (Production and Marketing) Amendment Bill—Passed	225—30
Requisitioned Land (Apportionment of Compensation) Bill—Discussion on motion to consider—Not concluded	230—31
MONDAY, 5TH December, 1949.—Vol. VI.—No. 6.	
Papers laid on the Table—Mineral Concession Rules, 1949 under Mines and Minerals (Regulation and Development) Act, 1948	233
Transport Services Compensation Rules, 1949, under Road Transport Corporation Act.	239
Election to Standing Committee for Department of Scientific Research	233
Electricity (Supply) Amendment Bill—Introduced	233—34
Merged States (Laws) Bill—Introduced	234

	PAGES
Requisitioned Land (Apportionment of Compensation) Bill—Passed as amended	234—43 248—49
Insurance (Amendment) Bill—Discussion on motion to refer to Select Committee—Not concluded	244—47 249—73
TUESDAY, 6TH December, 1949.—Vol. VI.—No. 7.	
Papers laid on the Table—Half yearly Statement of Lowest Tenders not accepted by India Store Department, London	275
Insurance (Amendment) Bill—Referred to Select Committee	275—301
Taxation Laws (Extension to Merged States and Amendment) Bill—Discussion on motion to refer to Select Committee (referred to Select Committee)	302—315 318—34
WEDNESDAY, 7TH December, 1949.—Vol. VI.—No. 8.	
Motion for Adjournment <i>re</i> purchase of the <i>Blitz</i> for the Army and withdrawal of Press Permit of the <i>Nation</i>	317
Cinematograph (Second Amendment) Bill—Introduced	317
Taxation Laws (Extension to Merged States and Amendment) Bill—Referred to Select Committee	318—34
Indian Merchant Shipping (Amendment) Bill—Passed as amended	334—49
Merchant Shipping and Lighthouse (Amendment) Bill—Passed	349—50
Industrial Disputes (Banking and Insurance Companies) Bill—Passed	351—61
Explosives (Temporary Provisions) Bill—Passed as amended	361—65
THURSDAY, 8TH December, 1949.—Vol. VI.—No. 9.	
Mines Bill—Introduced	367
Indian Railways (Amendment) Bill—Consideration of clauses—Not concluded	367—410
Business of the House	411—12
Resolution <i>re</i> Central Road Fund—Adopted	412—15
FRIDAY, 9TH December, 1949.—Vol. VI.—No. 10.	
Motion for Adjournment <i>re</i> Reported holding up of Raw Jute Bales by Pakistan Government	417
Industrial Disputes (Appellate Tribunal) Bill—Introduced	417
Inland Steam Vessels (Amendment) Bill—Introduced	418
Administration of Evacuee Property Bill—Introduced	418
Indian Railways (Amendment) Bill—Passed as amended	418—36
Electricity (Supply) Amendment Bill—Passed	426—47
Cinematograph (Second Amendment) Bill—Discussion on motion to consider—Not concluded	447—61
MONDAY, 12TH December, 1949.—Vol. VI.—No. 11.	
Papers laid on the Table—Report of Railway Convention Committee 1949	463
Central Reserve Police Force Bill—Introduced	463
Profession Tax Limitation (Amendment and Validation) Bill—Introduced	463
Delhi Road Transport Authority Bill—presentation of Report of Select Committee	464
Hindu Code—Discussion on motion to consider as reported by Select Committee to circulate and to re-commit to Select Committee—Not concluded.	464—307
TUESDAY, 13TH December, 1949.—Vol. VI.—No. 12.	
Motion for Adjournment— <i>re</i> Undesirable Demonstration in front of Central House	309

	PAGE
Police Bill—Introduced	509
Imports and Exports (Control) Amendment Bill—Introduced	510
Hindu Code—Discussion on motions to consider as reported by Select Committee, to circulate and to recommit to Select Committee—Not concluded	510—558
WEDNESDAY, 14TH December, 1949.—Vol. VI.—No. 13	
Delhi Premises (Requisition and Eviction) Amendment and Validation Bill—Introduced	539
Women Police in Ladies Gallery	552—60
Hindu Code—Discussion on motions to consider as reported by Select Committee, to circulate and to recommit to Select Committee—Not concluded	560—621
THURSDAY, 15TH December, 1949.—Vol. VI.—No. 14.	
Insurance (Amendment) Bill—Extension of time for presentation of Report of Select Committee	623
Papers laid on the Table—	
Declarations of Exemption under Registration of Foreigners Act, 1939	623—24
Merged States (Taxation Concessions) Order, 1949	624
Taxation Laws (Merged States) (Removal of Difficulties) Order 1949	624
Merged States (Laws) Bill—Passed as amended	624—33
Abducted Persons (Recovery and Restoration) Bill—Discussion on motion to consider—Not concluded	633—65
FRIDAY, 16TH December, 1949.—Vol. VI.—No. 15.	
Indian Judicial Procedure Bill—Withdrawn	667
Workers' Provident Fund Bill—Withdrawn	667—72
Prevention of Free or Forced or Compulsory Labour Bill—Withdrawn	672—77
Indian Cattle Preservation Bill—Discussion on motion to consider—Postponed	678—85
Taxation Laws (Extension to Merged States and Amendment) Bill—Presentation of Report of Select Committee	686—701
Societies Registration (Amendment) Bill—Motion to consider—Not proceeded with	701—03
Indian Penal Code (Amendment) Bill (Amendment of Sections 53, 121, 132 etc.)—Introduced	703
Land Acquisition (Amendment) Bill—(Amendment of Sections 11 and 23)—Introduced	703—04
Advanced Age Marriage Restraint Bill—	
Leave to introduce—Refused	704
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill—Introduced	705
Punishment of Tax Evaders and Black Marketeers Bill—Introduced	705
Children's Protection Bill—Introduced	705
Indian Penal Code (Amendment) Bill (Repeal of Section 309)—Leave to introduce—Refused	705—07
Council of the Press of India Bill—Introduced	708
Useful Cattle Preservation Bill—Introduced	708
Training and Employment Bill—Introduced	708
Abducted Persons (Recovery and Restoration) Bill—Discussion on motion to consider—Not concluded	708—22
SATURDAY, 17TH December, 1949.—Vol. VI.—No. 16.	
Rehabilitation Finance Administration (Amendment) Bill—Introduced	723
Insolvency Law (Amendment) Bill—Introduced	723
Abducted Persons (Recovery and Restoration) Bill—Consideration of clauses—Not concluded	723—81

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Wednesday, 14th December, 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. Ananthasayanam Ayyangar) in the Chair.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT
AND VALIDATION BILL

The Honourable Shri N. V. Gadgil (Minister of Works, Mines and Power): Sir, I beg to move for leave to introduce a Bill to amend the Delhi Premises (Requisition and Eviction) Act, 1947, and to validate certain orders.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Delhi Premises (Requisition and Eviction) Act, 1947, and to validate certain orders."

The motion was adopted.

The Honourable Shri N. V. Gadgil: Sir, I introduce the Bill.

WOMEN POLICE IN LADIES' GALLERY

Mr. Deputy-Speaker: Before the House resumes further consideration of the Hindu Code, I would like to make a few observations relating to the observations made by Dr. Pattabhi Sitaramayya in the course of his speech yesterday when the Hindu Code was under discussion. My attention was invited to the reference made by him in the House in the course of his speech to the presence of women police in the Ladies' Gallery. This is obviously based on a misunderstanding.

As hon. Members are aware, the galleries are under the control of the Speaker and the arrangements for the admission of visitors to the galleries have worked smoothly so far and there has been perfect order in the galleries. I had not even considered the question of police aid, nor did the Government make any request to me to that effect. It appears that one or two police women came into the Ladies' Gallery to listen to the debates. Hindu law is such an interesting subject that no lady could help listening to it. They were not there on duty and had no functions of any kind to perform. I shall take

[Mr. Deputy-Speaker]

care to see that in future they are not admitted even as visitors. (*Some Honourable Members*: Why?) If a suspicion is created that we are guarding this House by police, I would like to keep the House beyond all such suspicion.

Shri Jaspal Roy Kapoor (U.P.: General): Sir, if Police personnel are admitted to the galleries, they should be asked to come without their uniforms.

Mr. Deputy-Speaker: I do not want any further discussion on this matter. Let us proceed to the further consideration of the Hindu Code Bill.

HINDU CODE—contd.

Mr. Deputy-Speaker: I have received a letter from Mr. Kripalani that it was under a misunderstanding yesterday that he sat down. I thought that he had concluded his speech. He says that as soon as I got up, in deference to the Chair, he sat down. If that is so, I would like to give him an opportunity to continue his speech, but I would request him to conclude his speech in a very short time.

Acharya J. B. Kripalani (U.P.: General): Sir, I thank you for the opportunity that you have given me to conclude my speech. I wanted to conclude it in a more serious manner. It appears to me that as a nation we lack a little humour and cannot penetrate to the serious purpose that lies behind the humour.

My support to the Bill is wholehearted and it rests upon very sound grounds. It rests on the foundation of the character and tradition of Indian womanhood. Throughout history they have played a very distinguished part in our life and in our culture. In ancient times we have famous names who contributed to the learning of the times. Many of them were great writers, philosophers and poets. In mediaeval times when we were down and out, when wave after wave of foreign invasion came, our women confined themselves to the home with their ancient virtues undiminished. And when wounded and disappointed we went home they soothed our wounds and kept the home fires burning. They were a consolation to us. Not only that, they kept our religion alive. They kept our traditions alive; they kept our culture alive. It is in Hindu homes, with Hindu women that we find our culture and our religion at its best. Even today when gentlemen change their dresses, our women do not change theirs. It is this trait of Indian womanhood that was recognised by the Father of the Nation and that was so ably utilised by him.

In our struggle for independence they stood shoulder to shoulder with us. Very often, I know, they had to suffer more than we had to suffer. Even when some of them did not bear lathi charges and did not go to jails, I know the privations that they had to suffer and they suffered them cheerfully. They have always helped us in every way and I suppose it ill-behoves us to think that they are thinking of themselves alone. After all the wearer knows where the shoe pinches. They know what handicaps they are suffering from. I am sorry that a Member from Bengal should be very enthusiastic against this Bill not knowing the conditions of the widows in Bengal. I have seen them with my own eyes.

Shri Surendra Chandra Majumdar (West Bengal : General): Not all Bengal Members are.

Acharya J. B. Kripalani: I was talking only of one Member who is very enthusiastic against the Bill. As I was saying the wearer knows where the

shoe pinches. I have no doubt that even when women get what they want, their traditional devotion to home, to their menfolk will not diminish and I have every reason to believe this. Sir, I am associated with women who may be considered as modern and you will excuse me if I give you a peep into my home life. You know and the House knows, Mrs. Kripalani, but you know only her public activity.

Sjt. Rohini Kumar Ghosh (Assam : General): On a point of order, Sir. Can you discuss about Mrs. Kripalani who is not present in the House?

Acharya J. B. Kripalani: Of course, I would seriously object if the Member discussed her, but I thought I had a little right to discuss her. As I was saying, she takes her full part in public life, but as soon as she is at home she is as good a housewife as any ancient woman.

Though I do not like anybody to do physical work for me, I can tell you that when I am not looking, she does everything for me, including the brushing of my chappals and the washing of my clothes. I have also had the privilege of seeing other women who are considered modern. I am acquainted rather intimately with those Members whom you see only in the House, and I have seen them in their home surroundings with their children, with their husbands, with their brothers, and I have no hesitation in saying that they lack none of the virtues of the old but they have added a new virtue to enrich their life, that of public activity and public work. Sir, I come from a community in Sind where most of the women are educated and according to modern ideas they may be considered even fashionable, but when I go to their homes I have marked the pathetic way they love their husbands, their children and their brothers.

An Honourable Member: Why pathetic?

Acharya J. B. Kripalani: I advisedly use the word because you do not know that this love of theirs is a very inconvenient thing to us menfolk. However much we may try to dominate the home and make our will prevail, they go round us in such a manner, with such devoted service, with such faithfulness, with such steadfastness, with such patience that I have yet to see husbands in the world who are more henpecked than the Indian husbands. They always stoop to conquer. I have seen these modern ladies highly educated, as educated as ourselves, and I have found that, under their skin, they are as ancient as any of their ancient sisters. I think those people who are married to old orthodox ladies and who have seen their devotion, if they were to see the devotion of the new, they will be surprised to see that there has been no change at all; and these women want that certain disabilities of theirs be taken away. It is said that, if women are given inheritance, love between brother and sister will diminish. I do not think that the love of our sisters is made of such flimsy stuff. It has centuries of tradition behind. I have seen sisters glaving away so that their brothers may be educated and find themselves on their feet. I have seen them sacrificing for the family. I come from a community where there is no joint family, where as soon as the son is married, he separates and lives alone, but I know because there is no joint family, there is greater love between the members of the family [*Hear, hear!* and it was manifested repeatedly when the Sindhis had to migrate from Sind and come to India. I have seen three or four families living together in one house. If anybody had a house outside, if anybody had settled outside Sind and he was living in India, that house was shared equally with nephews and cousins and in-laws and they bear the trouble of this terrible congestion very cheerfully. Many of them have to spend large sums of money. So, this family love which has persisted for centuries is not going to end because there is a little change in the Hindu Law.

{Acharya J. B. Kripalani}

As Sir Alladi Krishnaswami Ayyar has told us, this law has always been changing. It is the pride of the Hindu religion that it has adjusted itself to changing circumstances. It is true to the old, yet it takes as much of the new as it is necessary for the healthy life of the community. Times have changed. If foreign rule had not been here, our Shastras would have changed; our law would have changed. Foreign rule made these laws very rigid, and it is time that we bring in some new life and new light into them, and this Bill is trying to do that. I am sure the Bill would be put into some shape and form in Committee and that there will be no complaints. I am sure that our home life is not going to be disturbed and I am sure the love and the loyalty of our women is not going to diminish, that their devotion to their menfolk is not going to diminish in any way, and that the future women of India will be both true to their home and to the nation. Sir, I have done.

श्री गोकुलभाई दौलतराम भट्ट : माननीय उपसभापति महोदय, हिन्दु कोड बिल जब से पेश हुआ है तब से हिन्दुस्तान में एक हलचल पैदा हो गई है। डाक्टर सैन ने कहा है कि यह बिल ५० या ६० वर्ष पहले से ही हमारे सामने है। मैंने जो किताबें पढ़ी हैं उनसे यह पता नहीं चलता कि यह कोड पहले कभी आया था। लेकिन हिन्दु ला था और उसके मुतालिक कुछ कुछ परिवर्तन जब जब आये तब तब वह हिन्दु समाज के सामने आते रहे हैं इसमें सन्देह नहीं है। लेकिन जिस शकल में यह हिन्दु कोड बिल है वह तो हमारे सामने सन् १९३९ के बाद आया है। और उसके पहले डाक्टर देशमुख ने जब १९३८ में मैरिज बिल इसी भवन में पेश किया था, उस समय कुछ चर्चा चली थी।

Dr. P. K. Sen: May I just explain? I said that it had been before the legislative anvil for longer than 60 years, i.e., from 1856 or 1855, but that was with reference to the marriage law, not at all in respect to other aspects.

श्री गोकुलभाई दौलतराम भट्ट : मैं भी यही कहता हूँ कि इसमें से कुछ कुछ विषय हमारे सामने थे, हिन्दु समाज के सामने थे, और ऐसे विषय सिर्फ हिन्दु समाज ही के सामने नहीं थे, लेकिन पारसियों के सामने थे और मुसलमानों के भी सामने थे। मेरा कहना यह है कि यह हिन्दु कोड बिल जिस रीति से लाया गया है और जिस तरह से कमेटी, जिसे राव कमेटी कहते हैं, बनी उसका थोड़ा सा इतिहास आप देख लीजिये और मैं आपको यह दिखाना चाहता हूँ कि हिन्दु समाज, जिसकी आबादी करीब तीस करोड़ है, उसकी व्यवस्था के लिये जो कायदे कानून बनाये जाते हैं उसके लिये कितना समय मुकर्रर होता है, कैसे उसका प्रचार होता है, उसका अभिप्राय और राय जानने के लिये कौन से तरीके अस्तियार किये जाते हैं। हिन्दु कोड बिल आना चाहिये या नहीं आना चाहिये, हिन्दु समाज का संगठन होना चाहिये या नहीं होना चाहिये, हिन्दु ला के अलग अलग जो हिस्से हैं उनको एक में लाकर संकलन करना चाहिये या नहीं करना चाहिये, यह सवाल नहीं है। मैं आपका ध्यान

इस बात पर दिलाना चाहता हूँ कि राव कमेटी जो बनी वह सन् ४४ में बनी। सन् १९४४ की २० जनवरी को यह कमेटी बनी। और उसने अपना काम शुरू किया और एक ड्राफ्ट बिल बनवाया। वह बिल लोगों के सामने ५ अगस्त १९४४ को आया और उसके बाद दो महीने की मियाद दी गई कि ५ अक्टूबर सन् १९४४ तक लोग अपनी जो राय हो उसको भेज दें। और जनाब मैं यह ध्यान दिलाना चाहता हूँ कि इस बिल की कितनी कापियाँ छपवाई गयीं, १ एक हजार। तीस करोड़ की आबादी के लिये गवर्नमेण्ट आफ इण्डिया ने एक हजार कापियाँ छपवाई थीं। उसके बाद जब बहुत कुछ जोर दिया गया तो तीन हजार और कापियाँ छपवाई गयीं।

श्री महावीर त्यागी : वह अंग्रेजी में थीं या हिन्दी में ?

श्री गोकुलभाई दौलतराम भट्ट : वह एक हजार कापियाँ और तीन हजार कापियाँ अंग्रेजी में थीं। उसके बाद राव साहब ने प्रांतीय सरकारों को कहा कि उसका अनुवाद छपवा कर बटवावें। वह अनुवाद भी छपा। तो मैं समझता हूँ कि तीस करोड़ की आबादी के लिये ५० या ६० हजार से ज्यादा कापियाँ नहीं बटवाई गईं।

अब इस प्रकार का यह बिल जो कि इतने महत्व का बिल है, जो कि हिन्दु समाज को संगठित करने वाला है, जो कि एक प्रकार से नयी हवा को लाने वाली चीज है, जो कि एक सुधार करने वाली चीज है, इस सुधार करने वाली चीज के विषय में अभिप्राय जानने के लिये कितने लोगों के पास यह बिल पहुँचा और कहां तक इसका प्रचार किया गया यही मैं बताता हूँ। दो महीने की इसके लिये मुहल रखी गयी और इसके बाद कमेटी ने दौरा किया। राव कमेटी ने जो दौरा किया वह कितने दिन का था ? वह सिर्फ ३८ दिन का दौरा था। वह दौरा सारे हिन्दुस्तान के सब शहरों में करने नहीं गये, यह दौरा करने किसी भी कस्बों में नहीं गये, यह दौरा करने गांवों में नहीं गये, यह दौरा करने लोगों के बीच जनता में नहीं गये। वह किसी विधवा के पास नहीं गये, वह किसी बंबा के पास नहीं गये कि उससे पूछते कि 'बहन, आपको तो बंगाल में दायभाग की प्रथा के अनुसार सम्पत्ति में हिस्सा मिलता रहता है, फिर आप दुःखी कैसे हो ?' यह मद्रास में नहीं गये और पूछा कि वहां तो मातृक सम्पत्ति मिलती है फिर वहां बहनों और लड़कियों को दुःख कैसे है ? उन्होंने यह पता नहीं लगाया कि क्या विधवायें बंगाल में ही दुःखी हैं या मद्रास में दुःखी हैं या कहीं और जगह भी दुःखी हैं और अगर किसी और जगह भी दुःखी हैं तो उनके दुःखी होने का कारण क्या है ? उनका सम्पत्ति में भाग नहीं है इसी लिये वह दुःखी हैं, यह मैं मानने के लिये तैयार नहीं हूँ। स्त्री सम्पत्ति न होने से ही दुःखी

[श्री गोकुलभाई दौलतराम भट्ट]

होती है ऐसा नहीं है। एक बड़चन जो थी वह यह भी कि छोटी उम्र में विधवा हो जाती थीं और वे न संसार का सुख भोग कर पाती थीं। ऐसी विधवाओं को शादी करने का मौका फिर क्यों न दिया जाय ? इसके लिये ईश्वरचन्द्र विद्यासागर, मलबारी साहब ने कोशिश की और मैं समझता कि सन् १८५६ ई० में, या पता नहीं कौन सी साल है, मुझे थाद नहीं है, एक विद्यो रिमेंरिज एकट उस वक्त आया और अभी तक चल रहा है। लेकिन मुझे यह भी बताइये कि उसके मुवाफ़िक़ कितने लोपों ने फ़ाबदा उठाया और उसके कारण उनके घरों में क्या सुख आ गया और क्या जान आ गयी ? मेरा अर्थ करने का मतलब यह है कि मिफ़ कानून से ही समाज नहीं बदलेगा कोई चीज आप ऊपर से थोप दें तो उससे कुछ बनने वाला नहीं है। इसके बारे में मैं एक मिसाल देना चाहता हूँ और वह है पारसी मैरिज एण्ड डाइवोर्स विल की। यह विल पहले पहले सन् १८६५ ई० में बना था और उसका संशोधन करने के लिये सन् १९३६ ई० में यह विल जो सर कावसजी जहांगीर ने इसी भवन में रखा था मैं उसका इतिहास बताना चाहता हूँ। वह इतिहास यह है कि पारसी समाज के कुछ मित्रों ने यह सोचा, जैसाकि आज हम लोग सोच रहे हैं, कि संशोधन होना चाहिये। कृष्णलानी जी अपने घर को छतरे में नहीं डालना चाहते इस लिये वह ज़रूर इस विल का समर्थन करें। भी मेरे घर को छतरे में नहीं डालना चाहता इस लिये मैं इसका समर्थन करूँ।

श्री कृष्णचन्द्र शर्मा : इसमें सब बुड़े आदमी एक से ही हैं।

श्री गोकुलभाई दौलतराम भट्ट : ठीक है, जवाब मैं अभी शर्मा जी को नहीं दे रहा हूँ। वह तो बीबी का कोट ले कर उसके पीछे पीछे भले फिरते रहे हैं।

श्री कृष्णचन्द्र शर्मा : वह कोट नहीं पहनती हैं।

श्री गोकुलभाई दौलतराम भट्ट : मेरा अर्थ करने का मतलब यह है कि यह पारसी मैरिज एण्ड डाइवोर्स विल जो था उसके बारे में जब कुछ पारसी मित्रों ने सुझाया कि अब अपने सन् १८६५ ई० विल का सुधार करना है, उसे संशोधित करना है, तब उन्होंने क्या किया ? उन्होंने यह किया कि सन् १९२३ ई० में अपने पारसी पंचायत की एक ला (Law) कमेटी बिठाई। इस कमेटी में क्या हुआ ? इस कमेटी ने ऐसा नहीं किया कि एक संशोधन विल बना दिया और दो महीने की गुंजाइश दे दी, दो महीने में अपनी राय भेज दीजिये फिर हम अपना निर्णय करेंगे। और इस कमेटी ने चार साल तक जो प्रश्नावलि रखी। पारसियों की संख्या कितनी है ? एक लाख सन् १९२१ के आधारे पर, आज ज्यादा से ज्यादा बड़े लाख हो सकती है। चार साल तक

उस कमेटी की रिपोर्ट उनके सामने रही, बाद में फिर उन्होंने मंजूर किया। यह रिपोर्ट फिर पारसी समाज में फेली थी और उस रिपोर्ट पर उन्होंने राय मांगी, सिर्फ बम्बई वालों की नहीं, सिर्फ अहमदाबाद वालों की नहीं, मदरास में रहने वालों की नहीं, बल्कि परशिया में, चीन में जहाँ एक दो पारसी कुटुम्ब रहते थे, वहाँ के लोगों की इस रिपोर्ट पर पहले राय मांगी कि आप क्या मानते हो। पढ़े लिखे या वकील लोग जो होते हैं, यह एक बात को किसी तरह उल्टा, सीधा करके पेश करते हैं कि उनकी बात लोग जो हो वैसी समझ लेते हैं। वे अपने वाक् प्रभुत्व से उसको वैसा समझा देते हैं, लेकिन वैसी वाक् शक्ति जिनके पास नहीं है, उनके पास भी यह रिपोर्ट भेजी गई, क्या बहुमत, अल्पमत सबकी राय मांगी गई। और इस तरह सबकी राय लेने के बाद सन् १९३६ में यह बिल संशोधित करके भेजा और इस तरह यह बिल का विषय १९२३ से लेकर सन् १९३६ तक सामने रहने पर आखिर संशोधित रूप में पास हुआ।

मेरे मन में राव साहिब के लिये आदर है, उन्होंने बहुत काम किया है, उन्होंने विधान बनाने में बहुत बड़ी मदद पहुँचाई है। लेकिन मैं कहना चाहता हूँ कि उस रिपोर्ट में आपने यह बतलाया कि अजी क्या बात है कि थोड़े से आदमी हैं और उन्होंने यह ज़रूर कबूल किया कि समाज डिवाइडेड (divided) है। रेणुका बहिन तो यहाँ हैं नहीं, लेकिन उनको कोई दूसरी बात में नहीं कह रहा हूँ। १९४३ और ४४ में मैरिज बिल पर वह बोले रही थीं, तब बहिन ने यह कहा था कि अगर रेफरेंडम (referendum) लिया जाय, लोगों की मतगणना की जाय, तो जो जोशीले जवान हैं, जोशीले जवान शब्द उन्होंने नहीं प्रयोग किया, उन्होंने यूथ कहा, यह जोशीले जवान शब्द मैं कह रहा हूँ, एक उसकी व्याख्या कर रहा हूँ, तो जोशीले जवान उनके साथ होंगे, इस बिल के साथ होंगे। मैं इस बहिन को कहना चाहता हूँ, कि जो आप आज छः, आठ बहिन हैं, क्या यह मानती हैं कि यह हिन्दू कोड बिल बहिनों के लिये है और हमारे आचार्य कृपलानी यह मानने लगे कि यह बिल बहिनों को स्वतन्त्रता देने के लिये है। तो इसका नाम हिन्दू कोड बिल मत रखिये, इसका नाम सिविल राइट्स आफ हिन्दू वीमैन आफ्टर इण्डेपेंडेन्स (Civil Rights of Hindu Women after Independence) ऐसा कोई नाम रखिये और जितने अधिकार देवियों को देने हैं, दे दो। क्योंकि हमने सदैव देवियों की पूजा की है, उनका सदैव आदर सरकार किया है। इन देवियों का तो विवाह के बाद पति का घर ही अपना घर बन जाता है। सचेता बहिन, उनका घर यह बन गया है। हर एक देवी जब अपने पति के यहाँ जाती है, तो पति का घर उसका घर बन जाता है, और विवाह के बाद पिता का घर उसका नहीं रहता, वह पीहर हो जाता है, घर यहाँ है जहाँ उसकी शादी होती है, यह घर उसका हो जाता है, मैं उसके विस्तार में नहीं जाना चाहता हूँ। लेकिन यह बहिनें क्यों

[श्री गोकुलभाई दौलतराम भट्ट]

मानने लगीं कि यह तो हमारा ही बिल है, हमारे लिये ही है, वह एक गलत स्थल है, इसमें जितना बहनों का हक है, उतना पुरुषों के लिये भी हक है। मैं इन दोनों में कोई फर्क नहीं करना चाहता हूँ। इस लिये कोई भाई या बहिन यह नहीं समझे कि यह हिन्दु कोड बिल सिर्फ समाज के एक अंश के लिये है। मुझे माफ़ किया जायेगा, जरा थोड़ी ती मिनट ज्यादा लम जायेगी।

तो मैं यह अर्ज कर रहा था कि उस दिन रेणुका बहिन ने कहा कि रेफ़रेंडम लिया जाय, तो सभी जोशीले जवान हमारे साथ है। १९४७ में राव साहिब ने जब अपनी रि रिपोर्ट की, तो उस रिपोर्ट में उन्होंने कहा, 'Opinion is sharply divided, some to the left, some to the right.' और जो लोग इसको मानने वाले हैं, वह दिमाग रखते हैं, क्वालिटी (Quality) वाले हैं और जो नहीं मानने वाले हैं, वह सब फूस हैं, उनके पास दिमाग नहीं है, उनकी कोई हैसियत नहीं है, उनमें कोई अवल नहीं है, वह समाज को समझते नहीं हैं। वह समाज को समझने वाले कौन हैं? राव साहिब वगैरा ही समाज को समझने वाले हैं? दारका नाथ मित्तर् यह समाज को नहीं समझ सकते हैं। ऐसे लोगों के लिये मैं क्या कहूँ, मालवीय जी जिनकी जयन्ती हमने कल मनाई और कहा कि हिन्दुस्तान में ऐसा सु-नंस्कृत (cultured) आदमी मिलने वाला नहीं है, जो ऑर्थोडोक्स (orthodox) भी थे और उसके साथ साथ समाज सुधार के काम में और अधिकारों के बारे में भी आगे जाने वाले थे, इस क्षेत्र में उनसे ज्यादा काम करने वाला कौन था? लेकिन उस आदमी ने कहा, उस पूज्य मालवीय जी ने कहा कि मैं यह ठीक नहीं मानता हूँ कि इस रीति से हिन्दु कोड बिल बनाया जाय। अच्छा, उनकी बात छोड़ दीजिये। सर तेज बहादुर सप्रू को तो जानते ही होंगे, यह भी अवल और हर्षियाड़ी में किसी से कम नहीं थे, उन्होंने कहा मैं इसके हक में हूँ, लेकिन मैं मानता हूँ कि यह आज मौका नहीं है कि इस तरह का यह बिल बनाया जाय। इससे आगे में जाता हूँ। सर चिमनलाल सीतलवाड जिनकी हैसियत किसी से कम नहीं है और जो समाज सुधार में सबसे आगे थे उन्होंने कहा कोडीफ़िकेशन (codification) मैं नहीं मानता हूँ, अगरचें मैं विधवाओं और लड़कियों को हिस्सा देने के पक्ष में हूँ। यह समझना कि सिर्फ़ अपनी सी बात कहनेवाले समझदार हैं और ख़िलाफ़ बात जो कहते हैं वह सरासर मूठ हैं यह ठीक नहीं है। मैं बहनों और भाइयों को इस भवन की मार्फ़त और समा-पति जी आपकी मार्फ़त कहना चाहता हूँ कि इस बिल का इस तरह से विचार न किया जाय और मैं अपने माननीय नेता प्रधान मन्त्री पण्डित जवाहरवाल नेहरू जो यहां विराजमान नहीं हैं, उनसे मैं कहना चाहता हूँ कि हिन्दु समाज के कायदों का जो संकलन करना चाहते हैं, जो अलग कायदों को मिलाकर बनाना एक कोड बनाना चाहते

हैं, उसमें मैं ब्रह्म शामिल होता और शामिल हूँ, लेकिन क्या जनता को अपनी राय जाहिर करने का मौका दिया गया है ? जब उस छोटे से पारसी समाज ने सारे अंगों को अपने साथ रक्खा, सबकी अलग अलग राय जान ली, तब बिल को आगे बढ़ाया । और तब उनका काम चला, नहीं तो नहीं चल सकता था । १९२१ में सिविल मैरिज एक्ट वगैरे संशोधन करने के लिये एक बिल पेश किया था, उनकी मंशा यह थी, जैसी आज भी है । हिन्दु कोड बयों बनाते हो, इण्डियन कोड बना लीजिये । एक हिन्दुस्तान में सब लोग रहते हैं, सबके रीति, रिवाज भी एक होने चाहिये, जब भाषा एक हो गई तो कोड भी सारे हिन्दुस्तान के लोगों का एक होना चाहिये, जिससे आपस में एकता फैलेगी और जिससे हिन्दुस्तान एक हो जाय । उस समय की बात में बतलाना चाहता हूँ कि इसाइयों और मुसलमानों का इतना विरोध रहा कि डाक्टर गौड़ को ऐसा कहना पड़ा : 'Which aroused convulsive opposition from the Mohammedan, and Parsi Communities throughout India. I had no other go but to drop the Bill and bring a new Bill in 1923'. और इस तरह से उनको करना पड़ा । हिन्दु समाज की कोई कद्र नहीं है, जिनमें इतने लोग रहते हैं उनकी कोई कद्र नहीं है । मालवी जी की बात की कोई कद्र नहीं, पट्टाभि साहेब को तो जाने दीजिये, सर अल्लादी को भी जाने दीजिये, लक्ष्मी कान्त मैत्र उनके कहने का कोई महत्व नहीं । और उनके बारे में क्या कहा जाय, राजेन्द्रनाथ जिन को अज्ञातशत्रु कहा जाता है, वह तो बुद्धि और दिमाग के भण्डार हैं और देश के हीरो हैं, और जिसने गांधी जी के विचारों का पालन किया है, और जो आज देश को तो क्या, लेकिन दुनिया को समझा सकते हैं, यह आदमी कहता है कि मेहरबानी करके, आज मौका नहीं है, इसमें कई ऐसी चीजें हैं, जो विवादास्पद हैं, उनको अलग कर दीजिये, उस पर न जाइये । लेकिन क्या करें, हमारे नेता यह कहते हैं कि नहीं इसको जल्दी करना चाहिये, तो जल्दी करें, लेकिन इतना तो रखें कि सब लोगों की इसमें राय व मंजूरी मिल जाये । एक खास फायदा डाक्टर अम्बेडकर साहब ने उठाया । क्या उठाया, मैं बता रहा हूँ । १९४८ में जब यह बिल इंट्रोड्यूस किया, तब हमने आपस में बैठ कर वह तय किया कि अभी कोई साहब इस पर बोलेंगे नहीं । न अम्बेडकर साहब ने खास कहा न किसी और ने । उस समय यह सोचा गया था कि आज इस बिल को सिर्फ इंट्रोड्यूस करने से बहनों को और दूसरों को जो सुधारक हैं, जो यूनिफिकेशन चाहते हैं, कोडिफिकेशन चाहते हैं, रेशनल हैं, उनको संतोष हो जायगा । अच्छा संतोष हो जाने दीजिये । तो इसका फायदा यह हुआ कि डाक्टर अम्बेडकर साहब ने कहा कि इसे लोगों ने आम तौर से मान लिया, यह बिल ठीक है । नहीं साहब, इसके अन्दर जो कई धारयें हैं, कई चीजें हैं उनको हमने

[श्री गोकुलभाई दौलतराम भट्ट]

नहीं देखा। लेकिन क्योंकि हमारे नेसा कहते हैं कि इसको जरा आगे तो चलने दीजिये। हम कहते हैं अच्छा आगे ले जाइये। लाइये इसको बाजार में। तो यह बाजार में, जुलूस में आया है और हम इसको देख रहे हैं। मैं तो यह कहना चाहता हूँ कि अगर यह सिलेक्ट कमेटी में जाने से पहले हमारी यह सब बहस हो जाती तो डाक्टर अम्बेडकर साहब और सिलेक्ट कमेटी के हमारे मित्रों को बहुत फायदा पहुंचता। उनको यह मालूम होता कि कौनसी चीज केंब्री बनानी चाहिये। अब हम एक प्रकार से उलझन में पड़ गये हैं। उलझन यह आई है कि अगर हम कहते हैं कि इसे फिर से सिलेक्ट कमेटी में भेजा जाय तो मालूम नहीं कायदे कानून के कैसे जंगल में हम फंस जाते हैं। अगर हम कहते हैं कि इसको अभी बन्द कर दिया जाय तो हमारे ऊपर एक और तलवार खड़ी है। अब हम करें क्या? हम बहुत ही पेच में फंस गये हैं। उसमें से निकालना हमारे नेताओं का और भगवान का काम है।

मैं यह कह रहा था कि इस चीज को आज इस मौके पर लाने की इस लिये जरूरत नहीं है कि हमने हिन्दु समाज की राय नहीं जानी है। हिन्दु समाज और वह भी शहरों का है जिसकी राय ली गई है उसमें कितने आदमी थे। १२१ व्यक्तियों ने तथा १०२ संस्थाओं ने लिखित बयान दिये और जिनकी गवाही हुई है। अब क्या यह कहें कि यह हिन्दु समाज की बात है? मिस्टर मित्र ने जो राय दी है उसके माफिक अगर आप देखना चाहें तो मैं बताने को तैयार हूँ, उसमें भी अलग अलग हिस्सों के लिये एक मद्रास को छोड़ कर सब जगह उसका विरोध किया गया है। जो दायभाग वाले हैं, उन्होंने बंगाल में विरोध किया। अच्छा यह दम्बई वालों का विरोध आया है। क्योंकि यह विरोध होता रहा, और और कारण हो गये, इस लिये इसका विरोध हो गया। इस विरोध के होते हुये भी हम यह कहें कि नहीं अल्पमत वाले जो कहते हैं वही सही बात है और वह आपको मानना पड़ेगा, यह बहुत मुश्किल चीज है। हिन्दु समाज का संगठन किया जाय, जरूर कायदे की दृष्टि से होना चाहिये। मैं यह कैसे कह सकता हूँ कि स्त्रियों को, बहनों को कोई हिस्सा नहीं देना चाहिये। दिया जाय, लेकिन बहनों को खुद को पूछ लीजिये कि हिस्सा मिल जाने के बाद आपको पीहर से कोई प्यार रहेगा। कितनी मुहम्बत रहेगी। यह पूछिये तो सही आज कल जो सुधरी हुई यहने हैं, उनसे कि उनका बाप कहाँ रहता है, भाई कहाँ रहता है, वह अपनी अपनी धोलकी में, अपने अपने घर में, महल में बैठे रहते हैं, सम्बन्धी को पूछते भी नहीं, ऐसे आज के सुधरे हुये आदमी हैं, तो अगर हिस्सा हो गया तो बन्द में हम क्या करेंगे? लेकिन बात में यह उताना चाहता था कि इतनी सब चीजें होते हुये भी यह अल्पमत की बात हमारे सामने आती है, अभी सबकी राय नहीं जानी है, तब भी हमारे ऊपर इसका दबाव डाला जा रहा है, और दबाव डाल कर कहाँ जा रहा है कि इस चीज को लो, यह नहीं देखते कि बाद में कितनी उलझने पैदा हो जायंगी।

तो मैं कहना चाहता हूँ कि मेहरबानी कर के आप इसमें कोई बीच का रास्ता निकालिये। बीच का रास्ता निकालने से ही हमें सन्तोष होगा, समाज को सन्तोष होगा, जो हलचल है वह बैठ जायगी। आज जैसा हमारे पाटस्कर जी ने कहा कई उलझने हैं, इस वक्त एक और बड़ी उलझन क्यों रखते हो। एक दूसरा कांटा क्यों बोते हो जिसको साफ करने के लिये, जो रास्ता बिगड़ जाय उसे साफ करने के लिये हमें और विशेष मेहनत करनी पड़े। ऐसा क्यों करते हो? मेहरबानी करके कुछ दूसरा काम कीजिये और इसको एक दो साल के लिये आगे को रखिये। मैं अपनी बहिनों से कहना चाहता हूँ, जो वहने इसका आदर करती हैं, अपनी उन बहिनों से जो देवियां हैं कि देश की भलाई के लिये आपको ही कहना चाहिये, हमारे जवाहरलाल जी से जा कर कहना चाहिये कि मेहरबानी करके इस चीज को एक साल या दो साल के लिये रोक दीजिये। इस तरह से इसके अन्दर बहुत सी चीजें बन जायेंगी लेकिन वह तो यह सोचती हैं कि आज या १९५० में यह बिल अगर पास न हुआ तो कभी नहीं होगा क्योंकि आगे जो लोग आयेंगे वह बिल नहीं पास करेंगे। लेकिन मैं कहना चाहता हूँ कि अगर आज अपना कोड आपने पास भी कर दिया तो आइन्दा क्या होगा? यहाँ बैठने वाले लोग ऐसे आयेंगे जो यह कहेंगे कि पहला काम हमारा वह होगा कि यह जो हिन्दु कोड बना है उसको सुधार दें। इस लिये मैं अर्ज करना चाहता हूँ कि मेहरबानी करके अगर इस चीज को रोक सकते हैं तो जरूर रोकिये। अगर नहीं रोक सकते हैं, नाट टु दि लेफ्ट, नाट टु दि राइट, देन कम इन दि मिडिल; फाइण्ड आउट दि गोल्डन मीन (Not to the left, not to the right, then come in the middle; find out the golden mean). और इससे ही समाज को सन्तोष हो सकता है।

दूसरी बात यह कि डाक्टर अम्बेडकर साहब ने मिस्टर सर्वटे के प्वाइण्ट आफ आर्डर का जवाब देते हुये कही और डिप्टी-स्पीकर साहब, आपने भी इसका समर्थन किया था कि यह बिल सिर्फ प्राविन्सेज (provinces) के लिये, जो कि आज के प्रान्त हैं उन पर ही लागू होने वाला है। और अगर रियासतों पर लागू करेंगे तो रियासतों के पास यह बिल भेजा जायगा, इस बिल को सर्क्युलेट किया जायगा और उसके बाद हम देखेंगे कि इसमें क्या हो सकता है। डाक्टर अम्बेडकर साहब ने यह बताया था कि

“When the occasion comes for the extension of the Bill to the Indian States, no doubt this legislature, when a proper motion is placed before it, or the Government of the day will take note of their wishes and intentions and the states which have come into the Indian Union will be consulted.”

यह बात है तो एक चीज जो आज बन गई, छः महीनों के बाद फिर रियासतों के पास भेजी जायगी, और रियासत वाले जो करेंगे तब क्या होगा कि आप और

[श्री गोकुलभाई दौलतराम भट्ट]

आगे चले जायेंगे। रियासतवाले तो वैसे ही कुछ पीछे हैं, वह और भी पीछे हो जायेंगे। तो मेहरबानी करके इस चीज को आप अपनी निगाह में रखिये कि क्या हो सकता है।

मुझे यह कहने की आज्ञा दीलिये कि राय जानने का तरीका मुकम्मिल नहीं था यह मैंने बसा दिया। लेकिन हमारा विधान जो हमने ढाई तीन साल में बनाया, उसमें हमने कितनी सावधानी बरती है, तो भी हमारे कितने भाई कहते हैं कि निकम्मा बना। हमने प्रान्तों की सरकारों को पूछा, उनके पास विधान का मसिवादा भेजा, और वहां धारासभाओं में, मन्विमण्डल में उसकी चर्चा हुई और उन्होंने अपनी राय भेजी। यह आप जानते हैं कि राय कमेटी ने रिपोर्ट का ड्राफ्ट किसी प्रांतीय सरकार के पास राय के लिये भेजा ही नहीं था। इस तरीके से यह चीज आई है। इसी लिये मैं कहना चाहता हू कि यह जो राय ली गई है वह मुकम्मिल तौर से नहीं ली गई। और जिस आधार पर आपका यह दावा है वह भी मुकम्मिल नहीं है। इसमें मुझे शक नहीं क्योंकि रेणुका बहन ने कहा था कि हाफ आफ दि कण्ट्री बिल बी विद इट। लेकिन राय कमेटी की रिपोर्ट ने कहा है कि सोमरायटी इज बेरी मच डिवाइडेड। यह देखते दूयें में किसकी बात मानूं। जिन्होंने जांच करके १९४७ में रिपोर्ट दी है उनकी मानूं या रेणुका बहन की १९४४ की बात मानूं ?

मिस्टर डिप्टी-स्पीकर : अभी कई मेम्बर व्याख्यान देने के लिये हैं, मेहरबानी करके खत्म कीजिये।

श्री गोकुलभाई दौलतराम भट्ट : मैं पांच सात मिनट में खत्म करता हूं। अगर आपकी इजाजत हो तो कुछ बातें और कह दूं।

मिस्टर डिप्टी-स्पीकर : आपकी खुशी है। तीस मिनट खत्म हो गये।

श्री गोकुलभाई दौलतराम भट्ट : दो बात कह करके मैं बहुत जल्दी से खत्म करता हूं। मैं यह पूछना चाहता हूं, साहब, यह हिन्दु समाज ही ऐसा समाज है कि जितनी लकड़ी मारो उतनी वह खायगा। मुस्लिम समाज है, उसका कोड (code) बनाने की किसी ने हिम्मत की ? त्रिया और सुन्नी स्कूल आफ थाट को मिलाइये, त्रिबिचयन ला जो है, इसाइयों का जो ला है, उसमें गड़बड़ करने की जरा हिम्मत कीजिये, और पारनियों में भी जरा हिम्मत कीजिये। यह बेचारा समाज जो सब कुछ सहन करता है, क्योंकि मरा हुआ है इस लिये ? अम्बेडकर साहब जो अपने को बुद्ध जाति का मानते हैं, मैं तो कहता हूं कि आप बहुत बड़े हैं, आपको कोई मुनि बना रहा है,

कोई ऋषि बना रहा है, और आप कहते हैं कि आप गूढ़ हैं, सूद हैं, तो विश्वाभिन्न हो जाइये। आप जो कुछ हैं वह तो है ही, परन्तु बुद्धिमान् हैं। (Inferiority complex) क्यों रखते हो? और उन्होंने कहा कि स्मृतियां बनती रहीं। ब्राह्मणों को काम ही क्या था, लिखते रहे। आपका डिपार्टमेंट क्या काम करना है? वहाँ काम स्मृतिकारों का था। वह एक डिपार्टमेंट था जो समय समय पर कायदे बानूनों को संशोधित करता रहता था। जिस तरह आप कानूनों में संशोधन करके पेश करते हैं उसी तरह वह भी करते थे। तो इस प्रश्न में मैं नहीं जाना चाहता और न मैं दूसरी बातों में जाना चाहता हूँ। मैं यह कहना चाहता हूँ कि बहिनो यह चाहती हैं कि यह चीज फ्रण्डामेंटल राइट्स में आ जाती है और जो लोग इसका विरोध करते हैं उनके लिये यह कहा जाता है कि तुम फ्रण्डामेंटल राइट्स को नहीं समझते हो। यू डू नाट अण्डरस्टैण्ड दी फ्रण्डामेंटल राइट्स। यह फ्रण्डामेंटल राइट्स हैं या यह स्टेट ला है। हिन्दू कोड क्या स्टेट ला है या परसनल और प्राइवेट ला है? अगर आप इण्डियन कोड का बिल लाना चाहें तो मैं दावे के साथ कह सकता हूँ कि कोई भी उसका विरोध नहीं करेगा, लेकिन आज आप हिन्दू कोड बिल बना रहे हो और हिन्दू ला में तब्दीली कर रहे हो, (but personal law not a State law and therefore it does not apply). गौड़ ने कहा था कि जब कोई "अवतार" होगा तब इस कोड को लायेगा। गौड़ साहब शायद नागपुर में बैठे होंगे और अब उनको यह सुन कर तसल्ली हुई होगी कि "अवतार" का प्रादुर्भाव हो गया है और हिन्दू कोड बिल आ गया है।

श्री महावीर त्यागी : कलंकी ।

श्री गोकुलभाई दौलतराम भट्ट : मैं दो चार मिनटों में और बात कह कर खरम करना चाहता हूँ। कहा जाता है कि बहिनो और भाइयों को एक सा रहना चाहिये। कृपलानी जी तो चले गये, यह किसी की बात क्यों सुनेंगे? तो मैं यह कहना चाहता हूँ कि बहिनो को डबल (double) अधिकार क्यों दिया जायगा। यह अपने पीहर से स्त्रीधन ले जायगी, दहेज में और दूसरी चीजें जो बाप देगा वह ले जायगी और फिर अपना हिस्सा भी ले जायगी और पति के घर में तो उसका हिस्सा है ही। तो यह बहनें इतनी स्वार्थी कैसे बन गईं? यह देवियां तो स्वयं माया हैं, यह और माया क्यों चाहती हैं? श्रीमती कमला बहिन कहती हैं कि माया तो माया के ही पास जायगी। यह तो स्वयं माया हैं, यह माया में और वृद्धि क्यों करना चाहती हैं? जो थोड़ी सी माया अब तक इनके पास है उससे तो यह संसार को वर्शभूत कर सकी हैं और अब ज्यादा माया बढ़ जायगी तो मालूम नहीं क्या हो जायगा? अगर माया

[श्री गोकुलभाई दौलतराम भट्ट]

माया के पास जायगी तो संसार में प्रकृति ही प्रकृति को रखियं और पुरुष को निकाल दीजिये, अगर पुरुष के बिना माया का चलता हो तो ऐसा कीजिये ।

हमारे ट्रावनकोर और कोचीन के मित्र बहुत आगे बढ़े हुये हैं लेकिन उनको भी ध्यान रखना चाहिये कि उनके अकेले आगे जाने से काम नहीं चलेगा । गांव के गंवारों को भी उन्हें अपने साथ रखना चाहिये और अगर उनको भी साथ लेना है तो मेहर-बानी करके और ज्यादा प्रचार कीजिये और उनको समझाइये, तो इस तरह सब कुछ हो जायगा । इसमें सन्देह नहीं है । कई जगह यह कहा जा रहा है कि यह उलटी गंगा बहाई जा रही है और यह कुछ अंश में ठीक भी है । जो पानी जिस ढाल से यह रहा है उसको उसी ढाल से बहने दीजिये और अगर आप यहां जलपमत को ठुकरा कर जलटी गंगा बहा देंगे तो अभी आप ऐसा कर सकते हैं, लेकिन आयन्दा इस किस्म का जमाना आयेगा कि इसमें ऐसे संशोधन हो जायेंगे जो आप कहेंगे कि यह क्या हो गया । वही होगा जो होने वाला है । तो मैं दूसरी बातों में नहीं पड़ता हूं ।

मैं एक बात और कहना चाहता हूं कि हमारे स्मृतिकार याज्ञवल्क्य मनुस्मृति से भी जरा आगे गये हैं । मैं इस झगड़े में नहीं पड़ना चाहता कि यह मनुस्मृति कौनसे मनु की बनाई हुई है क्योंकि मनु तो बहुत से हुये हैं । परन्तु याज्ञवल्क्य स्मृति के भाष्यकार श्री विश्वानेश्वर ने जो मिताक्षर लिखने वाले हैं और दायभाग और जो मयूख भाष्य के लिखने वाले हैं उन्होंने अलग ही अपनी राय रखी है । मैं सारे उदाहरण तो नहीं देना चाहता । पर उन्होंने कहा है कि यदि स्त्री को स्त्रीधन न दिया गया हो जितना अंश पुत्र को मिले उतना ही स्त्री को भी मिलना चाहिये । यह स्पष्ट रूप से कहा गया है । मैं दावे के साथ कहना चाहता हूं कि स्त्रीधन का जिक्र हमारी स्मृतियों में है । इंग्लैण्ड के लोगों ने अभी तक अपने कानून को कोडीफाई (codify) नहीं किया । मैं यह बताना चाहता हूं कि अंग्रेजों की बुक आफ प्रेयर्स (Book of Prayers) में शादी के लिये जो निषिद्ध पीढ़ियां दी गई हैं यह १९६५ में निश्चित की गई थीं । वही सन् १९१५ तक चली आई हैं और १९१५ में सिर्फ एक पीढ़ी में परिवर्तन किया है कि साली (wife's sister) से शादी नहीं हो सकती थी । तो मैं तो कहना चाहता हूं कि इससे तो हम बहुत आगे गये हैं । उनको एक पीढ़ी बदलने में कितनी सालें लगीं और यहां सिविल मैरिज ऐक्ट (Civil Marriage Act) में सैकण्ड कजिन्स (Second Cousins) को भी विवाह करने की अनुमति दे दी गई है । सिविल मैरिज (Civil marriage) जिसको करना हू कर ले, लेकिन उसकी सब पर क्यों पाबन्दी लगाते हैं ? सिविल मैरिज ऐक्ट में सैकण्ड कजिन्स की गजांइश रखी है । जो उसके अनुसार चलना चाहें चले ।

इस कोड (Code) को बनाने में हमको प्रिंसिपलस आफ यूजनिक्स (Principles of Eugedics) का भी ध्यान रखना चाहिये। ऐसी बात नहीं है कि स्मृतिकार के जो मन में आई वही लिख दिया। हमारे स्मृतिकार मानव शास्त्र के अभ्यासी थे। वे मामूली आदमी नहीं थे। वह एक बड़े जानकार थे। जो उनका लेख था वह मुकम्मिल था और प्रौढ था। उनके लेखों में ६, ८, १० या १२ महीने के ही बाद परिवर्तन करने की आवश्यकता नहीं होती थी। वह स्मृतिकार बड़े बुद्धिमान थे और जो कुछ उन्होंने लिखा है उसमें संशोधन करने के लिये सैकड़ों साल तक विचार करने की आवश्यकता है। आप उसमें संशोधन अवश्य कीजिये क्योंकि युग युग में स्मृतियों में संशोधन होते रहे हैं, लेकिन हमको पूरी तरह विचार कर लेना चाहिये कि ऐसा करने से समाज का फायदा है या नुकसान है।

श्री एच० बी० कामत : क्या इस हाउस (House) के मेम्बर बुद्धिमान नहीं हैं ?

मिस्टर डिप्टी-स्पीकर : भागे बड़िय।

श्री गोकुलभाई दौलतराम भट्ट : मैं इतना बुद्धिमान् और पंडित नहीं हूँ जितने श्री कामत हैं। मैं यह नहीं कहता कि यहां के मेम्बरों में बुद्धि नहीं है। हर एक आदमी में अपनी बुद्धि होती है, हर एक आदमी सोच सकता है। लेकिन मैं यह कहता हूँ कि मैं डाक्टर अम्बेडकर की बात इस तरह नहीं मान लूंगा जैसे बाबा वाचयम् प्रमाण हो। उसी तरह अगर कोई पण्डित आकर कहे कि जो अल्पजनों के साथ किया गया वह ठीक नहीं है तो मैं उसको भी नहीं मानूंगा क्योंकि मैं बाबा वाचयम् प्रमाणम् का मानने वाला नहीं हूँ। लेकिन मैं अर्ज कर रहा था कि जो स्मृतिकारों ने किया है वह समाज को अपने सामने रख कर किया है। यह ठीक है कि उस समय का समाज जिस तरह का था उसी के अनुसार स्मृतियां बनीं। आज हमारे समाज में अनेक सम्प्रदाय वाले हैं, अलग अलग जगह के रहने वाले हैं, अलग अलग चीजों को मानने वाले हैं। सिख हैं, जैन हैं, बौद्ध हैं, अनेक मतों को मानने वाले हैं, तरह तरह के लोग उसमें हैं। वह अनेक फ़िरकों में बंटे हुये हैं। उन सबको सम्मिलित करना कोई मामूली चीज नहीं है।

सभोपति जी, मैं अब थोड़ा ही और ज्यादा समय लूंगा। मैं अर्ज कर रहा था कि डाक्टर अम्बेडकर साहब ने कहा कि :

“Custom will eat into the code and therefore custom should not prevail”

दूसरी जगह कहते हैं कि जितने राजाओं और जागीरदारों के उत्तराधिकार हक हैं, जिसका ला (Law) नहीं होना चाहिये वहां पर वह कहते हैं कि वह बने रहें। जहां पर रीति रिवाज और कस्मरी राइट्स (Customary rights) का हक होता है वहां पर वह कहते हैं कि यह नहीं होना चाहिये।

[श्री गोकुलभाई दौलतराम भट्ट]

एक सक्सेशन (succession) की बात आती है और जहाँ पर दूसरी बात एडोप्शन (adoption) की आती है, तब वहाँ पर वह कहते हैं कि ये रूढ़ी रिवाज जारी नहीं रहने चाहिये। यह दोनों बातें नहीं चलेंगी। आप या तो खत्म कर दीजिये, एक सा मैदान कर दीजिये, बिल्कुल सफ़ाचट कर दीजिये। सभापति जी, मैं फिर आपसे कहता हूँ कि दूसरी जगहों पर छोटी छोटी कान्फ़ेन्सें हो रही हैं जिसकी वजह से मुझे बोलने में दिक्कत मालूम हो रही है।

An Honourable Member : He is repeating the same arguments.

The Honourable Dr. B. R. Ambedkar : It is now one hour since the gentleman has been speaking.

Mr. Deputy Speaker : Order, order. The best way of asking him not to speak longer is not to make noise but to leave him alone so that I may ask him to complete his speech early. The hon. Member knows that many other Members are anxious to speak. He has already taken more than 45 minutes.

श्री गोकुलभाई दौलतराम भट्ट : मैं आपका आभारी हूँ। तो मैं आपसे यह अर्ज कर रहा था कि एक जगह आप कहते हैं कि रूढ़ी का कोई प्रौबलम (problem) नहीं है, यह रीति रिवाज नहीं चलने चाहिये। दूसरी जगह अगर उसके माफ़िक काम होगा तो इससे हिन्दु कोड बिल खत्म हो जायगा। यह दोनों बातें मैं नहीं चाहता। आप हम से कहते हैं कि ज्यादा अनाज उगाओ। तो हमारे पास जितनी भी ज़मीन है, चाहे उसमें बाग लगे क्यों न हों, चाहे अच्छे अच्छे लान (lawn) क्यों न हों, अगर हमको अनाज उगाना ही है तो हम को इन सब ज़मीनों पर अनाज उगाना चाहिये। एक तरफ़ तो आप यह चाहते हैं कि आपके लान (lawn) भी अच्छी तरह से रहें और दूसरी तरफ़ आप यह चाहते हैं कि अनाज भी ज्यादा उगाया जाय। ऐसा रास्ता मुझे पसन्द नहीं है।

आप जानते हैं कि रूढ़ि क्या चीज़ है, कुलाचार, ग्रामाचार और देशाचार को समझना चाहिये। शास्त्र से रूढ़ि प्रबल है। "शास्त्राद् रूढ़ि बलीयसी" (custom overrides the sacred laws). शास्त्र के माने क्या हैं? शास्त्र, शास्त्र कहके आप लोग समझते होंगे कि यह पाभलपन की बात कर रहा है। शास्त्र एक विज्ञान है, शास्त्र एक निबन्ध है एक साइन्स (science) है और शास्त्र एक ला (law) है। वह एक स्मृति है। उसके बाद आप कोई ऐसी चीज़ की कद्र करना नहीं चाहेंगे। तो वह इस तरह के झगड़े में नहीं जाना चाहगा जो कि इस डाइवोर्स (divorce) की उलझन

ने डाल दी है। एक आदमी और एक स्त्री पंचायत में बैठकर यह कहते हैं कि हम एक दूसरे से छुटकारा पाना चाहते हैं। वह कहते हैं कि हमने संसार का सुख भोग लिया है और दूसरी जगह जाना चाहते हैं। वह इस मामले में नहीं पड़ेंगे कि वह जिला कोर्ट या हाईकोर्ट में इस चीज के लिये जायें। अगर वह इस तरह से करेंगे तो वहां पर उल्टा हो जायगा।

जब मैं गांव में जाऊंगा तो मैं लोगों से कहूंगा कि हिन्दु कोड बिल इस तरह से तैयार किया गया है और उसमें इस तरह की बातें हैं। तो वह लोग कहेंगे कि हम ऐसा नहीं चाहते हैं। जो हमारे गांवों में पंचायतें हैं वह ठीक हैं, वह जिस तरह से चल रही हैं वह चलती रहें। हम इस तरह के कायदे कानूनों के शमलों में नहीं पड़ना चाहते जिससे कि वकीलों की वन आयेंगी और गरीब ज्यादा गरीब हो जायगा। आपकी यह मेहरबानी है। यह बातें आमतौर से हिन्दु ला में हैं।

सभापति जी, मैं यह अर्ज कर रहा था कि इन सब बातों का निचोड़ क्या होने वाला है। हर एक विषय को लेकर मैं यहां पर नहीं कह सकता हूँ। क्योंकि मेरे पास इतना समय नहीं है कि मैं इन सब बातों को बतलाऊँ और भी मेरे बहुत से भाई इस पर बोलने वाले हैं।

तो सभापति महोदय, मैं यह कहने जा रहा था कि यह एक बड़े महत्व का सवाल है। यहां पर जिन भाइयों ने इसके बारे में अपना मत दिया है कि वह पास हो जाना चाहिये मैं उनसे प्रार्थना करूंगा कि वह इस बात को अच्छी तरह से सोच विचार लें। यह जल्दबाजी से काम करने का समय नहीं है। जनता के सामने आप लोगों को जवाब देना होगा। मैं बहुत अदब में अपने माननीय नेता पण्डित जवाहरलाल जी से भी प्रार्थना करना चाहता हूँ कि यह चीज जो हमारे सामने आई है, वह इतनी महत्व की चीज, इतनी जरूरी चीज है कि उस पर अच्छी तरह गौर करना बहुत ही जरूरी है। इस चीज पर सब लोगों की राय ली जानी भी बहुत आवश्यक है। श्रीमती रेणुका बहिन ने रेफरेंडम (referendum) के बारे में कहा था। तो मैं यह कहना चाहता हूँ कि आयन्दा चुनाव होने वाले हैं। उस समय आप इस पर मत ले सकते हैं कि आया जनता इस हिन्दु कोड बिल को चाहती है या नहीं। आप जनता के सामने यह रख सकते हैं कि हम इस तरह का हिन्दु कोड बिल रख रहे हैं वह आपको पसन्द है या नहीं। अगर इस पर आपको मत मिल जाय तो आप खुशी के साथ इसको यहां पर पास कर सकते हैं। यह रेफरेंडम का तरीका माना जाय। मैं अखबारों की बातों पर आने वाला आदमा नहीं हूँ। अखबार जिस तरह की बातें लिखते हैं, जो चीज उममें लिखी जाती है, वह तो सिर्फ अखबार को फ़ैलाने के लिये लिखी जाती है।

[श्री गोकुलभाई दौलतराम भट्ट]

चलाने के लिये, इस तरह की बातों को बढ़ा-चढ़ा कर लिखा करते हैं। मुझे अखबार वालों से कोई द्वेष नहीं है। मैं उनके साथ सहानुभूति रखता हूँ और मेरी उनसे हमदर्दी है। लेकिन जहाँ तक रेफ़रेण्डम लेने का सवाल है, मैं अपनी बहिन रेणुका जी से जो कि इस समय पर मौजूद नहीं हूँ, दूसरी बहिनों से यह कहना चाहता हूँ कि चन्द महीनों के बाद चुनाव होने वाला है, उस समय आप जनता के सामने यह रख सकती हैं। आप जनता से यह कह सकती हैं कि हमने इस तरह से हिन्दू कोड बिल रखा है और पास करना चाहते हैं। अगर जनता ने आपको इस बारे में मत दे दिया तो हम अवश्य इसको यहाँ पर पास कर सकते हैं।

तो मैं भवर्नमेण्ट से प्रार्थना करना चाहता हूँ कि वह इस बात पर विचार करे और इस समय इसको पास न करें। अन्त में मैं यही कहूँगा : "Not to the left, not to the right, come in the middle to find out the golden mean."

(English translation of the above speech.)

Shri Gokulbhai Daulatram Bhatt (Bombay States): Sir, ever since the Hindu Code Bill has been before the House, it has agitated the minds of the people in India. Dr. Sen claims that the Bill has already been before us for the last fifty or sixty years. But, in the books I have gone through in this connection, nowhere, I have been able to find a reference to any earlier existence of this Code. There was however, a Hindu Law, changes wherein, have, no doubt, been engaging the attention of the Hindu society from time to time. It was only after 1939 that we have come to know of this Hindu Code Bill in its present form. There may have been some talk on the occasion Dr. Deshmukh had brought the Marriage Bill before this very House in 1938.

Dr. P. K. Sen (Bihar: General): May I just explain? I said that it had been before the legislative anvil for longer than 60 years, i.e., from 1856 or 1855, but that was with reference to the Marriage Law, not at all in respect to other aspects.

Shri Gokulbhai Daulatram Bhatt: I also say that only some of its aspects were before us and before the Hindu society. In fact such issues were not facing the Hindus only, the Parsis and the Muslims were similarly confronted by them. I mean only to give you some glimpses of the history of the manner in which this Hindu Code Bill has been brought before the House and the circumstances under which the Committee called the 'Rau Committee' was set up. I want also to give you an idea as to the time-limit fixed for framing the rules and regulations concerning the social structure of the Hindu society populating over 30 crores as also the methods employed for publicity and elicitation of public opinion or for ascertaining any other reaction. Whether the Hindu Code Bill should be introduced or not, the Hindu society should be integrated or not, or whether or not there should be a synthesis of the various piecemeal legislation of the Hindu Law are not the real issues. I want to draw your attention to the fact that the Rau Committee was set up on January 20, 1944; they undertook the work and got a Draft Bill ready. The public came to know of this Bill on August 5, 1944 when they were given two months thereafter to send in their opinions by October 5, 1944. Sir, I will like to point out also that only 1,000 copies of this Bill were printed by the Government of

India for a population of 30 crores. Subsequently 3,000 more copies were printed under pressure of public demand.

Shri Mahavir Tyagi (U.P.: General): Were they printed in English or Hindi?

Shri Gokulbhai Daulatram Bhatt: All the 4,000 copies were printed in English. Thereafter Shri Rau had asked the Provincial Governments to get a translation of the Bill printed and distributed. Despite this translation, to my knowledge not more than 50 to 60 thousands of such copies were distributed in all in a population of 30 crores.

Now I would proceed to speak about the extent of publicity and circulation among people to ascertain their reaction to a Bill of this type which is of so much importance; which aims at integration of the Hindu society, which seeks to introduce a new way of life and which is considered to be a reformatory measure. A time-limit of two months was fixed for this purpose and thereafter the committee undertook a tour of the country. Their tour lasted for 38 days only. They did not visit all the cities and left out all towns and villages. Never did they care to go in the midst of people at any time during this tour nor approach any widow to enquire about the reason for her misery even though she may have continued to share property in accordance with the Dayabagh system of Bengal. They never went to Madras to know why our sisters and daughters were unhappy there in spite of the matriarchal system of sharing property. They did not find out whether widows were in distress in Bengal or Madras only or their fate was the same all over and, if so, what could be the possible reason for such distress. I can't agree to the plea that they are in a miserable state only because they possess no share in the property. This is not the case. Their miseries exist not solely because of having no property whatsoever. Formerly a hitch existed that the women widowed in a young age could not seek worldly enjoyments. There was hardly any justification in refusing an opportunity for second marriage to such widows. Ishwar Chandra Vidya Sagar and Malabari Saheb made efforts in this behalf and though I do not remember it clearly but I think it was in 1856 that a Widow Remarriage Act was passed and is in force till date. I would, however, like to know the number of people who availed its benefits or the nature of happiness and prosperity towards which this Act has contributed. I mean to submit that the mere legislation cannot bring a change in the society or nothing material can result by thrusting something down the people's throats from above. I wish to cite the Parsi Marriage and Divorce Act as an instance. The Act was first enacted in 1865, and Sir Cowasji Jehangir had placed a Bill to amend the original Act before this very House in 1936. I intend to go in history of that very amending Bill. Some friends of the Parsi Society felt the necessity for amendment just as we are feeling at present. Kripalanji is required to support the Bill so that his home may not be in danger. Likewise I have no desire to put mine in danger. Should I also support it for that matter?

Shri Krishna Chandra Sharma (U.P.: General): In this respect all aged men behave alike.

Shri Gokulbhai Daulatram Bhatt: Quite right. I don't wish to reply Sharmaji just now. He may continue to follow his wife everywhere carrying her coat.

Shri Krishna Chandra Sharma: But she never puts on a coat.

Shri Gokulbhai Daulatram Bhatt: My intention in this submission is to explain the course of action adopted by the Parsi friends once they had thought to reform and amend their Bill of 1865. What did they do? They set up a

[Shri Gokulbhai Daulatram Bhatt]

Law Committee from among their *panchayat*. And what did this Committee do? It did no such thing as to hammer out an amending Bill, fix two months as *timelimit* to elicit public opinion and arrive at the decision thereafter. They had with them a questionnaire for four years which among other things wanted to know the number of Parsis who on basis of 1921 Census might be one lakh in all or at the most one and a half lakhs. The report was before them for a other four years and it was only after that they had accepted the proposal. The Report was circulated in the Parsi Society again and opinions were invited on the same. These opinions did not come from Bombay, Ahmedabad or Madras people alone. Rather Parsis living in Persia and China, may be only a few of their families may have been there, were consulted first on that Report and their desire ascertained. The educated persons and the lawyers always present an issue in a distorted way and people, somehow accept their version of a thing. Being gifted with a powerful faculty of argumentation, they are competent to impress others in the way of their liking. But the Report in question was circulated even among those who possessed no such faculty. Opinions were invited from all groups irrespective of their being in a minority or a majority. Thus, when everyone was consulted in 1936 the Bill was sent in an amended form. So the issue embodied in this Bill continued to engage their attention from 1923 to 1936 and the same was ultimately passed in an amended form.

I have much respect for Shri Rau. He has laboured very hard and has been of great help in the framing of the Constitution. But I will submit that he has mentioned this fact about consulting only a very few persons in the Report itself and thinks no harm in that. He, however, did agree that the society was divided on the issue. Sister Renuka is not present here just now, but I have to say no different thing about her as well. She was speaking on the Marriage Bill in 1943-44. On that occasion she had laid a claim that if a referendum were to be held and all votes to be counted, then all the young men of high spirits (Joshila Jawans) will be found to have supported that Bill. She had not used the phrase 'joshila jawans.' I am merely elucidating the original phrase *viz.* 'the youth' used by her. I wish to submit it to my sister along with the other six or eight in this House that if they really think the Bill a very necessary one in the interests of women like our Acharya Kripalani who has come round to see in it the liberation of our women then, please, do not give it a title like the Hindu Code Bill. Name it the Post Independence Civil Rights of Hindu women Bill or something like that. Thereafter you may proceed to give them as many rights as you please. After all we have always shown reverence and done honour to our women. Our ladies accept their husband's house as their own after marriage. Sister Subbetta has set up a house likewise. Once a woman goes to her husband's house, that house becomes her's also; she can claim her father's house as her own no more, it becomes merely her father's place from the time of her marriage. Her house is the one into which she is married. I need not go into further detail. But our sisters are wrong to think that it is a Bill of theirs only and for them only. Men have a right to it as much as the women do. I don't want to discriminate anyway between them on this score. So no man or woman should take it that the Bill concerns a particular section of the society exclusively. I shall be excused if I take rather a longer time.

So I was telling how sister Renuka had laid a claim for the support of all the enthusiastic youngmen in case of a referendum. In the Report submitted by Shri Rau in 1947, he said: 'Opinion is sharply divided, some to the left, some to the right.' Also that those in favour of the Bill were persons of brain and quality whereas the others opposing it were mere idiots, devoid of any brain, possessing no status in life and without any sense to understand the society and its complexities. May I know who, then, are those who understand the society and its problems? Does Shri Rau understand it? And

does the Dwarika Nath Mitter really not understand it? I have nothing to say about those people. But there is no one who could lay a claim to more work in this field than Malaviyaji, whose birth anniversary we have celebrated only yesterday and acknowledged him as an unequalled cultured man. He, though an orthodox, was always in the fore-front in the matters of reformation of the society and rights of the people. But that very venerable Malaviyaji had not thought it to be a proper way in which the Hindu Code Bill was being ushered in. We may not heed him. You all know Sir Tej Bahadur Sapru quite well. He too was second to none in wisdom or intellect. He had declared himself to be in favour of the Bill, but had agreed that it was not a suitable time to frame a Bill of this type. I go further. Sir Chiman Lal Sitalwad enjoyed a status in life not less than any other man and had always taken a leading part towards reformation of the society. He never agreed to codification on principle but expressed himself in favour of giving a share to the widows and daughters without any codification. Surely it is not right to consider all persons to be wise who talk in the same vein as you do and denounced all others as mere fools who cannot share your opinions. I will request my brothers and sisters through this House and, Sir, through you not to consider the Bill in this manner. And, to my hon. Leader, the Prime Minister, Pandit Jawaharlal Nehru, who is not present in the House, I would like to say that I should certainly have joined with him—and I am in fact with him—in his efforts to evolve a uniform set of rules for the Hindu society and his desire to assemble the scattered provisions of Law and to form them into a system—a code—but I ask, have the public been allowed an opportunity of expressing their views. Take the case of the small-sized Parsi Community. They kept all their component parts with them, ascertained the opinion of each one of them separately and it was then only that the Bill was brought forward. Then only did they succeed for otherwise they could not have achieved their purpose. A Bill to amend the Civil Marriage Act was brought forward in 1921 with the same object as now. Why are you going to frame a Hindu Code, why not frame an Indian Code? All the people live in the same country—India; they ought to have similar ways and customs. When we have decided on one common language there should also be one common code for all the people of India so that this might lead to unity and result in a united India. I want to tell you about that period. The Christians and the Muslims raised such an opposition that Dr. Gaur had to say: 'It aroused convulsive opposition from the Mohammedan and Parsi communities throughout India. I had no other go but to drop the Bill and bring a new Bill in 1923.'

And he had to take that course. The Hindu society is not treated with any regard. No consideration is shown to a community which comprises such vast numbers. No consideration is shown to the counsel of Malaviyaji, leave alone Pattahhi sahib, Sir Alladi and Lakshmi Kanta Maitra. What they say is of no importance. Let alone others, here is the case of Rajendra Babu, who is known as Ajatshatru. He is a living treasure-house of wisdom and intelligence and is the ornament of this country, who has put the ideas of Gandhiji into practice and who could explain them not only to this country but also to the rest of the world. He says, 'This is not the opportune time'. There are many things in it which are controversial. Please sift them out and do not touch upon them. But, what to do? Our leaders say, 'No, this has to be expedited.' Then, let them expedite it but they should at last see to it that the views and assent of all the people are obtained. There is one advantage in particular seized by Dr. Ambedkar. I will tell you what that advantage was. When this Bill was introduced in 1948 we all sat together and decided that nobody should make a speech on it for the present. Neither Dr. Ambedkar nor anyone else said anything in particular. At that time it was thought that if the Bill was

[Shri Gokulhrai Daulatrao Bhatt]

just introduced this was likely to cause satisfaction to our sisters and to others who are reformists, who want unification and codification and to those who are rational. So it was agreed to let them have that satisfaction. Taking advantage of this, however, Dr. Ambedkar thought that it had been conceded by the people generally that the Bill was all right. No Sir, we did not study some of its clauses some of its provisions. But, since our leaders said, 'Let it move forward a bit', we said 'Very well, take it forward. Bring it into the Bazaar'. Thus, it has come into the Bazaar, it has been paraded in procession and here we are seeing it. I should like to say that if all this debates of ours had taken place before the Bill was sent to the Select Committee it would have done a lot of good to Dr. Ambedkar and our friends of the Select Committee. They would have come to know what shape should be given to the various things. Now, we are faced with a sort of conundrum. Our confusion lies in this that if we say that it should again be sent to the Select Committee, it is not known into what a labyrinth of rules and procedure we might be landing ourselves. If, on the other hand, we say that we should hold it up for the present there is another sword hanging over our heads. Now, what are we to do? We are in a pretty fix and it is for our leaders and Providence to take us out of it.

I was saying that we were not called for to introduce this measure at this particular juncture because we have not yet obtained the views of the Hindu society. Whatever Hindu society has been consulted belongs to the towns. And, how many people were consulted? There are 121 individuals and 102 institutions who have filed written statements or given evidence. Now, shall we say this is the opinion of the Hindu society? In case you want to know the opinion expressed by Mr. Mitter, and that too in regard to each part separately, I am prepared to speak to you about it. Opposition has been offered to it everywhere barring Madras. Those belonging to the Dayabhaga School opposed it in Bengal. There is opposition from the Bombay side. Because of this antagonism and other causes, it has come to face opposition. If, in spite of this opposition, we were to say, 'No, what the minority say is alone the truth and you will have to accept it', it is rather hard. The Hindu society should be unified. This should certainly be done on the basis of a system. How can I say the women, our sisters, should be given no share? But, let our sisters themselves be asked to say if, after they have received their share, they would still have any love left for their parental home. How much love would be still left? Just ask one of the reformed women of to-day where her father lives, where her brother lives. They keep to their own cottage, homestead or mansion and do not so much as greet a relative. Such are the reformed people of to-day. Hence, if it comes to shares what will become of us? However, what I wanted to say was that in spite of all these objections we are faced with the minority issue. Even though the views of everyone have not been obtained we are being treated to that kind of pressure. We are urged to accept it under duress. They fail to see, however, what complications are bound to arise later on.

Hence, I want to say, kindly find out a middle course. Only a middle course would give satisfaction to us and to society and cause the unrest to subside. Just as Pataskarji observed to-day, we are already up against a number of difficulties. Why create another big one at this juncture? Why plant another thorny bush and thereby spoil the path rendering extra labour necessary later on for its clearance? Why should you act in that manner? Kindly attend to some other task and let this one be postponed for a year or two. I should like to suggest to my sisters—veritable goddesses as they are—to those of them who have welcomed this measure that in the interests of the country, they should take upon themselves to go to our Jawaharlalji and appeal to him that

this measure may be held up for one or two years. This would help in many ways. But, as it is, their line of thought is that if this Bill is not passed now or at any rate in 1950, it may never be passed, because those who come hereafter would not allow it to be passed. But let me tell you that even if you pass it to-day you should know what is going to happen later on. Such a type of people will come in to fill these seats who will say, 'As our very first duty let us set right this Hindu Code that has been enacted'. Hence, I beg you kindly to prevent this if you can. If, however, you cannot do that then my advice is: 'Not to the left, not to the right, come in the middle; find out the golden mean'. This alone can satisfy the community.

Secondly, I wish to refer to what Dr. Ambedkar said in reply to a point of order raised by Mr. Sarwate, to which, Mr. Deputy-Speaker, you also added your support, *viz.* that this Bill is going to be applicable to the Provinces only and that if it is sought to be made applicable to the States it will be sent to them, it will be circulated, before it is decided what is to be done about it. Dr. Ambedkar made the following observation:

"When the occasion comes for the extension of the Bill to the Indian States, no doubt this Legislature, when a proper motion is placed before it, or the Government of the day will take note of their wishes and intentions and the States which have come into the Indian Union will be consulted."

If this is the position then what is passed to-day will be sent to the States after six months and by the time the States enforce it you will have gone still further ahead. The States people who are already somewhat backward will be left even further behind. You should therefore, kindly, keep that point in view and see what can be done about it.

I may be permitted to say that the mode of obtaining public opinion was not perfect. I have already said that. It took us two-and-a-half to three years to frame our Constitution and even though we have proceeded with the utmost caution there are so many people who say it is no good. We consulted the Provincial Governments, supplied them copies of the Draft Constitution and it was discussed there in their legislative assemblies and cabinets before they sent us their views. As you know the Rau Committee never sent their draft report to any Provincial Government. This is how it has come up. Hence, I wish to point out that the opinion was not taken fully and properly. The basis of your claim is also not sound. I am in no doubt on that score. Renuka Bhan remarked, 'Half of the country will be with it, but the report of the Rau Committee says, 'The society is very much divided.' In view of this whom should I rely upon? Should I rely upon those who gave their report in 1947 after investigation or upon Renuka Bhan's statement of 1944?

Mr. Deputy-Speaker: Several other Members have yet to speak. Kindly conclude it.

Shri Gokulbhai Daulatram Bhatt: I shall be closing in five or seven minutes. I should say a few things more if you permit.

Mr. Deputy-Speaker: Just as you please. You have taken thirty minutes already.

Shri Gokulbhai Daulatram Bhatt: I shall speak just a little more and then close very soon. I must say that it is the Hindu Community alone which would quietly take whatever blows you might give it. Look at the Muslim Community. Did anyone have the courage to draw up a code for them? Why not unite the *Shia* and *Sunni* schools of thought? Could you just dare meddle with the law of the Christians? Or could you dare tackle the Parsis? This poor community alone must stand every thing. Is it because you think it is dead? Dr. Ambedkar says he belongs to the *Shudra* caste. I hold him very

[Shri Gokulbhai Daulatram Bhatt]

high. Someone gives him the title of *Muni* (saint), another raises him to the rank of *Rishi* (sage) whereas he himself says he is a *Shudra*. Then let him be Vishwamitra. Whatever you are you are, but, of course, you are a wise man. Why nurse that inferiority complex? He says, '*Smritis*' continued to be prepared. The Brahmans went on writing. What else had they to do, after all? What is the work being done by your department? That was exactly what the writers of *Smritis* did. It was a department which amended laws and rules from time to time. Just as you prepare and put up amendments to laws they did likewise. I, however, do not wish to go into this question. Nor do I wish to go into other extraneous matters. Our sisters say this thing has come to be included in the fundamental rights and that those who are opposing it have not been able to comprehend the fundamental rights. "You do not understand the fundamental rights," they say. Does it form the fundamental rights or even state law? Does the Hindu Code constitute state law or is it personal and private law? If you were to bring forward a bill in regard to an Indian Code I could say with authority nobody would oppose it, but to-day you are out to frame a Hindu Code and to make a change in the Hindu Law. But personal law is not State law and therefore it does not apply. Gaur had remarked, 'it will only be *Avatar* who might come someday and bring forth this Code.' Shri Gaur is perhaps sitting in Nagpur now and he must have been gratified to learn that the *Avatar* has manifested himself at last and that the Hindu Code Bill has arrived.

Shri Mahavir Tyagi: Disgraced persons.

Shri Gokulbhai Daulatram Bhatt: Saying a few words more I wish to conclude my speech in a short time. It is said that brothers and sisters should be equally treated. Shri Kripalani has left, why would he hear what the others say? So I wish to say why this double right should be given to the sisters. She will take her *stridhan* from her father's place, will take all the dowry given to her by her father, will take her personal share and apart from this all her share in the husband's property is still there. Then how the sisters have become so selfish? The women are themselves prosperity incarnate, why do they want more of this worldly wealth? Shrimati Kamala Chaudhri has given out that without doubt wealth and prosperity will automatically flow back to the wealthy and prosperous. Women are themselves wealth and prosperity incarnate, why do they want to add to their prosperity? With the slight illusion and fascination they still possess they have been able to capture and subdue the whole world. If the illusion and fascination would increase then nobody can foretell what would not come to happen. If the wealth (*maya*) will undoubtedly flow back to the wealthy then subsist Nature and Nature only in this world and exclude Man therefrom. If by this exclusion of Man the *maya* is able to subsist then do accordingly.

Our friends from Travancore and Cochin are far advanced but they should also keep in mind that a solitary swallow will not make summer. They should make the villagers also keep pace with them and if they also are to be taken along then kindly give this Bill more publicity and explain it to them the various implications and then the purpose will surely be achieved. There is not the least doubt about this fact. At places it is being said that by passing this Bill a reversed state of affairs is being created, and to some extent this allegation is right also. Let the water trickle down its natural course and if by spurning the minority view point here you would reverse the state of affairs then today you may be able to do so; but in future a time will come when such drastic changes would be made therein that would stun you speechless. The inevitable must come to pass. I do not like to go in details.

I wish, to say one thing more that our *Smritikar* (law-giver) *Yagyavalkya* has gone a step ahead of *Manusmriti* even. I do not want to enter into the controversy as to which of the *Manus* has been the author of this *Manusmriti* because there have been a number of *Manus*. But *Shri Vigyaneshwar*, the famous annotator of *Yagyavalkya Smriti*, who has written the *Mitakshara* annotation and the annotators who have written *Dayabhag* and *Mayukh* annotations have propounded different and distinct opinions. I do not want to quote all the illustrations. But they have laid down that if a woman be not given her *stridhan* then she also should get a share in the property equal to that of the son. This has expressly been mentioned. I wish to say with all the emphasis at my command that in our *Smritis* a mention is made of *stridhan*. The people of England have not yet codified their law. I wish to inform you that according to the English Book of Prayers the prohibited degrees of relationship for marriage were determined in 1565 A.D. The same continued to be in force till 1915 A.D. and in 1915 A.D. only one alteration was made in the prohibited degrees of relationship viz., till now a marriage could not be consummated with the wife's sister. So I wish to say that we have stepped far ahead as compared to this. There they took so many years to change one degree of prohibited relationship but here according to the Civil Marriage Act the people have been permitted to enter into matrimonial alliance with the second cousins also. Those who like may take recourse of Civil Marriage, but why you want to impose the same restriction on all others. The Civil marriage Act provides for marriages with second cousins. Those who wish to adopt that system may follow it. While framing this Bill we should keep in mind the Principle of Eugenics also. It is wrong to consider that our *Smritikars* (annotators) have mentioned anything at random. Our *Smritikars* were past-masters of the Science of Eugenics. They were not common people. They were highly learned and well informed persons. Whatever doctrines they laid down were perfect in all respects and were propounded after mature consideration. Their decrees were so perfect that it was not at all deemed essential to effect any changes in them say after 6, 8, 10 or 12 months. Our *Smritikars* were very wise and intelligent. Deep meditation of hundreds of years is essential to suggest any changes in what they have written. Undoubtedly you may make suitable amendments therein, because from time to time suitable amendments have been made in these *Smritis*. But we must consider this fully well whether by introducing these changes the society will be benefitted or put to loss.

Shri H. V. Kamath (C. P. and Berar: General): Are the hon. Members of this House not intelligent?

Mr. Deputy-Speaker: Please go on.

Shri Gokulbhai Daulatram Bhatt: I am not so intelligent and learned as *Shri Kamath* is. I do not allege that the hon. Members here do not possess intelligence. Everybody has got his own intelligence. Everybody can think. But I say that I will not accept lying down all that *Dr. Ambedkar* says in a manner that great men have great views. Similarly if any *Pandit* (scholar) were to come and say that whatever has been done for the untouchables is not at all justified then also I will not take his word for granted because I do not believe in the maxim that great men have great views. But I was submitting that whatever our *Smritikars* have done they have done after fully taking into consideration the future of the society. It is quite true that these *Smritis* were codified according to the then needs of the society. Today our society consists of numerous castes and sub-castes, the people belong to different sects, they believe in various doctrines, there are Sikhs, Jains, Buddhists and followers of other schools of thought and so on. They are divided up into numerous religious sects. It is not an easy task to inter-blend them in a single system.

[Shri Gokulbhai Doulatram Bhatt]

Sir, I will now take only a little more time. I had just stated that the honourable Dr. Ambedkar said, "Custom will eat into the code and therefore custom should not prevail". On the other hand he says that the law governing the succession rights of Rulers and Jagirdars, which should not be there, should continue; and when there is a question of usages and customary rights, he says that this should not be there.

There is the point of succession. Another point is that of adoption where he says that customs and usages should not be allowed to continue. Both these things are untenable. You had better put an end to it, make it uniform or abolish it outright. Sir, I would again bring it to your notice that petty conferences are being held at other places on account of which I am feeling some difficulty in speaking.

An Honourable Member: He is repeating the same arguments.

The Honourable Dr. B. E. Ambedkar (Minister of Law): It is now one hour since the gentleman has been speaking.

Mr. Deputy-Speaker: Order, order. The best way of asking him not to speak longer is not to make noise but to leave him alone so that I may ask him to complete his speech early. The hon. Member knows that many other Members are anxious to speak. He has already taken more than 45 minutes.

Shri Gokulbhai Doulatram Bhatt: Sir, I am indebted to you. So I was telling you that on the one hand you say that the custom is no problem, these customs and usages should continue; on the other, if this is acted upon it would tantamount to kill the Hindu Code. I do not want both these things. You ask as to grow more food. If we have to grow foodgrains in all the land in our possession, be it a garden or beautiful lawns, we must cultivate all these lands. On the one hand; you want that your lawns should also remain intact, and on the other, you desire that more foodgrains should be grown. Such a course does not appeal to me.

You know what is custom? We should understand family customs, village customs and national customs—'*Shastrad ruri balysti*' (Customs overrides the sacred laws). What is the meaning of *Shashtra*? By referring to *shastras* again and again you people would be thinking that I am raving like a maniac. The *Shashtra* is a science a treatise and a law. That is a *Smriti*. After this you will not like to appreciate any such thing. So he will not like to involve himself in any such controversy which the divorce problem has created. A man and a woman sit in a *Panchayat* and say that they want to get rid of one another. They say that they have enjoyed the pleasures of the world and want to go to some other place. They will not involve themselves in such a botheration of having a recourse to the District Court or High Court for this purpose. If they behave in such a manner the reverse will be the case.

When I go to the village, I will tell the people that the Hindu Code Bill has been framed in such a manner and it contains a provision of such like matters. Those people will then say that they do not want this in such a form. The existing village *Panchayats* are quite good and these should be allowed to carry on as they are doing at present, and they do not want to involve themselves in such complications of law which will enable the lawyers to thrive and the poor to become poorer. With your blessings, all these things abundantly exist in the Hindu law.

Sir, I was just saying what is likely to be the net result of all such things. I cannot touch here every aspect, because I have not got sufficient time at

my disposal that I should refer to all such things, as many of my brethren are desirous of speaking on it.

So, Sir, I was just going to say that this is a question of vital importance. I would advise my honourable friends sitting here who have expressed their opinion in favour of its being passed to consider it once again more carefully. This is not the time for hasty action. You are liable to be called to account by the people for your doing of it. With all due respects, I would also like to request our esteemed leader the honourable Pandit Jawaharlal Nehru that this question which has been brought up before us is so vital and of such a fundamental importance that we should necessarily consider over it most carefully. It is all the more necessary that the public opinion should be elicited in this matter. My honourable sister Shrimati Renuka Ray had referred to a referendum. In this connection I would like to say that as the elections are likely to be held in the near future, you can at that time elicit the opinion of the masses whether or not they want the Hindu Code. You can place it before the public that we are framing a Hindu Code Bill of this nature and whether or not they like it. If you are able to enlist the opinion of the people on this issue, then you are at full liberty to pass it in this House. This should be agreed upon as the basis of referendum. I am not a man to be swayed over by the newspaper reports. The newspapers are given to the publication of exaggerated versions of such matters simply to promote their circulation. I have got no personal grudge against the newspaper men. I cherish solicitude for them and have every sympathy with them. But so far as the question of holding a referendum is concerned, I would like to tell my honourable sister Shrimati Renuka Ray, who is not present here at the moment and other sisters, that as elections are likely to be held after a few months, this question can then be placed by them before the public. You can tell the people that we have framed such a Hindu Code Bill and want to pass it. If the people vote in your favour on this issue, then we can surely pass it here.

Thus, I would like to request the Government to consider over this matter and not to pass it at this moment. To conclude, I would say this much "Not to the left, not to the right, come in the middle to find out the golden mean."

Shri E. K. Sidhva (C. P. and Berar: General): Sir, my friend has mentioned the Parsi Matrimonial Act. Will you kindly give me five minutes to explain?

Mr. Deputy-Speaker: I am not going to allow it because he did not criticise it in any manner. He said the Parsi Marriage Bill was sent round to all persons all over the world. He used that as an argument in the case of this Bill which involves three hundred millions people. Therefore, on that ground the hon. Member cannot claim any right to speak.

Shri E. K. Sidhva: No, Sir, He has made incorrect statements.

Mr. Deputy-Speaker: Then the hon. Member must have brought it to my notice. We cannot start an argument over every matter.

Shri E. K. Sidhva: Have I no right to speak on this Bill?

Mr. Deputy-Speaker: Every Member has a right to speak, I have absolutely no doubt about it. Only time does not seem to permit.

Dr. Bahadri Tek Chand (East Punjab: General): Sir, the debate on the Bill has gone on for several days. Both sides of the question have been put before you. I do not want to repeat the arguments which have been given on the one side or the other. I have only two submissions to make, one to the supporters of the Bill and one to the opponents of the Bill and after that I have to place one suggestion for consideration of the House for such changes as I think

[Dr. Bakhshi Tek Chand]

should be made in the Bill to make it acceptable to all or at any rate to a large part of the House and also of the country. I will ask the indulgence of the House therefore for a few minutes to permit me to place my views before it.

The first suggestion that I have to make to the opponents of the Bill is this. They say that this House is not competent to touch the provisions of Hindu law, because it is a matter of a time honoured religion which has come to us through centuries and that it is only a *Pandit Parishad* which will be competent to effect any change. I submit with great humility that that is a position which cannot be accepted for a single minute. Hindu law, as has been pointed out by Sir Alladi Krishnaswami Ayyar and others, has never been static. It has changed from time to time. Each time when the structure of society changed, a *smritikar* appeared—a sage, a risbi, a runi—and he made such modifications as were suited to the times. This process went on for centuries until the country came under British rule. During this period, the only changes that could be made in the law were either by judges who were to interpret the law or by the legislature. No new sage could appear with the authority of a Manu or a Yagnavalkya or a Viswamitra. Either the judges who were duty bound to interpret the law as they found it in the *smritis* or *nibandhas* could interpret it or the legislature had to intervene. It is idle therefore to contend in the year 1949 that the legislature is not competent because it consists of all types of people who are not learned in the *smritis*. That is an argument which, I submit, should be rejected forthwith. If you see the course of events that the legislatures of this country have followed for more than a century, you will find that whenever it was found that the Hindu law or any branch of it was found to be defective, legislation was introduced. It began with the Removal of *Sati* Act in 1829, under the guidance of late Ram Mohan Roy. The custom of *sati* which was considered to be a part of Hindu religion, but which was not really a part of it and which was an abuse, if I may say so, of the principles of religion, had to be done away with and for that purpose legislation was introduced as far back as 1829.

Mr. Deputy-Speaker: There is too much of whispering going on. The reporters are unable to take notes. I am also not able to hear.

Sjt. Bohini Kumar Chaudhuri: The Speaker's voice is indistinct. He has got two mikes close to each other. We do not hear him properly either.

Mr. Deputy-Speaker: He is speaking before the phone. Each seat has been converted into a small phone. What am I to do?

The Honourable Member will kindly resume after Lunch. The House is adjourned till 2.30 P.M.

Shri A. Thanu Pillai (United State of Travancore and Cochin): May I make a suggestion? (*Interruption*). My point is this.

Some Honourable Members: The House has already been adjourned.

Mr. Deputy-Speaker: You are late. The House has already been adjourned.

Shri A. Thanu Pillai: I am sorry. I did not know.

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, Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) in the Chair.

HINDU CODE—Contd.

Dr. Bakhshi Tek Chand: Sir, when the House rose, I was referring to the Acts passed in 1829 under the inspiration of Shri Ram Mohan Roy for the abolition of *sati*. Now as we all know, it was argued at that time that *sati* was a part of Hindu religion. It was said that *sati* was one of the essential features of our *dharma* and any interference with it would be an attack on Hindu religion. But the sense of the community prevailed, the law was passed and *sati* ceased to exist. This custom, as I was saying, was not a part of Hindu law. It was an innovation which has been introduced during the, what are called dark ages, or the medieval ages. Luckily that was removed by legislative enactment.

After that we had the 1850 Act for the removal of class disabilities so far as intertance was concerned. If a person or the heir changed his religion the right of succession was not affected. That was the second great change that was made in Hindu law. Then came another very great reform in 1856 when the Widow Re-marriage Act was passed. For centuries it was believed that the Hindu religion did not permit the re-marriage of widows.

Shri Mahavir Tyagi: May I know, Sir, if the Treasury Benches are represented.

The Honourable Shri K. C. Neogy (Minister of Commerce): Government is one and indivisible and so long as there is one Minister present I think he is competent to represent the whole Government.

Mr. Deputy-Speaker: I think it is always a healthy ambition for Members on the other side to come and sit over this side.

Dr. Bakhshi Tek Chand: As I was saying, widow re-marriage was considered to be an essential feature of Hindu religion and any suggestion to repeal that law or to enact a permissible legislation which would enable a widow to re-marry was opposed tooth and nail. But under the leadership of Shri Ishwar Chandra Vidya Sagar and other leaders of that day public opinion asserted itself and this great disability under which Hindu women suffered was removed by another piece of legislation. Well, the Hindu religion did not come to an end by the enactment of that legislation.

After that there have been numerous other Acts by which Hindu law has been modified by the Parliament or the Legislative Assembly of the day. Most of you will remember the great agitation which took place in 1890 and 1891 when the Age of Consent Bill was introduced. At that time the cry was raised that it would be a gross interference with the Hindu religion if a legislature consisting of Hindus, Muslims, Christians and dominated by bureaucrats were to legislate in regard to a custom which permitted intercourse with a child wife below the age of twelve. If you have any recollection of what appeared in the papers, even advanced papers like the *Amrit Bazar Patrika*, you will see in what kind of convulsion the Hindu society was at that time. But again the legislators persisted and that Bill was passed, a Bill which ultimately has culminated in the last session by almost unanimous vote of the House in the further amending Bill which our friend Pandit Thakur Das Bhargava introduced and which if I remember aright was unanimously passed by all sides of the House. At that time none of our friends thought that this Assembly was not competent to legislate with regard to a matter which was considered to be

[Dr. Bikhshi Tek Chand]

an essential part of the Hindu religion. Coming to more recent times, you will find that in 1916 the Indian Legislature passed what is called the Dispensation of Property Act, an Act which has had the effect of repealing the law which had been laid down by the Privy Council in what is known as *Tagore versus Tagore* case. In that case, following certain texts of the *Smritis* the Privy Council had ruled that bequests or gifts in favour of a class of persons who are unborn on the date of the gift, were void according to Hindu Law. That had continued to be the law for about sixty or seventy years. It had been suggested that that was a wrong interpretation of the texts. The matter was examined and it was found that certain texts according to their literal meaning could only lead to the conclusion at which the Privy Council had arrived. This was found to be a great handicap and a great injustice. Therefore the legislature again intervened and by a unanimous vote of the House, it passed that Bill in 1916.

After that came what is called the Removal of Disabilities Bill. Under certain texts of Hindu Law as enunciated by some of the *Smritis* if a person was suffering from a physical disability, if he was blind, if he was deaf and dumb, he was not entitled to inheritance. Many people thought that whatever the meaning of the texts might be, this was a great hardship. If out of five sons, one was deaf or was blind or suffered from some other disability, it was more necessary in his case that he should get a share in the father's patrimony rather than the persons who are physically fit and capable of earning. Well, that text might have been of some validity or of some utility at a time when in ancient times the structure of society was such that in order to increase the family wealth it was necessary that all should work. It had become obsolete and the Hindu community revolted against it and the agitation was such that the Indian Legislature passed this Act in 1926 after which persons suffering from physical defects were allowed to inherit in the same way as persons who were physically sound. This was another inroad into Hindu Law.

Then came another and very important Act, Act II of 1929 by which certain classes of people who till that time had been ruled by the courts as not entitled to succeed to property were allowed to succeed. According to the text of the *Mitakshara* school, it had been ruled by the courts in India and ultimately by the Privy Council that there were only five classes of females who were entitled to succeed, because these five were mentioned in *Mitakshara*. The Bombay school was of opinion that this list was not exhaustive but it was only illustrative and the great commentator Nil Kantha and his followers held this practice was due to a wrong interpretation of the *Mitakshara* in Northern India. Well, a Bill was introduced in this Assembly and after a great deal of deliberation that Bill was passed and the daughter, the sister and the sister's son and so on were all included in the list of heirs. That again was a great change in the structure of Hindu Law, particularly in Northern India.

You are all aware of the Sarada Act. I will not repeat that. At that time also it was argued and argued seriously in this House also that fixing a minimum limit for marriage was an interference with Hindu religion. Well, the opposition did not succeed and the legislature persisted and the Bill was ultimately passed.

After that, we have had what is known as the Deshunnukh Bill. That Bill of 1937 had a great effect: it effected a very great change in Hindu Law of succession. In areas governed by *Mitakshara* school when there was a joint Hindu family after the death of one coparcener, if he left no son, the widow was not entitled to any share. She was dependent upon the brothers-in-law or the husband's father and the other coparcener, dependent entirely upon their

mercy for their maintenance. She was to receive only food and clothing and nothing else; mere maintenance only. Under that law it was enacted that childless widows would be entitled to the same share of the property as her husband would be entitled to, and if she so liked, she could even ask for the property to be partitioned. It was held at the time that Hindu women in a joint family being entitled to sue for partition was considered to be repugnant to the fundamental principles of the Hindu Law, but the Legislature again made this change, a change which was warranted by the changing times, by the rising consciousness not only among women but among the men in this country, among Hindus who wanted that this should be done to their sisters and mothers. Now, at that time also there was a great deal of stir in the country but ultimately that stir also died down. Twelve years have passed and we cannot say that Hindu society in any way has crumbled to pieces or that Hindu religion has been attacked in a very vital matter so that it is now going to pieces.

I come now to more recent times. In 1946, shortly before the present Assembly came into existence, a Bill permitted marriages among sagotras was passed by this Legislature. That Bill did not interfere with the prohibited degrees. Even though persons were living in different parts of the country and did not belong to the same caste, yet because they belonged to the same Gotra, according to some technical meaning of the texts, the marriages could be invalidated. Such marriages, even though performed in several parts of the country, their validity was in doubt. That was again an enabling measure which was passed in 1946 and to which no serious objection has been taken.

Now, I would ask hon. Members to bear in mind what we did in the last April session of this Assembly. My esteemed friend, Pandit Thakur Das Bhargava brought a very simple Bill consisting of one section only, but a Bill which was of a most far-reaching and important character. By that Bill it was enacted that notwithstanding any text of Hindu law or any custom or usage having the force of law to the contrary, a marriage between various castes of Hindus would be deemed to have been validly made. That was a very great step, a step which permitted inter-caste marriages and which removed such restrictions as one must marry either in his own sub-caste or, at any rate in his caste. That was the measure which was passed by this House unanimously, and so far as I remember at the consideration stage the only voice raised against it was that of Dr. Ambedkar. All other Members orthodox and unorthodox, persons governed by *Dayabhaga*, *Mitakshara*, by the *Mayukha*, persons governed by tribal customs and everybody supported the Bill. Dr. Ambedkar, of course accepted it on a very narrow ground. He was entirely in favour of the principle of the Bill, but he thought that as this Hindu Code which was a very embracing measure was before the Assembly and therefore we should have a comprehensive measure; that was a very technical type of objection. Otherwise we all unanimously supported that Bill and it came sometime late at the end of April. Now I will ask my orthodox friends who say that Hindu *Dharma* is in danger as to what has become of that. We were saying when the Constitution was under consideration that we want to have a classless and a casteless society. That is contrary to certain texts of Hindu law which have been in force in various parts of the country for centuries, but still the Bill was enacted and it is a part of the law of the land. At that time, if I may be permitted to say so, nobody took an objection that this House was not competent to deal with it because it had been elected only for the purpose of framing the Constitution or for the purpose of carrying on the day to day administration. Abolition of caste system in the matter of marriages was surely not part of the day to day administration of the country. It was a very vital and a very material and a very substantial change in Hindu law of marriage, the law which prevails in some form or another in all the schools

[Dr. Bakhshi Tek Chand]

from Kashmir to Kanya Kumari and from Bengal to Gujrat, but we all did it with open eyes when the Bill was passed and Mr. Munshi who was here at that time said that the Bill was a far-reaching one, though the Bill is a very short one; it is a very big change and a very important change. The whole House cheered him at that. I will ask my orthodox friends, the opponents of the Bill where was their regard and their enthusiasm for Hindu Law or Hindu *Dharma* at that time? I submit, therefore with great deference to my orthodox friends that this cry which is being raised, that this Bill which is now before the House is an attack upon the Hindu religion, that the foundations of the Hindu religion will be undermined, that the whole fabric of Hindu society and Hindu culture will crumble to pieces or that this House is not competent to enact a measure of this kind, simply because it does not have many learned *pandits* or that the Members who are here were not elected for a specific purpose, I submit with due deference that there is no force in this objection and I would most respectfully ask my orthodox friends to consider the history of the legislation which I had placed before them, the various measures which we ourselves have passed in recent times and to consider that they might attack the Bill upon other grounds, but to say that this House is not competent either being merely a legislative assembly or that we have got no mandate of the country to look into this measure to enact or consider it and pass it, I submit with very great deference that that argument is not sound. I will ask them to examine the Bill upon its merits to accept it or to throw it out. It is one thing to say that the Bill has not been sufficiently considered; it is one thing to say that there are provisions in the Bill which require further discussion and examination; it is one thing to say that the Bill requires to be re-cast in certain matters. Even today as I suggested and as Sir B. N. Rau in his original report of the Committee said, perhaps it will be advisable to take this reform of Hindu law in parts. I can quite understand that, but when every morning—I hope I will be pardoned for saying so—every mail has been bringing in letters during these months, letters and reprints from speeches delivered by persons, resolutions passed by the *Dharma Sangh* and this society and that society, all giving the opinion of this great man and that great man and saying that this Assembly is not competent to deal with them: I with the greatest deference and in all humility, submit that that is neither correct nor logical nor reasonable, and therefore, I would submit to my friends, the opponents of the Bill not to press those arguments, but to look at the Bill very reasonably, rationally and with a proper point of view.

That was my submission to my orthodox friends and now I may be permitted to say a word to our friends, the supporters of the Bill.

Shri H. V. Kamath: Are they heterodox or orthodox?

Dr. Bakhshi Tek Chand: Well, let everybody decide it for himself. Now the position is that this Bill was introduced. It had as we know, a very brief discussion at the first stage. When we met in the Select Committee we were given only six days to consider this important Bill and when certain objections were raised by Members of the Committee to some parts of the Bill, we were told that the principle of this proposal goes against the fundamental principles of the Bill which have been accepted by the House when it passed the first reading and therefore, we the Members of the Select Committee who wished to move amendments to those vital matters are out of court and we were out of order. We submitted to the ruling and we had only six days to discuss this Bill in the heat of July and we did the best that we could under the circumstances within the short time at our disposal and within the narrow limits which were laid down by the hon. Law Minister at that time. That was not only the Law Minister, but there were certain enthusiastic Members of the Select

Committee, who thought: "Well now is the time we have got this Bill; let us push it through in this very session and before the month of October or November arrives, it will be a part of the Statute Book." Several objections and several arguments were given: 'Let us wait for a few months.' Ultimately the Select Committee decided to proceed with it on a majority of two.

Things have gone in such a way that within one month this Bill could not be put on the Statute Book. Things have dragged on due to circumstances much beyond the control of us, beyond the control of the majority 3 P.M. of the Select Committee. One point which I raised in the Select Committee and on which I also dwelt at some length in my note of dissent and which I ask the permission of the House to repeat was that this Bill is a very half-hearted, and a very, if I may say so, a very truncated measure. I fully endorse the view and I have no hesitation in repeating it, that the time has come when we must give full rights to our sisters and our daughters; that, is to say, the time has come when we cannot allow the old texts to continue, or their interpretations which have been given by the British courts that a woman has not got a full estate, that a woman is not entitled to succeed to this type of property or to that type of property and so on and so forth, that must go. In the first place I maintain, and I have always maintained it that all that is against our original Hindu law. I maintain, and I hope to show, if the hon. Deputy-Speaker will permit me a few more minutes, that this theory that a woman's estate is limited is a creature, a creation of the British Indian courts. It is not countenanced, not supported by the *Mitakshara* law nor by the *Mayukha* nor by the *Smritis*. All that must be done away with. But in order to do that, what shall we do? I suggested that some changes should be made in the Bill, that we must look at it from another angle which will give woman a higher status than we have got in the Bill; they said "No, we have got the Bill having the *imprimatur* of Shri B. N. Rau and the authority of Dr. Ambedkar, and no change of a substantial nature can be made in it." That was the attitude of the supporters of the Bill. If I may be pardoned for saying that, in the Select Committee and later on also, they have not been less fanatical than the opponents of the Bill. They say, "Well, there is the Bill, take it or leave it, and reject it if you can." That is being repeated now after the declaration which the Prime Minister was pleased to make a few days ago, and which I know, must naturally, tie down most Members of the House in their vote.

Some Honourable Members: No. no.

Dr. Bakhshi Tek Chand: Well, it will have an unconscious effect, even if permission is given to everybody to vote as he likes. Well, I ask the friends who are supporters of the Bill, I ask my sisters, 'Does this Bill do you full justice? Is this all that you want? Does it give you the rights you want?' I say, 'no'; I say most emphatically, 'no, it does not.' It is a most truncated and half-hearted measure, and if I may say so, it will do the maximum of mischief to Hindu society and the minimum of good to the members of the female sex.

An Honourable Member: Are they agreeable to your solution?

Dr. Bakhshi Tek Chand: I do not know. Now I will deal with a few of the provisions of the Bill. One of the provisions of the Bill is that the chapters relating to succession, etc. will not apply to inheritance of agricultural land. Why? Because at that time when the Bill was introduced, the position was that under Entry 7 of the Seventh Schedule of the Government of India Act of 1935, this Legislature, the Indian Legislature could not pass any law relating to agricultural land, that was a provincial subject. Well, that was the position at that time. In 1938, Dr. Deshmukh's Bill was extended to include agricultural land also. The matter went then before the Federal Court and the

[Dr. Bakhshi Tek Chand]

Federal Court agreed that this was *ultra vires* of the Indian Legislature. That was the decision of the Court and that was the provision of the Government of India Act, 1935. And therefore naturally, Sir B. N. Rau and the Committee, as well as Dr. Ambedkar and his Law Department omitted it, and they said this is a matter which will have to be left to each Provincial Legislature to deal with. But luckily, by that time, the Drafting Committee of the Constituent Assembly had published its Draft Constitution. In that Draft Constitution, it has been stated that Entry 7 in the Seventh Schedule be amended so as to include or rather to make the subject a concurrent subject, namely, the subject of succession to immovable property or movable property, including agricultural land. That was the provision. I suggested at that time, in my minute of dissent, both in the Select Committee and in my minute of dissent, that we might wait for a few months, so that whatever measure we adopt to give redress to females, giving them a share in their father's or husband's property, that that might apply to all kinds of properties. What you want is uniformity of law, and I venture to point out that instead of uniformity, you will have diversity, and instead of unity, you will have confusion. If this provision had been passed, the position would have been when a man's immovable property is situated in a town, when he has urban property to that movable property one law, namely the law of Dr. Ambedkar's court; but with regard to agricultural land situated, some three miles off, the old law will continue. The sons will have all the rights from the moment of their birth and the rule of survivorship will remain, and nobody will know what is the position with regard to the property. See how many loopholes you are leaving? If you do not want to give the property to your daughter, you can sell her share in Poona and go and buy agricultural land five miles outside and then you can deprive your daughter of her share, and thus circumvent the provisions of the Bill. But now luckily, what has happened? To-day when we are at the end of this first stage of the second reading of this Bill, the situation is this. The suggestion of Dr. Ambedkar and the Drafting Committee has been unanimously accepted by the Constituent Assembly and it will, God willing, come into force on the 26th January which will be long before the third reading of this Bill. I asked the other day whether he is going to make a change now, so that this particular clause in the Bill which excludes agricultural land be removed so that we might give one-fourth, or half or full share or no share, and he said, "No".

The Honourable Dr. B. E. Ambedkar: I do not think the hon. Member is entitled to disclose a conversation. All I said was that that was my present view: later on we may reconsider the position, now that we have power, one of the impediments in our way had been removed.

Dr. Bakhshi Tek Chand: I am very glad that my learned friend has corrected me: I am much thankful to him for the correction, that his present intention is not to repeal that clause, but to retain the distinction, but later on...

The Honourable Dr. B. E. Ambedkar: I have not said anything like that at all. I do not think my friend is entitled to use a conversation.

Dr. Bakhshi Tek Chand: No conversation, but what you have said now on the floor of the House.

The Honourable Dr. B. E. Ambedkar: These are matters which I alone cannot decide. I have to take the consent of my colleagues.

Mr. Deputy-Speaker: The hon. Member may go on with the Bill as it is, saying that the Bill as it is does not provide for agricultural land. He need not refer to private conversations.

Dr. Bakhshi Tek Chand: Take the Bill as it is. Whether the change will be made now or later with the consent of the Cabinet or other parties is a different matter. But what is the position now. Agricultural land is being excluded. Agricultural land forms more than 80 per cent. of the property of Hindus in any part of the country. Therefore our sisters, daughters and other female relations are excluded under this Bill from succession to a very large portion of property. That is another reason for which it is necessary to reconsider the Bill and not to proceed with it in its present form. Whatever law you may have you should apply it to all property—agricultural, urban, movable or immovable.

Pandit Balkrishna Sharma (U.P.: General): If my hon. friend will give way for a minute I would like to know whether if this law is applied to agricultural property also, it will not lead to veritable fragmentation of land. *(Interruption.)*

Mr. Deputy-Speaker: Let there be no interruptions. The closure may come in at any time and I am giving a warning to the House in advance. The less the interruptions the greater is the chance for a larger number of speakers to take part.

Dr. Bakhshi Tek Chand: With regard to fragmentation I am not afraid of it. It is bound to come about if you have a larger number of heirs. If a man has five sons there is bound to be fragmentation and if he has two daughters also there will be more fragmentation. I am not afraid of fragmentation whether with regard to immovable or urban property also. If you have one or two houses, two sons and five daughters and they decide to divide the property there is bound to be fragmentation. Therefore with great deference to both parties this argument is wholly extraneous and should be left out of consideration.

Under this Bill more than 80 per cent. of the property is being excluded. That is one serious drawback from the point of view of reform.

One of the objections raised is this. A man may have a house and a small bit of land. Some of the villagers have a *kutchra* shop also. There will be so many divisions and the son-in-law will be introduced into the family. Some supporters of the Bill say that it is a reasonable objection and therefore we must introduce a clause at the third reading by which the dwelling house of the family will be excluded from succession. That is to say, the daughter, though she will be entitled to succession, will not get a share in the dwelling house. If that is so that will reduce the urban property still more. Out of the 30 crores of Hindus except a few rich people how many possess more than one dwelling house in which the whole family lives? Normally in the villages it is one house and a piece of land. If a trader he has a small *kutchra* shop also. If you exclude the dwelling house from the inheritance of the daughter you take out another slice from the property.

Another objection is that the sons-in-law will be introduced, and what might happen in most cases is that they will create trouble and since they could not manage the property in another village they will arrange to sell it to some local person. That will lead to the disruption of the family. To meet that suggestions are being made that the daughter will no doubt get a share but only its money value. You must then give to the brothers a right of pre-emption within one or two years of the marriage: the brothers will be entitled to pay to the sister or her husband the money value of the share and keep the property. That again, I submit, will lead to great trouble. It will be difficult to ascertain the market value of the property and this will lead to endless litigation and confer little benefit on the daughter. Agricultural land is excluded, dwelling houses are excluded and various other things will come in. It may be said that the whole share is too much, give her a half or a quarter share, I ask why not give her a full share?

[Dr. Bakhshi Tek Chand]

If you analyse the Bill calmly and quietly and not take as *smiriti* which has come down from the Heavens, it will be found that it does not give the minimum of benefit to the female heirs.

This Bill will destroy the Hindu joint family. Whether, it is good or bad, people still cling to it. Yesterday our revered brother Mr. Alladi Krishna-swami Ayyar pointed out that in the villages in Madras it is still in force. My friend Mr. Santhanam may take another view. But it is there. Yet it is there and has a hold on some people, whatever might their proportion. All other principles of Hindu law such as survivorship, succession, the son having a share you are abolishing. What is the necessity? The necessity is to enable the daughter to get a share. I therefore submit that parts 5, 6 and 7 of the Bill introduce drastic changes in the Hindu family system and give the minimum benefit in its present form to the females.

I would therefore ask the supporters of the Bill whether it is necessary to push the Bill to a final vote at this stage either tomorrow or in the next session. Is it not desirable to give the matter more consideration and to see whether there is any other way of securing full benefit to the female members of a joint Hindu family, whether they are governed by *Mitakshara* or *Dayabhaga* and at the same time causing the least disturbance to the systems that prevail in various parts of the country.

I have made my submissions both to the orthodox and reformer friends. I have to make only one suggestion. I have not worked out the scheme in my mind: it will take a lot of time. But I shall place before the House the broad outlines of it. And I will ask Dr. Ambedkar, I will ask the other legal Members, I will ask the reforming Members, I will ask the orthodox Members to see whether that is not an alternative worth considering. In fact, up to this morning I was hesitating to speak on the subject and my view was to place it before the Committee which it has been promised will be meeting shortly and I had intended if I am a member of that Committee to place it there. But when I was called upon to speak today I thought the best course was to place it before the House. My suggestion is this.

What is our objective? Our objective is to give to the female members of our family full right in the property. What we should do therefore is this. Do not disturb the joint family. Do not overrule the law of survivorship. Let them continue as they are for as long as they can. But a woman, as soon as she is married, should in the *Mitakshara* family become a full co-parcener in that property. At present she is a member of a joint family but not a member of the coparcenary. I will ask hon. Members to permit me for three minutes just to place my proposal before them and then to consider it. Any interruption on that point will not help. It is only a proposal for your consideration, for the consideration of the Committee and for the consideration of the Law Minister and the Prime Minister and other Ministers who may be interested in this matter. At present every woman after her marriage passes into the *gotra* of the husband, and she becomes a member of the joint family but with very limited rights. Up till 1937 her rights as given by the British Indian courts were those of maintenance only. She had no legal right in the property; she could only stay and enjoy it.

That was the position. In 1937 came the Deshmukh Act that on the husband's death she will be entitled to a share of the property—the same share as the husband—and also entitled to have her share separated if she could not pull on with the brothers-in-law or other members of the family. What I am suggesting is this. Add to that only one thing namely that she will become a full co-parcener. Just as in the *Mitakshara* family the moment a son is born

he acquires the right in the father's ancestral property and from the moment of his birth becomes a co-sharer or co-parcener, similarly let a woman from the moment of her marriage become a co-parcener, with full rights. There may be her own sons and others. They will all continue to live together without any necessity to separate. But if she thinks that it is not possible to live together with them she can separate her share and take it away—separate it in the same manner as she can do under the 1937 Act after the death of her husband. That is one change. If you do that you will not disturb the father's property and you will not disturb the joint family. Let the joint family continue as long as it can. Somebody said it was crumbling. Somebody said it was crumbling only for the purpose of Income-tax. Others asked as to how many people pay Income-tax and said that 99.5 per cent. of the Hindu population does not pay Income-tax, still they have the joint family system. These arguments mean nothing. If these are the circumstances under which the joint family is crumbling, let it crumble. But let it continue for as long as it can.

What I am suggesting is not something new or something which is against the spirit of Hindu Law. If I may say so, it is in accordance with the spirit of the original law—the law of the *Veda*, the law as given in the early *Shashtra* by *Jaimini*, and others. I do not want to prolong my speech. But I would like to state what the position was in *Vedic* times and in times which shortly followed. You please read certain portions in Dwarkanath Mitter's book published in 1913 on "the position of women in Hindu Law". You also please read in Volume XI of the Allahabad Law Journal a very learned article by the late Dr. Satish Chandra Banerjee of Allahabad, one of the most promising and most eminent lawyers that this country had produced but whose career was unfortunately cut short by his death at a very early age. It is a very elaborate article. Also the book of Dr. K. Biswas of Patna. All these contain quotations from the *Vedas* and other persons who came in before Manu as to what the position of women at that time was. The position of the woman at that time was that she was a full owner of the property of the husband. Maharishi Jaimini says, commenting on the *Vedic* texts, that "the wife is entitled to the wealth from the moment of her marriage and whatever is acquired by the husband also belongs to her." That is to say she becomes a full co-parcener. Then, dealing, with another text, he says "Not only is the woman possessed of the same religious and civil rights as a man, but all wealth which he (that is the husband) acquires is at her disposal. She is entitled to control even the disposition of acquired property by the husband"—his own acquired property. That is the conception of a co-parcener which we had. Just as a son from the moment of his birth gets a share and can control the father's alienations, unless they are for family necessities or for just purposes, similarly should the woman have the right from the time of her marriage. My submission is let us go back to these old *Vedic* texts and all our Hindu law and its glory before the period of degradation began and the rights of women came to be curtailed, and let us make her a co-parcener. That is one branch of my suggestion.

The other branch of my suggestion is the one which Sir Alladi Krishnaswami Ayyar made yesterday that a woman should have full right to alienate her property and this fiction of a Hindu widow's status must be done away with. With regard to that I would ask the indulgence of the House for two minutes. All my friends who are opposing the Bill say "we want to go to the *Shastras*". We don't want to go beyond the *Shastras*, particularly the *Mitakshara* which was followed by the country. With the exception of Bengal the whole country has followed it. What was the law of *Mitakshara* on this point. I would ask you to look to Vijnaneshwar, Chapter II, Section II verses 2 and 4 of his commentary on Yagnavalk as to what is a woman's

[Dr. Bakhshi Tek Chand]

stridhan. After quoting certain things, that is whatever is given by way of presents to the woman at the time of marriage—which is not important—he says: “And in addition to that, the *stridhan* consists of all property obtained by inheritance by partition, by seizure (that is by adverse possession)” and so on. That is to say, the property inherited by the woman from her husband or from her father or anybody else ought to be her full absolute property and nobody can control it. This was the law laid down by Vijnaneshwar in the 11th Century. That had continued to be the law until the British came. Another commentator of the Banaras school, N. S. Viranadhipra repeats it. Nilakantha, the author of *Mayuka* which is the leading authority in the Bombay Province, particularly in Gujerat and the Island of Bombay, again repeats it. Except in Bengal, in every other Province that was the law until the British came. When the British came they said, “Well, let us examine the original texts of *Mitakshara*”. They said it was a commentary upon *Yajnavalkya*. *Yajnavalkya* used certain specific notes and used the word *adi* and *adi* is interpreted by Vijnaneshwar in this manner. That was the position. A great deal of struggle went on. Of course some Courts struggled, particularly Madras, for a number of years, but ultimately the Privy Council said, “Well, we must do it”, though it was quite contrary to the rule which the Privy Council itself had laid down that if there was a difference between the *Smritika* and the commentary we must follow the commentator. That was the rule they laid down, but somehow or other they departed from it here.

So, I say go back to the Vedic position with regard to the position of a daughter's and a husband's family, and go back to the position of *Mitakshara*. Tear off all this mass of judicial literature which has arisen in this country during all this period and go back to what was the law up to the eighteenth century. If you do these two things, I tell my friends the supporters of the Bill and those who want to reform, that you will be getting much more. If the woman becomes a co-parcener in a husband's family. You don't disturb the joint family; the sons may continue. There may be good things in it there may be bad things, but let it crumble away and die its natural death later on. But give the woman a right in her husband's property, the same right as the son or the husband has. There may be some further points to be considered as to how this property is to go after her death and so on, but these are details into which I won't enter. I will ask hon. Members to give this matter the most serious consideration and then to see whether this is not a scheme which is not much better.

With regard to the unmarried daughter, I see no reason whatsoever why she should not get a full share along with the brothers in the father's property, because no dowry has been given to her and she should not be made dependent. Some of my friends have been painting glowing pictures of the love which the brother has for the sister and how they take great efforts for the marriage of the sister. Quite true, some people do it, many do it, but we know of cases also to the contrary where the brothers, particularly the brother's wife corners the whole thing and very little is left by way of dowry to the sister particularly if she is going into a family which is not very strong and has not got much influence in the village. So, we must make provision for that also. May I say that there is considerable authority in the *Shastras* also for that? Some say her share should be one-fourth, some say equal, some say it should be one-half. I am not for half, following the Mohammedan law; she must be given full.

Shri B. L. Sondhi (East Punjab, General): For how long will the unmarried girl continue to enjoy the property?

Dr. Bakhshi Tek Chand: Once property is vested, it vests and there is no question of divesting it. After all it won't create much disturbance in the family. We must make some provision; we can see that, adjustments are made later on.

A word regarding the Chapter relating to marriage and the Chapter on divorce. My objection to this portion of the Bill is a very simple one. The first part of the Chapter deals with monogamy and I am a whole-hearted supporter of the provision that every Hindu should marry once only and not more than that. The majority of our people do that.

Shri H. V. Kamath: Once or not at all.

Dr. Bakhshi Tek Chand: All the arguments that there is no son etc., are of no use. Where is the guarantee that if you marry three wives one after another one of them will produce a son? It is all a matter of chance. Therefore that is an argument which does not appeal to me in the least. As a matter of fact and as a matter of practice the large majority of Hindus have only one wife and I see no reason why that provision should not be put in here.

श्री लक्ष्मीनारायण साहु: मैं पूछना चाहता हूँ कि उत्कल में तीन लाख ज्यादा स्त्रियाँ हैं, अगर आप एक एक की बात करेंगे तो तीन लाख के लिये और कहां बन्दोबस्त करेंगे।

Shri Lakshminarayan Sabu: In Utkal there is an excess of three lakhs of women. If you start talking of one for one. I should like to know where would you provide for the three lakh extras?

Dr. Bakhshi Tek Chand: Here again, religion has been brought in. In Baroda in 1931 the Monogamy and Divorce Bill was passed by a legislature 95 per cent. of the members of which were Hindus, under the aegis of a Maharaja who was an orthodox Hindu. For nineteen years that Bill has been in force. Can we say that Hinduism in Baroda has come to an end because of that Bill? In Bombay Mrs. Munshi's Bill was passed in 1946 and became a part of the law of the land. In Madras last year the Madras Legislature passed a similar Bill. Thus we have got practically the whole of South India where monogamy is a law of the land. Hinduism there has not been destroyed. All our Madras friends are as strong and as kicking as they ever were. Therefore, I consider this provision is a very salutary one and must be maintained.

श्री गोकुलभाई दौलतराम भट्ट: आप अगर इजाजत देंगे तो जानकारी के लिये दो एक सवाल पूछना चाहता हूँ।

Shri Gokulbhai Daulatram Bhatt: If you, Sir, permit I should like to ask one or two questions for information sake.

Mr. Deputy Speaker: He does not give in.

श्री गोकुलभाई दौलतराम भट्ट: मेरा सवाल यह है कि एक पत्नीव्रत को बात आपने कही यह ठीक है, लेकिन जो पत्नी हयात हो, जीवित हो उसकी इजाजत से दूसरी शादी कर सकते हैं या नहीं।

Shri Gokulbhai Daulatram Bhatt: Whatever you have said about monogamy is quite true but what I want to ask is whether a man is permitted to remarry in the life time of his first wife if she consents to such a marriage?

Dr. Bakhshi Tek Chand: I am very glad our respectable brother Gokulbhaiji has put that question. I say that you can get a woman's consent in any way you like. I have seen notorious cases of that. In one case there was an old man and an old woman. A very learned pandit, an astrologer was brought in, and after performing all the *pujais* he said to the woman, "Your husband

[Dr. Bakhshi Tek Chand]

is going to die during the course of the next three months; the only remedy against that is that he should remarry and if he marries again he will have a son" and all that. And that old lady thinking that this great calamity was coming upon her gave her consent. Now, of course, there is not only one woman but five women in that house. (*Interruption.*)

Mr. Deputy-Speaker: Order, order. The hon. Member has been anxious to sit down for the past half an hour but on account of the frequent questions he has to go on.

Dr. Bakhshi Tek Chand: I come to the last point, the question of divorce. One of the great mistakes which have been made in this Bill is to make the provisions for the dissolution of civil marriages similar to the provisions for the dissolution of sacramental marriages. In this respect, the Bill as now reported by the Select Committee differs from the Bill which was originally framed by Sir E. N. Rau's Committee in 1944 and then revised by him in 1945. What I say is, so far as civil marriage is concerned you maintain the present law which gives the same rights as the Bill gives. But do not try to introduce provision for conversion of sacramental marriage into civil marriage. Sacrament is a sacrament. As has been originally suggested and as has been permitted by some of our old *Smritikars*, the rule of divorce should be limited within the narrowest possible bounds. With regard to this, B. N. Rau's position was this.

Impotency at the time of the marriage which has continued up to the date of divorce. This is a condition to which no reasonable person can object.

That the person may have been an idiot and the fact may have been concealed. This is a second physical thing, which cannot be quarrelled with.

In addition to these two conditions, you can allow divorce when a person changes religion. A Hindu may become a Muslim and marry. Under the fiction in the Hindu law that the marriage is indissoluble and the sacrament still continues, the wife is helpless. On what principle can you do that when the husband has changed his religion and gone to another and married wives according to his new religion?

Shri Mahavir Tyagi: Would it not result in this that whenever a divorce is needed, instead of undergoing the routine legal proceedings, people will change their religion?

Dr. Bakhshi Tek Chand: No, they won't change their religion. In addition to the above conditions, you can add desertion of the woman for a certain period; call it five years, six years or seven years. These conditions are, I submit, nothing new. They were known to our ancient *Smritikars*. I feel that divorce should be limited to these three or four cases. Have we not seen cases in which the husband after marrying has abandoned his wife? Have these unfortunate women no remedy? They should have a remedy. But I would limit it to these three or four conditions. But do not introduce litigation. If it is a case of proving adultery, evidence can be faked. Some sort of collusive evidence can be produced and the charge proved. But I do want to introduce that in a sacramental marriage. My submission as in my minute of dissent is that the chapter relating to marriage and divorce should be reconstituted. We have two kinds of Hindu marriages: the civil and the sacramental. In the one you know the conditions under which it can be dissolved. In the other you can have all your new modern ideas. I would ask the supporters of this Bill to give their serious consideration to it and see whether it improves the position of women. If my suggestions are accepted, it will make the present Bill much better and women will rise to the full stature of their womanhood. They

will have full right to property. It will give them emancipation on the economic side. Under the new Constitution there is adult franchise. We have women Ministers in charge of different branches of Administration. We cannot limit the right of woman, the mistress of the house, and say that she would be entitled only to maintenance but not other rights. That would be a gross injustice. It would be contrary to our ancient laws. What was introduced in between might have suited the particular circumstances and conditions of those days, but they are all outworn. They are not part of the Hindu religion and should be done away with. We should get rid of this jungle growth and go back to Vedic conceptions. These are briefly my submissions and I would ask everybody to give them their serious consideration.

The Honourable Shri K. Santhanam (Minister of State for Transport and Railways): May I ask one question in clarification? Supposing a woman becomes a co-parcener in her husband's family; will her share be part of the husband's share or will it be separate?

Dr. Bakhshi Tek Chand: So long as they are joint, it will be joint ownership of the whole family; just as you and your sons are co-parceners in the property, but if there is a division, then she will become independent. It is a new addition just as a son. It is very simple.

An Honourable Member: Sir, the question may now be put.

Some Honourable Members: No, no.

Maulana Hasrat Mohani (U.P.; Muslim): I will take only five minutes.

Some Honourable Members rise—

Mr. Deputy-Speaker: Order, order. Will all Members kindly take their seats? I find a large number of Members interested in speaking, but as I said yesterday, if we go on at this rate, we may have no time even if we sit for a month or two months. There is no tendency on the part of Members to limit their speeches. This Hindu Code covers not only Hindus. Hindu law of marriage and customs, but it applies to Jains and Sikhs also. It does not apply to Muslims, Christians and Parsis. (*Interruption*).

An Honourable Member: There are clauses which affect other people also.

Mr. Deputy-Speaker: Hon. Members know fully well that when the Speaker is on his legs, no Member should get up. I need not remind hon. Members about that I therefore propose to call a Member of Jain community and a member of Sikh community and then others. Prof. K. T. Shah.

Shri H. J. Khandekar (C. P. and Berar; General): Why not the Harijans?

Maulana Hasrat Mohani rise—

Mr. Deputy-Speaker: I am not going to allow this hon. Member to come in now. I will first start with the others.

The Honourable Shri Satyanarayan Sinha (Minister of State for Parliamentary Affairs): I want to make one suggestion. If the House agrees, we can sit till 7 o'clock today and even after that, if members are not satisfied and there are still others who want to speak, we can sit on Saturday also. Government is prepared to allot half of Saturday for this business. There will be no Question Hour on Saturday and before Lunch we will have more than 2½ hours. If that suits your purpose and if the House agrees, then that will obviate all the difficulties.

Mr. Deputy-Speaker: I think it is a very reasonable proposal. I have already said the House will sit on Saturday. There is no going back upon that. If

[Mr. Deputy-Speaker]

owing to exigencies of public business it is necessary that we should sit on Saturday, heavens will not fall. We are sitting on Saturdays for committee meetings. I have requested the Government to cancel Select Committee meetings on that day. I shall also see that no Select Committee meetings are fixed for Saturday. Hon. Members will be relieved of all other parliamentary work so that they can take part in the discussion on the Hindu Code.

The hon. Minister for Parliamentary Affairs has just suggested, on behalf of Government, that they are willing to allot Saturday, which they had originally intended for other Government business, for the discussion on Hindu Code. Finding that more hon. Members are anxious to speak, they are prepared to allot Saturday, the forenoon of which will be earmarked for non-official Member and the afternoon, allotted to the hon. Minister of Law for his reply. In addition he makes another suggestion for the acceptance of the House. It is open to them to accept it or to reject it. In view of the fact that there are many hon. Members who are anxious to speak, we may sit till seven o'clock today. I leave it at 5 o'clock today, when I shall find out whether the House is tired or is still active to continue the discussion. Personally, I and my friends of the panel of chairmen are prepared to sit till seven o'clock. I am entirely in the hands of the House in regard to this matter.

The Honourable Shri Satyanarayan Sinha: Sir, I said, on behalf of Government, that they are prepared to allot half of Saturday for the discussion on the Hindu Code Bill. But as you have already said that the whole of the day would be allotted for this purpose, Government will agree to that.

Mr. Deputy-Speaker: I hope Government will accept the suggestion which I have made.

Pandit Govind Malaviya (U.P. General): Sir, I wish to submit to you, in connection with your ruling, that on the assumption that Saturday will be a free day some of us have made important and unavoidable engagements elsewhere. Speaking about myself, I have got some unavoidable and important engagement on that day. I hope, Sir, you will keep that fact also in mind. If we had known that Saturday would be a working day, we would not have done that. Now this will be upsetting all our engagements, and I, therefore, request, that instead of Saturday some other day might be fixed for the discussion of this important measure. It is open to the Government to do so easily. They can take up Government work on Saturday and allot some other day for the discussion of this measure. We will have no objection to that. But I hope that the House will appreciate that if other people who wish to take part in this debate are not able to come on that day, they should be given some consideration.

The Honourable Shri Satyanarayan Sinha: I think Government will have no objection if hon. Members wish to sit on Monday. On Saturday we shall take up other Government business.

Shri Ajit Prasad Jain (U.P.: General): Why not continue tomorrow and finish the discussion on this Bill?

The Honourable Shri Satyanarayan Sinha: On Saturday we are meeting for transacting Government business. Government is prepared to have the discussion of this Bill put for Monday, but all the same Saturday will be an official day.

The Honourable Shri K. Santhanam: Members will have less time on Monday than on Saturday. But if the members are willing to conclude the debate on Monday we won't have any objection. But if the postponement is due to, dilatory tactics.....

Mr. Deputy-Speaker: I am really sorry our friends are not co-operating. A suggestion came from Pandit Govind Malaviya and some other hon. Members—he is an important member and is taking keen interest in this Bill on one side or the other—that they would prefer this measure being taken up on any day other than Saturday and Government in consideration of their wishes was prepared to take it up on Monday. The Government spokesman has said so. Hon. Members are aware that on Monday there will be the question hour. Knowing this full well they have accepted that day.

Sjt. Rohini Kumar Chaudhuri: Most respectfully I would like to point out to you, Sir, that Saturday is a holiday given to us for certain purposes. I am willing to forego that holiday if there is an important reason for it. Now I want to ask this House, is it convinced, is it willing to finish this Bill as early as possible? What is the urgency for this Bill? We have more important Bills. We have the Insurance Bill which, according to you, must be passed into law this session. If this Bill . . .

Mr. Deputy-Speaker: The hon. Member will resume his seat. We have been hearing this objection from some hon. Members that there is no hurry to get on with this Bill. I am afraid there is no unanimity of opinion in this House so far as that matter is concerned. If there was that unanimity we would not be thirsting for time like this. It is a well known fact that opinion on that point is divided. On the mere suggestion of one hon. Member I do not want to take the opinion of this House.

Now it is clear that Saturday will be an official day when official business other than the Hindu Code Bill will be transacted. On Monday I propose to allow the non-official members to speak till mid-day. In the afternoon I propose to call upon the hon. Dr. Ambedkar.

Shri Mahavir Tyagi: Several of us have been waiting long to catch your eye. Shall I take it as your ruling that on the Hindu Code Bill no more Hindus shall be allowed to speak?

Mr. Deputy-Speaker: I did not say so; nor would I say so. The hon. Member has, unfortunately, though he is very alert, misunderstood me. All that I said was that not one single Jain or Sikh member, to whom also this Bill equally applies, has spoken.

Shri H. J. Khandekar: What about Harijans?

Mr. Deputy-Speaker: The sponsor of this Bill is the Leader of the Harijans. It is no good saying that the Harijans do not belong to the Hindu community. I think Harijans are as much Hindus as any others. This caste consciousness need not be pursued any further.

All that I said was that Jain and Sikh members will be given preference to other members. I have no intention of shutting out any others.

As it stands at present, I find that the suggestion of the Government is very reasonable. They have spent so many days on the discussion of this Bill and have given one more day. If still on Monday, it is the 4 P.M. general wish of the House that they should go on I am absolutely in the bands of the House. So far as the Chair is concerned, it is satisfied that there has been sufficient discussion.

Shri Mahavir Tyagi: I protest against this. I feel that the Chair's benign eye should not make a distinction between any class, caste or creed. Your eye should go round the House without distinction of majority or minority.

Mr. Deputy-Speaker: The hon. Member has thoroughly misunderstood me. Whenever a Bill comes up for discussion which affects certain communities—unfortunately there are different communities in this country—a chance should be

[Mr. Deputy-Speaker]

given to the representatives of all communities to express their views. If the hon. Member reads this Bill, he will find that the scope of the Bill includes Jains and Sikhs also. A number of Hindus have already spoken and so I must allow some Jains and Sikhs to speak now. We must know their viewpoints before we go through the Bill clause by clause.

Shri Mahavir Tyagi: I protest. . . .

Mr. Deputy-Speaker: I cannot tolerate this. The hon. Member will kindly note that it is improper to use this language.

Prof. K. T. Shah (Bihar General): Sir, originally when the Bill was first introduced and this motion came before the House, I had no great intention to intervene in the debate. But now that the debate has preceded so far and a variety of views have been placed before this House, now that there is freedom of voting from Party mandate, I feel it necessary to make some observations arising out of the motion, and of the Bill, which, I trust, will receive the consideration of the hon. the Law Minister and his colleagues.

You, Sir, have been pleased to say that I have been called upon as a Jain to speak on the matter. I stand here only as a member of the House, and can claim no special right of privilege to speak as a member of any community. I call myself only an Indian citizen and do not regard a belief in any particular faith a qualification or a disqualification for participating in discussions like this. I speak only as a member of this House.

Sjt. Rohini Kumar Chaudhuri: On a point of order, Sir, you called upon Prof. Shah to speak on behalf of the Jains but he says that he does not claim to represent the Jains.

Mr. Deputy-Speaker: It is no point of order.

Prof. K. T. Shah: I may also add at the same time that I am going to support in general the provisions underlying this Bill, even though I happen to have tried to form an opposition which is not yet recognised. Coming though, as it does, from a member professing to be in the opposition, and coming also from one who has consistently opposed almost every provision of the Constitution, every attempt at legislation of a structural or reforming kind that this Government has made, I hope and trust that the support that I am now extending, unconditionally and unreservedly to this Bill will meet with the appreciation that it deserves. Unless Government feel the wisdom of the old saying that the Devil may also quote the Scripture, and that, therefore any support coming from me should be looked at askance, it should be welcome. If that is their view, the opposition to this Bill would be served much more effectively by me than I at least would like to wish.

Holding this view, Sir, and offering my cooperation in this manner, I would like to say in all humility, with the utmost deference to this House, and even at the risk of incurring the charge that we as a people lack a sense of humour, I would not like to use any expression or illustration which might in any way introduce a tone of levity or lightness in this discussion. I regard this matter, this subject, as so vital to the very existence of our country, I regard this Bill as of such far-reaching consequence that I will not allow any expression or illustration to creep into my remarks which might in any way give any observer, any outsider, any student of our affairs, an appearance as though we are not sufficiently serious in this matter.

Having made these observations, I would proceed to examine some of the objections that have been raised, some of the pleas that have been urged in regard to the subject matter or even the basic principle of the Bill. The challenge has been made, Sir, whether this body is competent to deal with a

subject of this character, whether the House has been elected on a clear issue to determine the contents of this Bill, or whether there is sufficient urgency in this matter to allow this House to deal with this proposition. I for one do not think that there can or should be any question about the competence of this body to deal with subjects of this character. The hon. Member who spoke just before me has given a number of illustrations in which structural changes including the Constitution had been proposed by legislative measures in this House, and carried. Even more important reforms had been made by the legislature preceding this which was not of the same sovereign character that this Legislature is, and therefore the question as to the competence of this House to deal with matters of this character seems to me to be irrelevant, unbecoming and, if I may say so, not quite respectful towards this Assembly, for while it is quite true that this single issue was not placed before the electors, those of us who recollect the manner and method by which we have been elected to this House will realise that not on any issue was this House elected except that of acquiring independence and shaping a constitution for the country. If you press that argument too far, I am afraid you will render many matters with which this House has dealt with as either illegal or *ultra vires*. I would not like therefore that any suggestion of this character can be or should be advanced so as to throw any doubt whatsoever, on the competence, the authority and correctness of this House in dealing with and disposing of such matters.

Sir, in general elections also, it is not possible to have each issue separately examined. As all those who have any experience of popular general elections will realise, general elections are always fought on a multiplicity of issues. There is therefore not any clear indication of a majority on any individual issue of such complexity as we are dealing with now. Unless the Constitution provides a method like referendum, unless we had a constitutional device like that suggested by Mr. Gokulbhai Bhatt we would find it extremely difficult if not impossible, to get a clear verdict of the people on issues of this character. There would really be no means of ascertaining popular opinion. Even then there may be those who would say, given the state of public education in this country, given the state or the condition in which the press in the country is monopolised by a few individuals, given also the lack of experience of the voter in matters of this character, the decision of the people, even if competent, may be open to question. I would, therefore, suggest that an argument of this character ought not to influence the judgment of this House and we should confine ourselves to the discussion of the proposition, as I am happy to see in many quarters it has been.

The opposition to the Bill is led and is made up of people for whose opinions, I have personally very warm regard. I am not, therefore, prepared to say that this is an opposition of vested interests, that this is an opposition inspired by ulterior motives or dictated by other considerations. I fully realise, Sir, that the opposition has in many cases very serious grounds for holding the views that they do, and though, I have the misfortune of differing from them, I cannot for that reason say that their views are not entitled to the widest consideration we can give them. On that standpoint, I feel that there is a great deal of force in the arguments of those who question the urgency of the matter and are prepared—if not, differ discussion at least take much more time on the discussion than seems likely to give to this matter, but by saying this, I should not be misunderstood: I should not be understood to say that I would like the matter to be indefinitely postponed. I should like this body, whose sovereignty, I would not question, to give a decision on this matter once and for all, and though I am fully alive to the consideration advanced by one of the hon. speakers that there is no guarantee that the next House will accept the decision, even if we give it, I feel that once an indication is given, once a sign-post is

[Prof. K. T. Shab]

erected, once a road is built, it would be difficult to reverse the engine and go back. However, that is a matter of faith rather than of reason, of general belief rather than of intellectual conviction, and I am therefore, open on this matter, altogether, but taking however into consideration the main points that have been urged against the merits of the provisions contained in the Bill, I feel it impossible to accord my support to the opponents of the several sections of the Bill, several chapters in the Bill, or the provisions in the Bill. The main difficulty centres round, so far as I can see on the position of women. I have already said Sir, that I have not the slightest desire to bring in the least bit of levity in this discussion, and, therefore, some of the arguments, some of the points made earlier in this debate on this matter leave me somewhat cold. We are building up a country of equal citizens irrespective of religion, sex, class or creed. If that is the principle upon which we take our stand, if that is the preamble of our Constitution and the guiding principle of the life that we are to build up for this country hereafter, then I think that the provisions of this Bill are in full conformity with the ideals enunciated in the preamble to the Constitution and as such anything which we now propose that would be in any way different from or derogatory of this provision ought not to be accepted by us. The attempt made in this Bill to place women on a position of equality in regard to family relationships, in regard to inheritance, in regard to property, in regard to marriage or divorce, is an attempt not only in consonance with conditions now prevailing all over the world and coming into vogue in our society as well, but are conditions, which in my opinion are dictated by a full realization of the actual conditions and observed trend of events everywhere. It is true that for ages past, marriage has been regarded as a sacrament, but there is nothing, so far as I can see in this Bill, to prevent anybody from realizing and treating it even today as a sacrament. After all, I venture to submit sacrament is a mere matter of your own heart and creation than an imposition from outside. How many sacraments are there, which though continuing to be sacraments are daily broken, broken in the worst possible manner and disgrace both the breakers and those who are parties to that? Sacraments cannot change merely because the law gives a particular character to the relationship of man and wife as is attempted to be in this Bill. Whether or not the law declares and recognizes a union to be a civil marriage or a civil contract, those who are parties to such a union, who have a very highly idealized opinion of the nature and function and objects of such a union will not cease to continue to do so. If, however, circumstances develop which make it impossible for them any longer to continue in that position, if conditions develop which make it impossible to maintain that high ideal, I for one think that it would be much better to discontinue the relationship by any legal and reasonable manner that can be found than to continue it to the mutual prejudice, to the continued misery of the parties concerned or the offspring. It is not a very pleasant matter, Sir, to suggest that there should be freedom for divorce if unions could be all made in the form, in the ideal, in the spirit in which they were supposed to have been made, but we live in a mundane world, with material considerations, with human weaknesses and, therefore, it is too much to expect that merely by an ordinance, merely by a firman, we would continue to keep and maintain unions in the idealist sense in which they have been believed, conceived and maintained.

Permission, therefore, to dissolve in a legal, reasonable public manner unions which have become oppressive, which have become a source of misery to the parties and their offsprings, is nothing more in my opinion than a recognition of the actual prevailing circumstances and the developments that may have in any given case taken place, and therefore, it is that even though one may not like the idea, one must recognize realities, one must face the

actual position and admit that it is much better that we should discontinue or dissolve such unions than that we should continue a misery for such parties.

The idea that these unions should be monogamous in character while they last is also one which in my opinion is the basis, is the foundational condition, of a continued happiness, continued success of such unions. There may be occasions, however, when such unions as I have just said prove unbearable or intolerable by circumstances that neither party could foresee, but in that case, without too much fuss, without going into an operation that might involve washing of the dirty linen and mere plying to the gallery, so to say, by sensationalism, we might in our law devise machinery by which this union could be easily dissolved without unnecessary prejudice to any party. I do not see therefore that we need insist upon reasons or conditions or excuses that any other legal systems have been made necessary for granting divorce and I think it would be much better if divorce is made easy, simple and unexpensive, more than is, at any rate, the case in some of the western countries whose model we have been following. The question of inheritance, the question of enjoying a share of the patrimony is again one which does not seem to me to be a just cause for the degree of heat that it seems to have evoked in this House. After all in this country how many people are in a position to have property and leave such property outside beyond their life? If you go by standards, if you go by measurements such as that of the income-tax statistics, you will find that perhaps less than a million people are in a position to have an income of about Rs. 250 a month and that would include all people, not only those who are regarded as income-tax payers, but those who try or manage to escape that.

In a population of over 300 millions, the income tax paying class number about one million, or with their dependents about three to four millions and that is less than one per cent. of the total population who can possibly afford to have some property that can be divided or that can be the cause of disaffection or of inequality of rights as between the descendants of common parents. I see really no reason why on this subject any heat should be generated, as regards the recognition of equal rights of daughters and sons in the matter of division of patrimony. Speaking for myself, I may say, I do not believe in any property at all, and the sooner the day comes when property as a whole is abolished, when provision is made for everybody by the community, provision to see that everybody gets work and gets his or her wants or requirements met, the sooner that day comes the better for the community. And this source of evil, a learned lawyer called it the source of strife, I call it this property which is the source of evil, I say that property should be abolished, and the sooner it is done the better it would be for the community and for legislations of this kind. If it were possible at this stage to suggest an amendment of the kind I like, I would even suggest that all clauses relating to property be abolished or deleted and a simple proposition be inserted that while property continues, property of any kind, both land or personal, it shall be equally divided. That would be sufficient for the time being, and we ought to endeavour that the day draws nigher and nigher when property as a whole will be abolished and everybody would have the same right to work, the same right to enjoy a given standard of life as those who are advantageously situated with patrimonies in their hands.

● On these two crucial issues, therefore, one of marriage and the other of inheritance, I say that the Bill goes no further than what conditions around us necessitate. If and while you maintain an individualistic society, if and while property remains to be the cornerstone of or the foundation of your social system, and the profit motive remains the governing impulse of the social machine, so long I see no reason why there should be inequality. The equality

[Prof. K. T. Shah]

should not be merely nominal. Political equality, the right to vote would mean nothing so long as economic equality also is not assured to every human being, to every citizen of this country. One has heard a great deal and I was very glad to hear it all that in the essence of Indian civilisation, in the essence of our social system, the highest honour is paid to womanhood. If that is true—and I do not doubt it—then I do not see why mere sanction of equality in property should be excluded, if you are really so worshipful of womanhood, if you are so respectful and reverential to womanhood, why do you hesitate at all to give her equal right to what after all, is mundane property, that which must be left behind by every one of us, however, much we may be attached to it. However much one may hold and accumulate property. I do hold, and I say it with the utmost reverence and the utmost humility, that I consider that in the process of evolution woman seems to be more highly evolved, a finer organism than man. It is not, however, any disparagement of either sex. All I say is that, given the function that nature seems to have entrusted to women, given also the function and the objects with which womanhood has to deal in this social system, we cannot regard or respect womanhood too much, and as such I would not like the least sign of inequality, the least semblance of differentiation or invidious distinction between man and woman, as between son and daughter of the same parents.

The question, however, of adoption or of guardianship and so on, does not interest me to the extent that some hon. Members of this House seem to be interested in it. Adoption or for the matter of that testamentary powers appear to be artificial extension of the human personality beyond death which is utterly unnatural, in my point of view. It is bad enough to have and hold and control property, it is bad enough to have and hold the property and the profit motive in our minds while we are alive. Why should we continue to prolong our personality? Why should we desire to insist upon our orders being obeyed even after death? Why should there be this artificial extension of personality by such an instrument as adoption? Knowing, however, that it is an ancient institution, knowing however, that it is an institution which many regard as a point or as a factor in their salvation, I am not prepared to suggest that here and now we should abolish it. I am prepared to say, if you regard it as a source of your salvation, if you regard it as something by which your personality is perpetuated, your civilisation or culture or work in life is continued then it is necessary. But in that case you need not have inequality between man and woman, no discrimination or legal restriction between man and woman. The same right should be extended to every one in the community. I base my support of this Bill on grounds of social justice, economic equality and of political propriety. I should think that the Constitution that we have adopted, that the ideals that we have held before us, that the hopes that we have entertained of a planned and progressive society here-after, in view of all that, I think we cannot do better than take this Bill as the beginning in the right direction. We cannot do better than recognise the provisions it has incorporated, regarding removing all inequalities as between man and woman. It is not merely a matter of recording every five years of every three years one's vote at the general election. It is also a matter relating to life and work, of equal opportunities to health and education of standard of life and the same fulfilment of the elementary wants of human beings, in the matter of food, shelter and clothing. These should be available, and should be made available if they are not available by the concerted and common action of our society as a whole. Society should realise this obligation that it is not merely a paper proposition that we have enunciated in our Constitution, but it is a sacred duty and obligation that ought to be discharged at the shortest measure of time that we can manage it, that all these things should be made available to every citizen

of the country so that the hopes and aspirations that we have formed, so that the hopes that we have entertained ever since the freedom of this country was achieved, could be realised. It has been said by a very great American—President Lincoln, that a nation cannot be half slave and half free. While not exactly slaves one half of this country, of our community still feel disabilities and weaknesses or invidious discrimination against them, which it does not wish should be allowed to continue any longer. In this connection may I mention a statistical fact which perhaps is not realised by every person in this House? It is this. While woman is in a majority at birth, on the over-all population she is in a very striking minority. Whatever may be the conditions in a province like Utkal, on the whole in India woman has always been in a minority almost beginning from the age when marriage begins, from about fifteen onwards, their numbers go on thinning so that in the over-all population woman was and is still in a minority. What is the significance of that?

[At this stage Mr. Deputy-Speaker vacated the Chair, which was then occupied by Shri S. V. Krishnamoorthy Rao (one of the Panel of Chairmen).]

I for one think that it is because of the unequal treatment given to women, as between boy and girl, as between son and daughter that it has resulted in a majority at birth being reduced to a minority on the whole, so that that charge of unequal treatment must be faced. Here is a Bill which tries to remove that. There are many provisions in the Bill which may not satisfy everybody, even those who on principle accept the Bill, even those who realise that it goes a great way forward in rationalising our society, simplifying our legislation and organising our social system to a given end. But we are not discussing details just now. Specific provisions apart, the principle underlying the Bill, the motive spring of the entire structure should commend itself to the House and I trust the House will accept it.

श्री लक्ष्मी नारायण साहू : सभापति जी, मैं यह कहना चाहता हूँ कि मैंने यह दिलगी मैं नहीं कह दिया था कि उत्कल में स्त्रियाँ ज्यादा हैं। उत्कल में तीन चार लाख स्त्रियाँ ज्यादा हैं और जब उन लोगों की शादी के लिए वर नहीं मिलता है तो उनकी शादी एक सहाड़ा पेड़ (tree) के साथ कर दी जाती है।

(English translation of the above speech.)

Shri Lakshminarayan Sahu (Orissa: General): I would like to say, Sir, that I did not mention this thing as a joke that there are more women in Utkal. The number of women in Utkal exceeds by three to four lakhs and when it is not possible to find out a match for their marriage, then they are married to a *Sahada* tree.

Prof. K. T. Shah: I am speaking of the whole country and not of any particular province. Therefore it is not necessary for me to answer this particular question. Let it be left there.

Sardar Hukam Singh (East Punjab: Sikh): Sir, at this late stage of the debate I feel it is not very easy to advance fresh arguments or make new points on the subject, on which so many distinguished lawyers and eminent scholars have taken part for so many days. But as I have been called as a representative of a particular community, to which this Bill applies, I must say something which should represent the feelings of my community so far as this particular code is concerned.

I do not agree with my learned friend Prof. Shah when he said that he wants to speak only as an Indian. I would have gladly repeated the same phrase, had this code applied to every citizen of India but as it stands it applies to certain communities only. Therefore I feel and believe that I have a right and a duty to speak on behalf of my community.

[Sardar Hukam Singh]

Though I have the advantage of having heard so many scholars at the same time, I feel I have certain disadvantages as well, because most of the things have been said and if I repeat them they would look stale. I have therefore decided to confine myself to certain points only which particularly concern my community and on which I feel that I have to express my views.

At the outset I might make it clear that I do not want society to stagnate. I am not one of those who would say that social laws should remain as they are. I would like to change them as times change. I am not so orthodox as to say that we have no right to march with the times. Nor am I of the opinion that this House is not competent to enact this legislation on account of its being elected indirectly or on account of lack of any special mandate as regards this Bill or on account of any other reason. I feel that this House is competent to enact any legislation and hence this Bill also is within its competence. In spite of all this I feel that I cannot lend my wholehearted support to this measure as it stands.

If the original scheme had been adhered to as suggested by the Law Committee perhaps certain portions of this Code might have been passed without opposition. There must be unanimity on certain branches of this Code. But I will confine myself to certain points only and therefore I do not want to touch on all aspects of the general principles of this legislation.

The Preamble says that the Bill is intended to amend and codify certain branches of the Hindu law as now in force. But when I look into the Bill I find that there is nothing of Hindu law that is being codified here. Divorce is being taken from the Christian countries and the law of inheritance from Muslim law. To me it is rather a misnomer to call it a codification of Hindu law.

Dr. Mono Mohon Das (West Bengal: General): There are so many castes and tribes in the country among whom the divorce custom is prevalent. Are they not Hindus? Does the hon. Member want to get rid of them?

Sardar Hukam Singh: If you will permit me, I will come to that question later. I hope you will have the patience to hear me.

As I said I will confine myself only to certain points so far as my community is concerned and will not go beyond them. In the Preamble it is said that the Bill is intended to amend and codify the Hindu law and I repeat that I do not find that in this code. If as we were told by the Mover at the outset that 90 per cent. of the people have divorce, I have no objection and let them remain as they are. You might call that Hindu law but not this system you are introducing in this Code.

In clause 2 it is said that this Bill applies to Sikhs as well. It would have been a matter of gratification or even of much pride to us, if Sikhs had been included among Hindus for the conferment of certain rights. But what I find here is that as soon as the embrace is extended in clause 2 a severe blow is dealt to all customs and usages by clause 4. All custom is gone and usages eliminated. I must submit here that "custom" in clause 3 has been defined as "having been continuously and uniformly observed" and that it must be "certain and not unreasonable nor opposed to public policy". Why should such a sacred rule of conduct be treated with such contempt that it should be ruled over once for all? I have grave objection to that. My objection is particularly based on this fact that my Province, namely the Punjab, is a Province where custom is the first rule of law. In all matters like divorce, marriage, succession, inheritance, wills etc. custom is the first rule as is laid down in the Punjab Laws Act. They have those customs which they

observe from a long time and everybody in the village understands what that rule is which he is to observe. There have been judicial pronouncements on these customs and they are ordinarily understood by every villager. There is no dispute about that. Therefore I feel that this change would bring about a fresh phraseology and would create complications for simple peasants who have all along understood their laws well.

My second objection is about marriage. I might make one observation here. It might be said that the Sikhs have all along been governed by Hindu law up to now. But what I object to is the change that is being brought about. I have no objection absolutely if the Hindu Law were to continue as it is. But as the changes are being brought from outside I feel the Sikhs must have a grievance and feel that either their customs should be allowed to remain as they are, or they should not necessarily be bound to revolve round the wheel as it goes on. I was referring to the marriage question. Of course I feel that in Hindu law or in Hindu culture the wife has so long been advised to merge herself into the will of the husband. She has been an embodiment of sacrifice. That has been her nobility and greatness. If now our females feel that they have been subjugated for so long a time, that they have suffered and that they are not prepared now to continue to suffer, I would certainly advise my brothers to take up the subordinate position. But I feel that this insistence on equality in every matter and in home life would not be conducive to happiness or peace in the family.

Then again my complaint is that only two kinds of marriages have been recognised in this Bill. One is the sacramental form and the other is the civil form. I must inform the House, though I believe most of the Members would be knowing it already, that the Sikhs have another form of marriage which they have observed for the last one hundred years. That is called Anand marriage ceremony. That is a simple form. The couple are brought before the Guru Granth Saheb, they take a vow and go four times round the Granth Saheb, then offer prayer and then the marriage is complete. Now, it is not civil marriage because it has not to be registered anywhere. It is not sacramental marriage because the *sapinda* relationship or the restrictions of prohibited relationship degrees are not adhered to strictly. Therefore what I am afraid of is that this form of marriage that we have been observing for so long would not be a valid marriage. Doubts arose in the beginning of this century and then a particular Act had to be passed in 1909—the Anand Marriage Validating Act—when it was enacted that all marriages solemnised according to this form were valid. But now, as I read it, I am doubtful whether this marriage will be recognised under the Hindu Code. Therefore I feel that the Sikhs would feel much concerned over this and would have grave apprehensions over this matter particularly. I want to bring it to the particular notice of the Mover that left to themselves they are not prepared to forego this form of marriage and he should take particular note of this.

Mr. Nasiruddin Ahmad (West Bengal; Muslim): Such a marriage would be invalid under this Bill.

Sardar Hukam Singh: I also feel that it would be invalid under this Bill and that is why I am submitting the position before the House and before the Mover particularly.

Then I have to submit one observation about divorce. It has been said that divorce is already there among a large percentage of the population. It may be. My appeal is this. If it is there let it go on. Do not restrict it with certain conditions that would make it more expensive. An ordinary man would feel that this change is not for the better but for the worse. If they have an easy mode of dissolution of marriage now and are hereafter being

[Sardar Hukam Singh]

compelled to resort to some more complicated and more expensive method, certainly they would not welcome it. It is argued that there are evils creeping. The Bill is a permissive one. That there is no compulsion for anybody. But we have to be on our guard whether the remedy proposed is not worse than the malady itself. There are evils no doubt to a certain extent. But if we loosen the bonds, a small percentage of the population would be happy to break all ties and secure relief from their self-created nurseries. But what about the large majority? Would you not be opening a trap for them, and a temptation to make mistakes, and have a trial of their future as they will realise that there is a way out to end it?

Then I come to my second main point and that is about adoption. Adoption in my province, that is the Punjab, is a peculiar institution. It is called the customary appointment of an heir. It has nothing to do with religion. It is a simple declaration for practical purposes, where the owner of a land nominates a person who is to be his assistant for cultivation during his lifetime and an heir to his farm after his death. As I have said, it has nothing to do with religion. There is no restriction as to age or as to relationship. You are now proposing in this Code that a daughter's son or a sister's son may be adopted but I must convey to you that already in the customary appointment of an heir daughter's sons are most ordinarily appointed, sisters' sons also are appointed. There are absolutely no restrictions. A young man can adopt a man of his father's age, a man with many sons might be appointed as an heir. That might look strange to some people here but I tell you that it is a fact. A married man, a man with children might be appointed an heir. That is a most secular institution; it has got nothing to do with religion. How are you going to provide for such an institution? Are you going to throw it out? Surely that has the sanctity and sanction of ages, it is so popular in our part of the country that it cannot be thrown away like that. People would not submit to it so easily and so far as this part of the law is concerned it would be a dead letter if it is pressed and forced on our people there.

Then there is the question of succession. I agree with my friends that our females, sisters and daughters, should have a share in the property, but I cut it short by saying that I agree with my learned friend Dr. Bakshi Tek Chand when he enunciated some time ago that they should have a share in the father-in-law's property and not in the father's property after marriage. I have particular reasons for that because as I have stated the circumstances of my province are very peculiar. The Punjab is a province of small peasants; small farms of three or four acres are the ordinary holdings. Such a person cannot be expected to have more than two bullocks which he might have secured after raising some loan, one *hal* and one *panjali*, and one *gadda* also to take manure to the fields or to bring fodder from the fields to his house. The Code would not apply to agricultural land, but what about the movables? What about his bullocks? Take the simple case of a family with one son and one daughter. The father dies, these movables are to be divided among these two. (*An Honourable Member*: Why not?) I don't say that, I say it must be divided. Ordinarily they would have a cow as well and I think the Mover would have to give us the mode of dividing that cow, *hal* and *panjali*. The son-in-law who comes from a distance of say fifty miles is interested in that part of the country; here he cannot live with his brother-in-law because the four acres holding cannot provide him with anything. His interest is elsewhere and therefore he must divide the property and go away. The sister would demand her share; surely she will take away one bullock, one half of the cart, one half of the *panjali* and would go away never to come back, thanking the framers of this Code, and of course not to be welcomed again! (*An Honourable Member*: The brother's own brother-in-law will thank him!).

That is a very easy question that is put, but it is not realised that when there are more than one—two, three or four—brothers in the East Punjab, they join the Army, they are adventurers, they have gone to the farthest corners of the world, to Argentine, Brazil and South America. They bring money from there and buy more lands, they live together with a common kitchen.

Sir, my submission is that this provision would create difficulties. I agree with my learned friend Dr. Bakshi Tek Chand that so long as the daughter is unmarried she must have a share in her father's property, but as soon as she is married she must be transferred to her father-in-law's there to have an equal share with right of partition and everything else. I am not against giving a share to the females. I might not be misunderstood in that respect.

I am afraid that our educated girls have much leisure. An ordinary girl when she gets educated, does not absorb herself in the household duties, therefore she has not enough work to keep her busy in the house.

[At this stage, Mr. Deputy-Speaker (Shri M. Ananthasayanam Ayyangar) resumed the Chair.]

The State should provide occupation for their leisure hours, give them useful and constructive work to do. Legislation like this and divorces would not root out the evils that you want to eradicate. Before destroying the joint family, the State must provide for old-age maintenance, illness allowance and several other things. If the pious duty is gone a mere charge on property would not do. The effects of this legislation, so far as I can think out, will be further fragmentation, love and sympathy eliminated, divorce and partition courts in larger numbers, female infanticide promoted, and care and attention of children neglected.

Shri V. I. Munishwamy Pillay rose—

Shri B. Das (Orissa: General): Sir, are we continuing till 7?

Mr. Deputy-Speaker: I have no objection to sit till 7 o'clock. What is the general sense of the House?

Some Honourable Members: No, no.

Shri L. Krishnaswami Bharathi (Madras: General): Sir, we can sit as long as there is a quorum.

Some Honourable Members: No, no.

Mr. Deputy-Speaker: I have heard sufficiently. One voice cannot multiply itself into many. How long is the hon. Member likely to take?

Shri V. I. Munishwamy Pillay (Madras: General): About fifteen minutes.

Shri L. Krishnaswami Bharathi: Sir, the idea is to give opportunities to as many Members as would want to speak. It is rather surprising that people don't want to speak. I suggest that we sit as long as people are ready to speak and we are here to hear and when there is no quorum we will automatically stop.

Shrimati Purnima Banerji (U.P.: General): The argument forwarded by hon. Members is that many members want to speak on such an important measure 5 P. M. as the Hindu Code. When there are so many of us who are willing to say what we want to say and can be accommodated what is the objection to sitting till seven?

Mr. Deputy-Speaker: I entirely agree. If majority of the members are willing to sit and speak, I have no objection.

Some Honourable Members: Yes, we are willing.

Mr. Deputy-Speaker: Very Well. Let Mr. Munishwamy Pillay finish. We will see.

Shri V. I. Munishwamy Pillay: Coming as I do from a community that was at the outskirts of the Hindu Society for centuries, I welcome this measure of religious and social reform. We who form one-sixth of the population of India welcomed the advent of Mahatma Gandhi who revolutionised the Hindu society so that not only Caste Hindus but all sections of the Hindus could have an equal place. Some of the friends who preceded me said that religion was in danger. I do not know wherefrom and in what form their objection springs. This country is proud of many *Avatars*—Lord Buddha, Sankara, Ramanuja—and great social reformers like Ram Mohan Roy and in the present century, the great Mahatma Gandhi who found that untouchability was eating into the very vitals of our nation and himself showed the way for inter-caste marriage. All these reforms show that we are in line with the present age. Whenever any social reform came up before the legislatures, obstructions were placed in the way, so that reforms may not come about. Coming from Madras, I may inform this House what kind of trouble we had when the Temple Entry scheme was before the Madras Legislature. Even in the matter of removal of social disabilities of untouchables, the Ministers had to find themselves in the midst of people who threw chilly powder in their face. Such is the state of affairs when we bring social reform in this country. The great, Sankara who brought *Advaitism* to our land, when he was asked by his Guru "Who are you?" he said:

न मे मृत्युञ्जान मे जातिभेदः ।
 पिता नैव मे न माता न जन्मः ॥
 न बन्धुर्न मित्रो न गुरुर्न शिष्यः ।
 त्विदं नंदरूपः शिवोऽहं शिवोऽहं ॥

These were the words uttered by the great Sankara. He never differentiated man from man, woman from woman. He thought every one was equal. I do not understand why there should be so much opposition to this Bill. In the South the great philosopher Thiruvalluvar has given to the world tenets as to how a man and woman should move; what are the conditions under which they should live. They are pearls. I do not understand why there should be objection to the woman getting equal share in all amenities that are given by God to the human beings.

Some of the members who preceded me said that the time is not opportune. This measure has been before the country ever since the resolution of the Central Assembly was adopted on 20th January 1944. This Hindu Code has reached the nook and corner of India and not only educated men, but the masses in general have understood the theme of this legislation. I do not know whether such members as told the House that it is not competent to deal with this Bill are talking with a sense of their responsibility to the country. I do not know whether members of this Assembly who have the proud privilege to produce a Constitution for thirty *crores* of people, which has been welcomed not only in India, but in foreign countries, are not competent to deal with this Bill for the uplift of women in this country. We have clearly laid down in the Fundamental Rights of the Constitution that the State shall not discriminate on grounds only of "religion, caste, sex...". We have got again Article 15 (3) which says that "Nothing in this Article shall prevent the State from making any special provision for women and children." Again in Article 46, it is stated: "The State shall promote with-

special care the educational and economic interests of the weaker sections of the people....." Do not women come under this category, and ought they not to be protected? After all, this legislation is a permissible one and ought to be welcomed by everybody.

If you study the rules regarding marriage, inheritance, adoption and all these things of Hindus in the different provinces, you will find that they are not the same. They differ in many places. In the Constitution we have said that we must evolve a common Civil Code. This legislation is, in my opinion, the forerunner before we come to that stage. I come from a district where there are a lot of hill tribes. Their marriage ceremonies, laws of inheritance etc. differ substantially from those of Hindus, although they profess to be Hindus. Among the picturesque *Toda* aboriginal community, there is polygamy and due to this social evil the community is dwindling. The ceremonies of the other tribal community of *Badagas* also differ from those of Hindus, although they profess to be Hindus. The custom among them is that when a man wants to marry a girl, he has to pay dowry—what they call *Thiraipanam*. After that, if the woman wants to go away from the husband and if another man were to pay the same dowry i.e., *Thiraipanam*, the woman is free to choose another man.

In a land which has produced great saints and sages are we to continue these things? Whether it is the tribals or hill tribes they all have to be protected according to the New Constitution.

Sir, in Madras province, as has already been observed by some of my hon. friends polygamy has been statutorily abolished. Now, unless we codify the law for the whole country, it is open to a man to leave Madras, get married in some other province and return to Madras. Unless there is a uniformity in regard to the law obtaining in all the provinces it is not possible for the Madras province alone to have this law enforced.

The other cardinal points of the Hindu Code Bill which is now before the House are the chapters relating to marriage and divorce. It has already been pointed out how essential it is to have both civil and sacramental marriage. According to this the Scheduled Castes find that the *yagam* must be performed and the ordinary *thali* tied. Then only does the marriage become true. Even now after the Civil Marriage Acts have come into force, I find people taking to this. I can find no reason why the same method cannot be adopted throughout and for all Hindus orthodox or otherwise.

Clause 33(f) makes reference to "adultery". I wish that the word "adultery" had not been used at all in the Code, for, as was pointed out by Swami Vivekananda, so long as there live three women in our land the chastity of India will be upheld. I do not think, Sir, that adultery is largely prevalent in any section of the Hindu society. There may, of course, be rare cases. But there is no reason why that should necessitate a statutory provision.

In sub-clause (2) of clause 9 and clause 16 I find penalties in regard to people breaking the law. The amount specified is too high, particularly for the poorer section of the people. I feel that it must be a very nominal amount. In the matter of judicial separation, it is all right in the case of people who have got money and can afford to go to the courts to get a dissolution. But what about the villages in which India abounds. Communal panchayats consisting of members chosen by a few people will decide the matter. I do not think this procedure is correct. I think some formula must be evolved which will lead to the constitution of representative panchayats which will decide cases of dissolution.

[Shri V. I. Munishwami Pillay]

Next I come to the question of *sthriddhana*, that is what is given to the women either by her father or by her brothers. What is to happen if it is not properly used by the husband. I feel, Sir, that some clause must be inserted so that the *sthriddhana* may always remain the property of the woman.

Clause 72 which deals with adoption says: "No adoption which has been validly made can be cancelled by the adoptive father or mother or any other person, nor can the adopted son renounce his status as such and return to the family of his birth." I think, Sir, if the son or anybody who is adopted were to misbehave and squander the money of the family there must be a saving clause whereby such a thing could be prevented.

Section 93 deals with the dowry to be held in trust for wife and says that it shall come into force after the commencement of this Code. I feel, Sir, that section must apply to all cases existing before the commencement of the Code.

Sir, I would finally point out that bringing this Hindu Code into force will greatly relieve all those women who are under the harsh treatment of men. Many people have been saying that the women are enjoying equal privileges and facilities. But, in reality it is not so. In a few cases it may be so. But about 90 per cent of the women are still suffering from many social hardships. Out of the four *yugas*, *Krita*, *Treta*, *Dvapara* and *Kali* we are now in the fourth *yugam*, iron age and are strong to bring in reforms. We must see that the women enjoy as many facilities as men. It is said that the hand that rocks the cradle shall win the world. Before they grasp forcibly these facilities let us give them peacefully. I, therefore, support the Hindu Code Bill that has been brought by this Government and when it has come into fruition I might say that my hon. friend Dr. Ambedkar who has taken so much of trouble would have added a further feather to his hat.

Shri O. V. Alagesan (Madras: General): Sir, yesterday Dr. Ambedkar said that he was very glad that it had fallen to his lot to pilot this Bill. Sir, his name is sure to go down in history as the able midwife that assisted at the birth of the Constitution of Free India. Sir, he is ambitious. He wants to add a further feather to his cap and he is justified. His ambition is to supersede the ancient rishis, Manu, Yajñavalkya and a host of other ancient law givers.

One of the previous speakers—I think it is Mr. Pataskar—made a reference to Section 44 of the New Constitution which relates to a uniform civil code for the whole country. He pleaded and asked: "Why not withdraw this Hindu Code and have a Civil Code?" It may sound like pleading for postponing the day of mischief. But, why does not Government come out with a statement of policy on this question? Is this a first step in that direction? Would they bring in more measures to put into effect Article 44 of the Constitution following this? I do not want to embarrass the Government, but all the same I would appreciate a clear statement of policy from the Government.

Sir, the other day it delighted everyone's heart to hear the hon. Mr. Santhanam pleading for monogamy. He challenged anybody to raise his little finger against this institution. Saint Tyagaraja admirably summed up Rama's character in his own inimitable manner in these words:

Oka mata, oka bonam, oka pathni.

That is: One word, one arrow and one wife.

We are all glad that that ideal has been placed before us. Sir, I ask, is it good only for the Hindus? Will the Government bring forward a Bill common to all and make monogamy applicable to all citizens of India? I say this

not to embarrass Government, I would like to repeat. When it is put in this manner, you will have to put the problem in its proper bearing. You will remember that there is a community in India which will object to it on grounds of religion and you will also remember the unhappy happenings that followed the partition in this country. You will be saying that it will be an interference with religion, that it will be against the secular nature of the State. Now, the Prime Minister has declared that our State is going to be a secular one. We should educate the people on the secular nature of the State. There are many things that are happening on the other side of the border which are sure to have their reactions on this side. That State is based shamefacedly on a theocratic basis and they propose to carry the full implications of that policy, and such a policy on the other side cannot fail to have its reactions on this side. So, people begin to entertain misgivings about the secular nature of our State. They understand it in this light and there is good reason for that, that secularism means meddling with everything Hindu, and fighting shy of any other group. That is the way in which the general mass of the people in this country react to measures like this. So, in the interests of the secular State that we want to establish in this country, we should try to carry the people also with us. It is no good Government alone saying that we are a secular State, and if that is not properly understood, properly appreciated by the general mass of the people in the country, then the State cannot long continue to be secular. We will be losing the ideal that we want to realise in this country and we will be postponing the day of such realisation. That is why, Sir, I say that people are at present not in a proper mood. They are sullen. They are in a pique; just as a child which is in a pique refuses to eat even the sweetest thing, people are not in a mood to appreciate this reform, even though it may contain some good parts. So, the best thing would be not to press down the throats of the people anything which they do not want. Dr. Ambedkar last time quoted Burke. He struck a gloomy note and gave us a warning just as he did at the conclusion of his speech during the third reading of the Constitution. He said:

"Anybody who wants to conserve should be prepared to repair."

It is very good, Sir. We should be prepared to repair, but does this Bill represent mere repair? I should say it pulls down the house in which we have been living. It wants to plan a new structure. It wants to make structural alterations. It is not mere carrying out of repairs here and there. It is a structural repair. I should say that it is a new structure that it wants to put in the place of the old one.

The Honourable Dr. B. R. Ambedkar: All repair is structural repair.

Shri O. V. Alagesan: I have no objection to carry out even structural repairs, but before carrying out such structural repairs, this House itself should undergo a structural repair. That is what I want to say. By saying this, I do not minimise even by an iota the representative and sovereign character of this House. Sir, when we put through other legislation Prof. Shah was labouring this point—nobody is surprised. It is a routine matter, but this is treated on a different basis. This is viewed with suspicion, with anger. That is the reason why I say we should discriminate, and allow the House that will have been structurally repaired to carry out this reform with greater confidence and with a degree of success which can be attained by them.

Sir, another point is the atmosphere in which this Bill is sought to be pushed through. Sir, there was a great one in this country who led our thought and action. Even though we were slaves, he taught us to think and act like free men and we followed him. That was the tradition that he established. Long before this country was technically free he ushered in an

[Shri O. V. Alagesan]

atmosphere of free thinking and action. But unfortunately he is no more with us to guide us, but his example is there for us to follow. Even on a matter like the abolition of untouchability, temple entry and such allied matters, he advised that we should not accomplish those worthy objectives by means of legislation. He persuaded and preached to the people the necessity for such measures. He even imposed suffering on himself. That is how he brought about this mighty reform and it has become an established fact today. It is that way that we should follow and not force down reforms upon the throats of unwilling people.

Shri V. I. Munishwamy Pillay: It is for you to educate them.

Shri O. V. Alagesan: We should go about the country and educate the people. The general elections are coming very shortly and that will be the best time for it.

Shrimati G. Durgabai (Madras: General): That is the whole fear.

Shri O. V. Alagesan: That will be a wonderful opportunity to educate the people on the various provisions contained in this Bill. There is much force in what the Congress President said yesterday. The Labour Government in Britain, how does it function? It has postponed a very important measure, a Bill for which they took the permission of the electorate. It had the sanction of the electorate but after taking note of the situation in the country, they have postponed it till after the general election. They are going to take the verdict of the people afresh and then push through the measure. When such is the case in regard to a matter on which the permission, the sanction of the electorate had been obtained, then I should think it is much more necessary in this case where we did not give even an inkling of our ideas to the electorate. Sir, we have seen the spectacle of this Bill being debated for two days in every session. It is like the promise for renewing the gold bangles for the next *Deepavali*. That is how we have been going on and it is good that we go on like this because who knows even the sisters who have given their enthusiastic support to this Bill may change their minds tomorrow and they may try to improve it on their own lines. After all, one does not remain static, and more so women.

Shrimati G. Durgabai: There are also some men who change their opinions.

Shri O. V. Alagesan: The great poet Valmiki who is the Adikavi of our country said this. The reference is only to the general characteristics of women. This does not apply to anybody in particular. Valmiki said:

Sathahvadharam: Lalathvam.

That is:

Women change as lightning.

That is what he said.

Similarly they can change their minds and try to improve. I should like to ask you and the House whether they have not gained by waiting so far. They have gained because in the Rau Committee recommendations the daughter had only half a share and now according to Dr. Ambedkar's Bill daughters will be getting equal shares with the sons.

Again, Sir, if they wait, they may get more. Daughters may get two times. Also we have heard on the first day the hon. Mr. A. K. Menon. The other day in a different place we heard Mr. Thanu Pillai. They are very anxious

about this and they feel that they are being pushed back instead of being pushed forward. While the rest of India is pushed forward, the Malabar very strongly feel that they are being pushed backward under this Bill. Sir, they may convince others, and the whole land may come under Marumakkattayam, though the matriarchal system is disappearing elsewhere. Our friends from Malabar may be able to convince the other hon. Members of this House and then the whole thing may be Marumakkattayam and that will be a brighter prospect. They will not lose anything by waiting, because they have got persuasive powers; they can persuade, they can seduce, they can manage all these things.

Mr. Deputy-Speaker: The hon. Member need not use that expression.

Shri O. V. Alagaram: I am sorry. I withdraw the word.

We witnessed the wonderful spectacle in this House, Sir, of a speech which began as a wonderful satire and ended in a sorrowful sermon. Overnight the satire was converted into a sermon. So when we see this, nothing is impossible. It can be improved even according to the protagonists of this Bill in a very radical way and they may have a better Bill if they wait and then they can have the satisfaction of having taken the permission of the country also for that.

Sir, I should like to put another point of view. What is the approach that this Bill makes towards the problem? The approach is that inequality exists in the Hindu society between man and woman. I should very respectfully submit that this conception of inequality between man and woman is a biblical conception. The Hindu conception is that of *Arikharyaswara*, that is, of man and woman being equal. That is our conception. Sir, that is the basic Hindu conception. I do not say that it has been entirely translated into practice and I do not make that claim, but that is the basic conception of Hinduism. The conception is not one of inequality, but it is one of dissimilarity. If man represents strength, woman represents endurance; if man represents intellect, woman represents enlightenment; if man represents grammar, woman represents poetry. The great poet Kalidasa has described Parvati and Parameshwara as word and meaning and that is the basic approach. You do a basic wrong when you approach this question, from the point of inequality, between man and woman.

Again, Sir, I should like to point out that the present atmosphere is not a free atmosphere because we have never examined our institutions as an independent nation, especially on this subject. It is not Yagnavalkya or Manu that is so much current as the British courts and we have never had an opportunity to examine our Indian institutions with a dispassionate and an unbiased open mind. Always the bias of western ideas and western notions had been there. Though our political slavery might have been removed, still the spell of western civilization and ideas continues. So, it is better if some time elapses and we may be able to view and examine both the good and bad points in our institutions in an independent way, in a fresh way and that will give us an opportunity to mend this Bill and even improve.

Sir, another reason behind this Bill is a sense of injustice done by man to woman. I do not want to repeat all the things that have been said before both in humour and seriousness, but, Sir, I can claim that there has been no injustice done to woman by man. I should like to say that it is only a mental aberration of high-strung natures due to unattached circumstances which enable one to do anything except lead a normal life. That is how I would put it. In this land, nothing has been done by man to wrong woman. I should like to examine some of the arguments put forward by the other side. Sir, I find a growing practice among the occupants of the Treasury Benches. When a

[Shri O. V. Alagesan]

Bill is generally debated, they say some people have opposed and others have supported and hence this Bill represents the largest common measure of agreement. That is a very easy way of disposing—and I do not think the learned Minister in charge of this Bill will do it and I have no doubt about it. It is not the largest common measure, but the least common measure, I would say.

Then, Sir, it is said that opposition to this Bill is based on prejudice and sentiment and not on reason. I should like to point out that support is also based on the same blindness, on the same prejudice and on the same unreason. It is not as if support is enlightened and only opposition is ignorant.

Again, Sir, it is said in support of this measure that this is only an enabling and permissive measure. It was said in another place that the orthodox can go on in the old way without interference and the reformers also may go their own way or it permits such of those who want to take advantage of the provisions of the Bill to tread their path and leave others entirely free to pursue their own path. I think Dr. Ambedkar said it. Sir, this is like enacting a general law of licence and saying that such of those who want to take advantage of it can do so. The plea that it is only a permissive and an enabling measure, in my opinion cannot hold water. Then it is said that there has been opposition in the past to Bills of similar nature like the Sarda Act. This stands on an entirely different footing. There is difference between that Act and this Bill.

Dr. Tek Chand was saying that this Bill has been before the country for a very long time and so we need not wait any more. It is true that the Bill has been before the country for a number of years. But then the Congress was not in office and so nobody took it seriously. As soon as the Congress came into office and Dr. Ambedkar piloted this Bill as a Minister of the Congress Party, then everybody took it seriously, and they now know that it will be put into force, and that is why I say the people should be given an opportunity to examine this Bill. There is difference between the position that it occupied so far and the position that it occupies now.

Sir, it is also said that many women who are opposed to this Bill do so under the influence of their men-folk. This, I think, is an unfounded charge. May I ask whether the women who support this Bill are displeased with their husbands? Or, may I ask whether the men who support this Bill do so under the influence of their womenfolk? It is no use putting forth such frivolous arguments.

Shri B. Das: There is nobody here to answer these questions.

Shrimati G. Durgabai: Can you say that they are pleased with their husbands when they marry again and again?

Shri O. V. Alagesan: I am coming to that Madam, please have a little patience.

Shrimati G. Durgabai: Please answer that question first.

Shri O. V. Alagesan: Yes, I will in my own time and in my own way.

Pandit Govind Malaviya: May I know till what time we intend sitting?

Some Honourable Members: Six o'clock.

Some Honourable Members: Seven o'clock.

Mr. Deputy-Speaker: I am finding the House getting thinner and thinner, and when it is quite thin, I will get up.

Sjt. Rohini Kumar Chaudhuri: Let us rise for tea, now Sir.

Mr. Deputy-Speaker: No, the hon. Member will finish soon.

Shri O. V. Alagesan: Sir, the justification for a measure of this kind can be twofold. There should be a conscious demand from the public for such a measure; or a few people, who have set their hearts upon a measure of reform, may think that it is good for the entire community, while the community may not be conscious of the goodness of it. Then it is the duty of those, who think that such a measure of reform is beneficial to the whole community, to go and educate the people about the soundness of their stand. I only plead that the people who bring forward this measure and who believe that this is a measure beneficial to Hindu society, that they should go and educate the people. I do not want anything more from the protagonists of this Bill.

Shrimati G. Durgabai: They have done it.

Shri O. V. Alagesan: My sister here says that they have done it already. But I should like to point out that the claim made by these reformer friends, this microscopic minority, that may speak on behalf of the majority of the Hindus, is the tallest claim ever made. They should have patience, and as I have pointed out earlier, they should educate the people about the goodness of this Bill, and not rush it through to have some satisfaction.

Another important thing I wish to point out is this. If this Bill is rushed and passed into an Act, then portions of it will remain a dead letter just as the widow remarriage Act has remained a dead letter though enacted a century ago. So if you do not want it to remain a dead letter, but that it should be taken advantage of by the members of the community, then it is better to wait and educate the people.

Now I would like to pass on to a few of the important observations made by Dr. Ambedkar. This Bill seems to be a Law of Exceptions. Dr. Ambedkar said that the coparcenary system allows ten categories of property to remain outside the purview of the coparcenary. They form private property. So he says, because it has granted so many exceptions, let it, once and for all, go. That is one of the points that he has made. And then he says, woman has absolute right to *Stridhana* and so let it be so for all property. And also that this coparcenary system has the seeds of disruption in itself, and so let the joint family go. I would ask him; he has just now passed the Constitution and the various provisions in the Constitution, as you know, are riddled with provisos and exceptions. For that reason, are we to make the exceptions into the main articles? When you look into the pleadings, it looks as if one has to make the exceptions into the main law.

Then again, Sir, this Bill about which my sisters are so enamoured.....

Shrimati G. Durgabai: Brothers also.

Shri O. V. Alagesan: This Bill does not, in my opinion, deserve it. Monogamy has been praised by one and all. It is not such a new institution. Women have been having monogamy in this land, but were there divorces provided? As soon as men are brought, within this law of monogamy there is demand for provision for divorce. As long as woman was under monogamy, there was no provision for divorce, but now they say divorce is the natural corollary of monogamy. Why are my sisters so very enthusiastic about it? What is the meaning of it? If divorce is the natural corollary of monogamy how is it that this natural corollary did not come into existence so far?

Mr. Deputy-Speaker: How long further will the hon. Member go on?

Shri O. V. Alagesan: Only ten more minutes, but I shall try to cut short. So I say it is not a very pleasant thing to be given the right to divorce. I do not want to read out extracts, but many women have pointed out that this divorce would work greater havoc for women than for men.

Shri A. Thanu Pillai: Is the hon. Member advocating monogamy without divorce?

Shri O. V. Alagesan: I want monogamy without provision for divorce. Sir, what this Bill gives with one hand it takes away by the other.

Dr. Ambedkar, in justifying the provision for divorce, has enumerated the difficulties that the women who are deserted by their husbands nowadays are made to undergo. All these difficulties the divorced women will have to undergo. The prospect for the divorced woman is as bleak as the prospect is today for the deserted woman. It is easier for the divorced man to marry again and it will not be as easy for the divorced woman.

Dr. P. Subbarayan (Madras: General): So you want a double standard.

Shri O. V. Alagesan: I want my sisters to make note of it and beware of the pit to which it leads them.

Even on other grounds I would very seriously object to the provision of divorce. What is the experience of other countries? This has been touched on by other speakers and I do not want to enlarge on it. Recently we were told that the number of divorce cases in Paris alone increased from 600 to 1200, which is only 100 per cent. increase.

An Honourable Member: There is no Paris in India.

Shri O. V. Alagesan: I am glad there is no Paris in India just now but I am afraid the Bill tries to usher in Paris in India.

Shri L. Krishnaswami Bharathi: Baroda is there and Malabar is there.

Shri O. V. Alagesan: In one of the most advanced countries in the world, Soviet Russia, the family as an institution is breaking up. Soviet Russia is hard put to resuscitating the family as an institution, having allowed easy divorce. They now want to inculcate the sacredness of the family as an institution and infuse communist morality into their citizens. They are trying hard to save this institution which they have lost by lightly introducing divorce in their land. One had only to write a postcard to the Registrar saying that he is divorcing his wife and he had his divorce. I understand that they have now made their divorce laws more difficult. There is an example before us.

Shri L. Krishnaswami Bharathi: What about Malabar? Why go to Russia and Paris?

Shri O. V. Alagesan: There they have tried this method and found it dangerous. Why put ourselves in the same situation and again try to remove it? Our Indian homes today are poor, steeped in ignorance and ill-health, but it cannot be said that our homes are broken ones. In other countries they may be rich, healthy and very enlightened but one is sorry to note that many of the homes in other countries are broken ones and that is entirely due to the license given in their divorce provisions. That is my opinion.

Such an eminent person like Dr. Tek Chand said that the joint Hindu family should be kept and wife be made a coparcener in the family. I should like to say that the real economic independence of women would come not by giving a share to the daughter, to which I have no objection, but by giving her an equal share in the husband's property. That is how she will attain her

economic independence. It is not by taking a share from the father's property. After all the daughter is a trust to be given away to the son-in-law. The father keeps the girl as a trust and it is therefore better and more proper that she is made a joint owner or equal sharer in the husband's property rather than made to claim a share in the father's property. She may claim a share in the father's property if she remains unmarried.

I do not want to dilate further but I should like to end on this note. The chief man who conceived the Code (though a gentleman found it difficult to conceive yesterday) was Mr. B. N. Rau and we may be sure that he is very anxious about this Bill. He would want to see all his proposals, though in a modified form, to be put into effect as early as possible and I should like to read his opinion, which has also been the opinion of the Hindu Law Committee.....

Shrimati G. Durgabai: There was a select committee to consider those proposals; not he alone.

Shri O. V. Alagesan: The Hindu Law Committee has stated as follows:

"The aim should be as far as possible to arrive at agreed solutions and to avoid anything likely to arouse acrimonious controversy. This need not mean any real allowing down of the pace of reform, for true reform proceeds by persuasion rather than coercion."

Sir, I have done.

The Assembly then adjourned till a Quarter to Eleven of the Clock on Thursday, the 15th December, 1949.